

## Report of the Head of Planning, Transportation and Regeneration

**Address** THE CROWN P.H. COLHAM GREEN ROAD HILLINGDON

**Development:** Change of use of ground floor from public house (Use Class A4) to office (Use Class B1a) and retention of first floor residential accommodation

**LBH Ref Nos:** 3318/APP/2017/1753

**Drawing Nos:** HN/075/02A  
HN/075/01  
HN/075/03  
HN/075/04  
HN/075/05  
HN/075/06  
HN/075/07  
HN/075/08  
HN/075/09

**Date Plans Received:** 09/05/2017      **Date(s) of Amendment(s):** 23/05/2017  
**Date Application Valid:** 23/05/2017      09/05/2017

### 1. SUMMARY

The application, as amended, seeks change of use ground floor from public house (Use Class A4) to office (Use Class B1a) and retention of first floor residential accommodation.

The site is situated on the Eastern side of Colham Green Road between the junction with Violet Avenue and Moorcroft Lane within the Green Belt as identified in the policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Given the nature of the proposal, the only physical change to the existing building would be a new proposed entrance to the first floor residential accommodation on the Eastern elevation which would not be visible from the street. There are no other external alterations or additions proposed. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

The proposal is therefore considered to be an acceptable development within the Green Belt and as such would be in accordance with regional and local policies and the NPPF.

Furthermore the proposed development would not adversely impact upon the amenities of neighbouring residents and would also provide adequate parking provision as well as a suitable means of access for vehicles and pedestrians.

Accordingly, taking all matters into consideration the application is recommended for approval, subject to conditions.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

COM4

~~The development hereby approved shall be carried out except in complete~~  
~~accordance with the details shown on the submitted plans, numbers~~ **HN/075/03,**  
**HN/075/05, HN/075/08 and HN/075/09;** 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 (2016).

**2 NONSC Parking Management Strategy**

The entire car parking area as identified and illustrated in drawing no. HN/075/02A, shall be  
retained for the sole use of the occupiers of the site, which are the residents on the first  
floor and the staff and visitors relating to the office use at ground floor. No part of this car  
parking area should be sub-divided, rented, sold or used for any other use, such as  
car/lorry parking or storage. Any changes to the layout or use shall be agreed in writing by  
the Local Planning Authority.

**REASON**

To protect the character and appearance of the area and the wider Green Belt and the  
amenities of surrounding occupiers are safeguarded in accordance with policies BE13,  
BE21, OE1, OE3 and OL4 of the Hillingdon Local Plan: Part Two Saved UDP Policies  
(November 2012).

**3 RES12 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted  
Development) (England) Order 2015 (or any order revoking and re-enacting that Order  
with or without modification), no additional windows, doors or other openings shall be  
constructed in the walls or roof slopes of the development hereby approved.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon  
Local Plan: Part Two Saved UDP Policies (November 2012).

**4 RES13 Obscure Glazing**

The windows on the East elevation at ground floor serving the toilets shall be glazed with  
permanently obscured glass to at least scale 4 on the Pilkington scale and be non-  
opening below a height of 1.8 metres taken from internal finished floor level for so long as  
the development remains in existence.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon  
Local Plan: Part Two Saved UDP Policies (2012)

**5 RES14 Outbuildings, extensions and roof alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted  
Development)(England) Order 2015 (or any order revoking and re-enacting that Order with  
or without modification); no gates, fences, walls, extensions or hardstanding to the  
property shall be erected/carried out without the grant of further specific permission from  
the Local Planning Authority.

**REASON**

To protect the character and appearance of the area and the wider Green Belt and the  
amenities of surrounding occupiers are safeguarded in accordance with policies BE13,

OL4, OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**6 COM29 No floodlighting**

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered other than for routine maintenance which does not change its details.

**REASON**

To safeguard the amenity of surrounding properties in accordance with policies BE13 and OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**7 COM25 Loading/unloading/deliveries**

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**8 COM11 Restrictions on Changes of Uses (Part 3, Sch. 2 GPDO 1995)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the ground floor of the premises shall be used for uses which fall within Use Class B1(a) and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

**REASON**

To protect the character and appearance of the area and the wider Green Belt and the amenities of surrounding occupiers in accordance with policies BE13, OL4, OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

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

**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.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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
R11	Proposals that involve the loss of land or buildings used for education, social, community and health services
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.16	(2016) Protection and enhancement of social infrastructure
LPP 7.16	(2016) Green Belt
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land

### **4            I47            Damage to Verge - For Council Roads:**

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            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.

