

Report of the Head of Planning, Sport and Green Spaces

Address THE BREAKSPEAR ARMS P.H. BREAKSPEAR ROAD NORTH HAREFIELD
Development: Replacement of decking
LBH Ref Nos: 10615/APP/2016/1398
Drawing Nos: Location Plan
MO-001 Rev A
MO-003 Rev A
MO-002

Date Plans Received: 08/04/2016 **Date(s) of Amendment(s):**
Date Application Valid: 21/04/2016

1. **SUMMARY**

The applicant proposes the replacement of outside seating area from bark to timber decking. The proposal would resurface the outdoor seating area with timber decking, but would not change the use. Overall, it is considered that the proposal would not have a greater impact on the openness of the Green Belt than the existing situation and accordingly it does not represent inappropriate development.

The proposal would cause no significant harm to the amenity of any adjoining occupier. The outdoor seating area is enclosed by a picket fence, set in from the boundary and highway and would only be visible from the Pub car park. As such, the proposal would preserve the character and local distinctiveness of the surrounding natural and built environment. Given the above, the application is recommended for approval.

The application is referred to the committee for determination due to the location of the application site within the Green Belt.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 **Time Limit**

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 COM4 **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, MO-001 Rev A and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2015).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

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

2 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).

3 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
OL5	Development proposals adjacent to the Green Belt
LPP 5.3	(2015) Sustainable design and construction
LPP 7.16	(2015) Green Belt
LPP 7.4	(2015) Local character

4 I47 Damage to Verge

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3

3EU (Tel: 01895 277524).

5 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a two storey detached public house situated on the crossroads where Breakspear Road and New Years Green Lane intersect. The public house is situated on a large plot of land (3.6ha) with a car park and childrens play area to the north and seating areas in front of the entrance to the west. A lawn area separates the public house from the site boundary with several mature trees providing additional landscaping to the site. Directly north and south of the site are open fields. To the south west, on the opposite side of Breakspear Road South, lies the Crows Nest Farm Complex.

The area is on the edge of the open countryside with a large residential area situated 80m west of the site on Breakspear Road. These properties are predominately two storey semi-detached houses. The site falls within the Green Belt as designated in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The applicant proposes the replacement of outside seating area from bark to timber decking

3.3 Relevant Planning History

10615/APP/2012/488 The Breakspear Arms Breakspear Road North Harefield
Conservatory to side and provision of 'jumbrella' and outdoor seating areas to exterior of property

Decision: 07-06-2012 Withdrawn

10615/APP/2013/47 Breakspear Arms Breakspear Road South Harefield
Conservatory to side and provision of outdoor seating areas to exterior of property

Decision: 08-05-2013 Approved

10615/APP/2015/3318 Breakspear Arms Breakspear Road South Harefield
Resurfacing of car park

Decision: 18-11-2015 Approved

Comment on Relevant Planning History

No relevant planning history.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OL4 Green Belt - replacement or extension of buildings
- OL5 Development proposals adjacent to the Green Belt
- LPP 5.3 (2015) Sustainable design and construction
- LPP 7.16 (2015) Green Belt
- LPP 7.4 (2015) Local character

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

2 neighbouring properties and the Ruislip Residents Association were notified of the proposed development on 8th September 2015 and a site notice was erected adjacent the site on 12th September 2015. No comments received.

Internal Consultees

N/A

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is achieved by resisting inappropriate development which by definition is harmful to the Green Belt.

In this case the proposal relates to previously developed land, which is currently surfaced in bark. This area is already in use as an outdoor seating area and was annotated as a beer garden on previous applications relating to this site. The proposal would resurface this outdoor seating area with timber decking, but would not change the use.

Overall, it is considered that the proposal would not have a greater impact on the openness of the Green Belt than the existing situation and accordingly it does not represent inappropriate development.

7.02 Density of the proposed development

Not applicable to this site.

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

Not applicable to this site.

7.04 Airport safeguarding

Not applicable to this site.

7.05 Impact on the green belt

Hillingdon Local Plan policy OL1 defines the types of development considered acceptable within the Green Belt. These are predominantly open land uses including agriculture, horticulture, forestry, nature conservation, open air recreational activities and cemeteries. It states that planning permission will not be granted for new buildings or changes of use of existing land or buildings which do not fall within these uses.

Policy OL2 states that, where development proposals are acceptable within the Green Belt, in accordance with Policy OL1, the Local Planning Authority will seek comprehensive landscaping improvements to enhance the visual amenity of the Green Belt.

London Plan policy 7.16 reaffirms that the "strongest protection" should be given to London's Green Belt, in accordance with national guidance, and emphasises that inappropriate development should be refused, except in very special circumstances.

The NPPF reiterates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

This is achieved by resisting inappropriate development which by definition is harmful to the Green Belt.

In this case the proposal relates to previously developed land, which is currently surfaced in bark. The proposal would resurface the outdoor seating area with timber decking, but would not change the use. Overall, it is considered that the proposal would not have a greater impact on the openness of the Green Belt than the existing situation and accordingly it does not represent inappropriate development.

7.07 Impact on the character & appearance of the area

The outdoor seating area is enclosed by a picket fence, set in from the boundary and highway and would only be visible from the Pub car park. As such, the proposal would preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

7.08 Impact on neighbours

The proposal is for resurfacing of an existing outdoor seating area from bark to timber decking and would cause no significant harm to the amenity of any adjoining occupier, in compliance with Policy BE20, BE21 & BE24 of the Hillingdon Local Plan (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Not applicable to this application.