### **6            I6            Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

## **7            115            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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) 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.

## **8            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 the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, 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 is a large area neighbouring with the Colham Green Recreation Ground to the North, Colham Green Road to the West, Moorcroft Lane to the South with an open green space to the East and a residential area to the West, situated within the Green Belt. The former P.H. is situated to the South of the site with a hard-surfaced parking area to the North and small landscaped area to its South and an outbuilding/workshop sited in the Western Corner of the site. The existing access to the site is located centrally on the Western side of the application site, from Colham Green Road.

The building that is the subject of this application is located to the South from the entrance. A brick wall has been constructed adjacent the highway, between the flat roofed single

storey side element and the outbuilding on the Southern boundary. The Crown P.H. has ceased to operate and since 2017 the building has been used as offices at the ground floor level with a residential flat at the first floor level.

The former pub is a two storey L-shape building with main gabled roof with roof ridge parallel to the road, the rear wing is characterised with a hipped roof. There are single storey flat roofed elements attached to the Northern and Southern elevations and two storey flat roofed element attached to the rear elevation of the main building, and side elevation of the rear wing. The walls are finished in painted cream render.

### **3.2 Proposed Scheme**

The application, as amended, seeks change of use ground floor from public house (Use Class A4) to office (Use Class B1a) and retention of first floor residential accommodation.

Given that the uses have commenced it is retrospective.

### **3.3 Relevant Planning History**

3318/APP/2007/218      The Crown P.H. Colham Green Road Hillingdon  
ERECTION OF A COVERED PERGOLA OVER EXISTING SEATING AREA AND NEW  
ENTRANCE CANOPY OVER EXISTING ENTRANCE.

**Decision:** 20-03-2007    Approved

3318/D/89/3655      The Crown P.H. Colham Green Road Hillingdon  
Installation of externally illuminated pub signage

**Decision:** 06-03-1990    Approved

3318/E/90/0503      The Crown P.H. Colham Green Road Hillingdon  
Erection of a two-storey hotel bedroom block, demolition and rebuilding of rear wing of existing public house, erection of new restaurant extension and extension to existing car park

**Decision:** 12-10-1990    Refused

3318/H/93/0103      The Crown P.H. Colham Green Road Hillingdon  
Conversion of existing barn for use as a function room (retrospective application)

**Decision:** 29-06-1993    NFA

3318/J/97/0727      The Crown P.H. Colham Green Road Hillingdon  
Erection of a single storey side extension

**Decision:** 26-11-1997    Approved

### **Comment on Relevant Planning History**

Application 3318/APP/2007/218 for an Erection of a Covered Pergola over Existing Seating Area and New Entrance Canopy over Existing Entrance, APPROVED on 20 March 2007.

Application 3318/J/97/0727 for erection of a Single Storey Side Extension, APPROVED.

Application 3318/E/90/0503 for erection of a Two-Storey Hotel Bedroom Block, Demolition and Rebuilding of Rear Wing of Existing Public House, Erection of New Restaurant Extension and Extension to Existing Car Park, REFUSED

#### **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.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

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

BE20 Daylight and sunlight considerations.

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

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

R11 Proposals that involve the loss of land or buildings used for education, social, community and health services

LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

LPP 3.16 (2016) Protection and enhancement of social infrastructure

LPP 7.16 (2016) Green Belt

NPPF- 13 NPPF-13 2018 - Protecting Green Belt land

#### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

13 neighbours, along with the Violet Avenue Tenants & Residential Association, were notified on

02/08/2017 and a site notice was displayed 19/10/2017 (a new site notice was displayed after the change of description of proposal).

By the end of the consultation period 5 objections and one petition in support had been received.

The objections summarised below:

- the road is narrow and the heavy vehicles would cause a possible damage to their vehicles.
- the objector is questioning the period of time for a temporary hoarding and the future use of car park.
- there has been only one access to the site.
- the proposed access would be hazardous for all users of Colham Green Road and pavement especially the attendant and visitors of the Colham Manor School on the other side of the road.
- there is also a nursery and junior school down the same road, safety has got to be taken into consideration.
- questioning the replacement of the temporary hoarding and its height and what security is in place, if this land can be used for anything else if the offices do not work, if they need planning permission.
- if the company can confirm what materials (if any) will be kept at this company, as being a logistics company, and if they can ensure no Hazardous/Chemical related/Radioactive etc material is allowed to be kept on the facility.
- drawing number HN/075/02A shows an existing access point to the car to the North West of the site. There has never been any access in this location, with traffic serving the public house limited to a single position at the mid-point of the West boundary. (see figure 01 and 02)
- the inclusion of the vehicular access will impact the current flow of traffic on this already overused road.
- Changes of use from office (B1) to residential (C3) can be performed under Permitted Development. They would like to be assured that any approval would be accompanied with a condition removing any such Permitted Development rights and that any future use of the site would be subject to planning.
- the excessive hoardings are poor visual feature and downgrade the area and allow opportunities for anti social behaviour.

The comments received after re-consultation due to the change of the description of the proposal, proposing the change of use and a retention of the residential at the first floor and omitting the previously proposed temporary hoarding (which was already removed) and the new access gate to the site:

- the link provided simply lists the original application and documents dated May 2017.
- the plans refer only to the main property and no consents were/are being submitted relating to the alterations to the barn which has been altered without planning permission.
- an erected fence and gates on Moorcroft Lane have been erected without requesting/seeking permission. The basic consent should be withheld until the unauthorised work is reversed.
- extensive work has already been completed on the site without any planning permission and with total disregard for the Council laws as well as the local community.
- the gated access to the far left of the site, which is not shown on the original plans, was added and poses a very great danger to locals, especially the Colham Manor Primary School children.
- the hoarding around the site has been replaced by metal railings, which are obviously over the 1 metre maximum allowed without planning permission.
- over the last few months there has been extensive refurbishment of the garage/barn building into what appears to be a residential property. Windows have been added along the side and at the end of the building and there is now a TV aerial and satellite dish attached to the end of this building. No planning applications have been logged for any of this work.
- since August 2017 the trees and trees and bushes had been cleared from the edge of Moorcroft Lane, which runs along the side of The Crown site. They have since erected a fence, with double



gates, on Council owned land, right up to the edge of the tarmac of Moorcroft Lane; the original Victorian boundary wall has been demolished.

- We are convinced that Komfort will continue to disregard Hillingdon Council laws and feel that this can only be to the detriment of the local law abiding community. Therefore we urge the Planning Committee to deny the application for this site.

### **Internal Consultees**

Highways Officer:

This application is for the change of use of an existing PH in Colham Green Road Hillingdon to offices. The residential use on the first floor is to be retained. Colham Green Road is an existing classified road and the PH has recently closed. The site has an existing vehicular access that leads to a large car park (30+ spaces). There are double yellow lines outside the site frontage. The site has a PTAL value of 2 (poor) but bus services do pass the site. There is a primary school directly opposite the existing building on the site.

The proposals show the existing buildings converted to 131 sq.m of offices and 15 car parking spaces allocated to the proposed use including the flat on the site. Originally a 2.4 m high hoarding was erected around the site and the sight lines in and out of the site were restricted. This was a danger to pedestrians using the footway especially young children on the way to or from the adjacent primary school. I understand now that the hoardings have been removed so as remove the visibility issue.

If the applicant wishes to apply for any form of gates they will have to be subject to a separate application. The main body of the car park is to be retained but no use has been allocated to it in the plans provided. I suggest that you condition that the use is for residents and workers on the site and not to be rented or sold to other uses such as car/lorry parking or storage.

The proposals are not likely to generate more traffic than the existing use. The car parking will be subject to 2 car parking space having active EV charging and 2 spaces passively connected.

The provision of 3 secure covered cycle parking spaces can be conditioned.

On the basis of the above comments I do have some concerns over the potential use of the car park but if these concerns can be conditioned I do not have any significant highways objection.

Flood and Water Management comments:

This site is in Flood Zone 1 and not shown to be in an area at flood risk, therefore there are no objections to the proposed changes of uses.

Access Officer:

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

Planning Policy Officer:

Designations

1.1 The site is currently designated as Green Belt within the Local Plan: Part 2 - Saved UDP Policies (2007).

1.2 The emerging Local Plan: Part 2 - Site Allocations and Designations (2015) is proposing to retain this Green Belt designation.