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

Policy BE38 of the Local Plan seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

On this matter, there are no existing natural features, protected or otherwise, likely to be affected and there is no need for protection or further landscaping control by means of conditions. The proposal is thus acceptable in landscaping terms.

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

The site is in flood zone 1 (low potential for flooding) and the surface is remaining porous. As such, the proposal would not conflict with Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

No neighbour responses were received.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

There are no enforcement issues raised by this application.

7.22 Other Issues

None.

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.

10. CONCLUSION

The proposal would resurface the outdoor seating area with timber decking, but would not change the use. The proposal would not have a greater impact on the openness of the Green Belt than the existing situation and accordingly it does not represent inappropriate development.

The proposal would cause no significant harm to the amenity of any adjoining occupier. The outdoor seating area is enclosed by a picket fence, set in from the boundary and highway and would only be visible from the Pub car park. As such, the proposal would preserve the character and local distinctiveness of the surrounding natural and built environment.

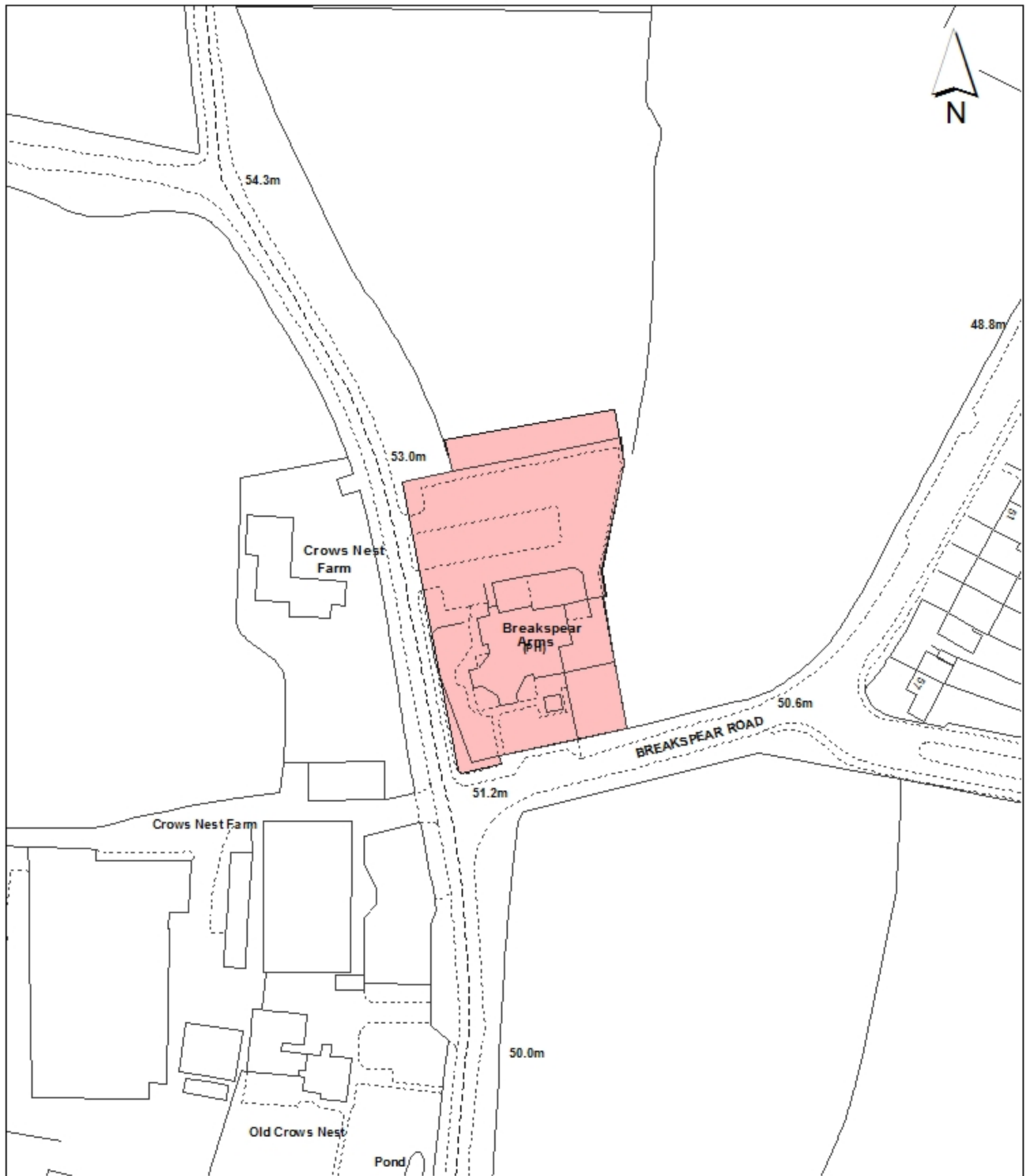
The application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2015)
National Planning Policy Framework

Contact Officer: Mandeep Chaggar

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).

Unless the Act provides a relevant exception to copyright.

© Crown copyright and database rights 2016 Ordnance Survey 100019283

Site Address:

Breakspear Arms Pub

Planning Application Ref:

10615/APP/2016/1398

Planning Committee:

North

Scale:

1:1,250

Date:

August 2016

LONDON BOROUGH OF HILLINGDON

Residents Services
Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



HILLINGDON
LONDON