## Change of Use in the Green Belt

2.1 In relation to the Green Belt designation, the National Planning Policy Framework (NPPF) (2012) Paragraph 87-88 outlines the following in regards to determining applications:

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. 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.

2.2 In determining what is meant by inappropriateness and what is deemed an exception, the following reference is also included within the NPPF (2012) in paragraph 89:

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry
- the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

2.3 Importantly, the NPPF (2012) also includes the following in Paragraph 90 in relation to what is not inappropriate:

90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build Order.

2.4 An assessment therefore needs to be taken as to whether any required or undertaken alterations to the building are deemed inappropriate development in relation to the policy framework provided in paragraphs 87-90 and with particular reference to its effect upon the openness of the Green Belt.

2.5 If it is deemed inappropriate development, then very special circumstances would need to exist for it to outweigh the harm to the Green Belt and be deemed acceptable.

## Loss of A4 Public House

3.1 The importance of pubs is recognised in the NPPF (2012) and advises that planning decisions should plan positively for the provision and use of community uses including pubs.

3.2 Paragraph 70 of the NPPF (2012) outlines the following:

70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs ...

3.2 The London Plan (2016) paragraph 4.48A also provides explicit recognition of the role that pubs can play in the social fabric of communities, stating the following:

"The Mayor recognises the important role that London's public houses can play in the social fabric of communities (see also Policy 3.1B) and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses."

3.3 The London Plan (2016) Policy 4.8 outlines the following in Part B (c) in relation to planning decisions and LDF preparation:

LDFs should take a proactive approach to planning for retailing and related facilities and services and:

provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services, and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses, justified by robust evidence.

3.4 Whilst still only in draft format, the draft London Plan (2017) Policy HC7 provides a direction of travel for the continued support and protection of public houses where they are deemed to be of either heritage, economic, social or cultural value. It is drafted that applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

3.5 At the local level, the Hillingdon Local Plan: Part Two Saved UDP Policies (2012) includes Policy R11 which outlines the following in regards to the retention of recreation, leisure and community facilities generally:

"The local planning authority will assess proposals which involve the loss of land or buildings used or whose last authorised use was for education, social, community and health services by taking into account whether:

- i) There is a reasonable possibility that refusal of permission for an alternative use would lead to the retention and continued use of existing facility
- ii) Adequate accessible alternative provision is available to meet the foreseeable needs of the existing and potential users of the facility to be displaced
- iii) The proposed alternative use accords with the other policies of this plan and contributes to its objectives.

3.6 The emerging Local Plan: Part 2 - Development Management Policies (2015) was submitted for examination on the 18th May 2018, which also identifies the role of public houses in local communities. Policy DMCI 1: Retention of Existing Community Facilities outlines that: "Proposals involving the loss of an existing community facility will be permitted if:

- i) the specific use is no longer required on-site. In such circumstances, the applicant must provide evidence demonstrating that:

- a) The proposal would not lead to a shortfall in provision for the specific use within the local catchment area;
- b) There is either no demand for another suitable social infrastructure use on-site, or that the site/premises is no longer appropriate for social infrastructure uses; and
- c) Any replacement/relocated facilities for the specific use provides a level of accessibility and standard of provision at least equal to that of the existing facility.
- ii) The activities carried out are inconsistent and cannot be made consistent with acceptable living conditions for nearby residents; and
- iii) The redevelopment of the site would secure an over-riding public benefit."

3.7 Paragraph 7.4 of the same document outlines that proposals involving the loss of a pub will be required to take account of the particular planning guidance for pubs produced by the Campaign for Real Ale (CAMRA).

3.8 Having regard to all of the above policies, and given the further information provided by the applicant, no objection is raised to the proposal.

#### OFFICER COMMENTS:

Following the internal comments received the National Planning Policy Framework (NPPF) (2012) was recently updated and replaced in July 2018. However whilst the paragraph numbering system and chapter nos. have changed the main thrust and principles of the guidance remain unchanged. Therefore the comments received remain valid.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

#### CHANGE OF USE IN GREEN BELT:

The application site is within the Metropolitan Green Belt.

The NPPF states the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. The Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas
- b) to prevent neighbouring towns merging into one another
- c) to assist in safeguarding the countryside from encroachment
- d) to preserve the setting and special character of historic towns
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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.

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- i. buildings for agriculture and forestry

- ii. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- iii. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building
- iv. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- v. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan
- vi. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The London Plan strongly supports the protection, promotion and enhancement of London's open spaces and natural environments. Policy 7.16: Green Belt states that in terms of planning decisions:

"The strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance".

In terms of local policy, Part 1 of the Local Plan continues to give strong protection to Green Belt land. The relevant policy in the Local Plan is EM2 which makes clear that:

"The Council will seek to maintain the current extent...of the Green Belt". "Any proposals for development in the Green Belt and Metropolitan Open Land will be assessed against national and London Plan policies, including the very special circumstances test".

The policies of Part 2 of the Hillingdon Local Plan - Unitary Development Plan Saved Policies are also relevant. Planning policy on Green Belt land is set out at Policies OL1, OL2 and OL4. These policies give strong emphasis to not normally permitting new building/uses in the Green Belt, reflecting overarching national and London wide policies.

Given the nature of the proposal, the only physical change to the existing building would be a new proposed entrance to the first floor residential accommodation on the Eastern elevation which would not be visible from the street. There are no other external alterations or additions proposed. Therefore the proposal would not impact on the openness or visual amenities of the Green Belt. It is considered that the scale of the proposed works is appropriate to the setting of the site and the surrounding area and would not harm the openness of the Green Belt.

Furthermore paragraph 146 of the NPPF (2018) states:

146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

In this instance it is considered the proposal meets the criteria set out under sub-section 'd', in that the building would be re-used and the building is of permanent and substantial construction.

The proposal is therefore considered to be an acceptable development within the Green Belt and as such would be in accordance with regional and local policies and the NPPF.

#### LOSS OF PUBLIC HOUSE:

The proposed development involves the loss of a public house which ceased to operate some time ago in May 2017. The National Planning Policy Framework (NPPF) 2018 notes at paragraph 92, that amongst other criteria, Local Planning Authorities should "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs."

Policy 3.1 of the London Plan (March 2016) states that "development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted." Policy 3.16 advises that "Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered." Policy 4.8 seeks to support a successful and diverse retail sector and related facilities and services, advising that Local Development Frameworks should "develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses" without strong evidence based justification. The supporting text to this policy confirms that public houses are important in securing 'lifetime neighbourhoods' going on to state at paragraph 4.48A that:

"The Mayor recognises the important role that London's public houses can play in the social fabric of communities (see also Policy 3.1B) and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses."

The LPA does not have, nor are there any specific emerging policies which deal with public houses. Policy CI1 of the Local Plan: Part 1 - Strategic Policies (November 2012) is a general policy which seeks to support community and social infrastructure provision. Policy R11 of the Local Plan: Part 2 - Saved UDP Policies (November 2012) is also a general policy dealing with proposals which involve the loss of land or buildings used or last used for education, social, community and health services and advises that their assessment will include the criteria of (I) if there is a reasonable possibility that refusal of permission for

an alternative use would lead to the retention and continued use of the existing facility, (ii) adequate accessible alternative provision is available to meet the foreseeable needs of the existing and potential users of the facility to be displaced; and the proposed alternative use accords with other policies of the plan.

The applicant has provided evidence from the previous tenant which confirms that the pub had been sold by the owners, the brewery, on account of not being economical to run and has confirmed that as the use was no longer viable, the pub was sold in May 2017. In addition it is also noted that there are existing public houses in close proximity with one being located approximately 210 metres to the south. As such, it is considered that there are nearby facilities offering similar community uses available and that the loss of the public house is, in this instance, acceptable.

**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 as the application property is not statutorily listed, and the site is not situated within any Archaeological Priority Area, Conservation Area or Area of Special Local Character.

**7.04 Airport safeguarding**

Not applicable to this application.

**7.05 Impact on the green belt**

As above in the principle of the development.

**7.07 Impact on the character & appearance of the area**

With the exception of the new proposed entrance to the first floor flat on the Eastern elevation (not visible from the street) no external alterations or additions are proposed. Therefore it is considered that there would be little if any significant adverse impact to the character and appearance of the area.

**7.08 Impact on neighbours**

The proposal would not result in an intensification of the use of the site. It is therefore considered that the proposal would not have impact on the amenities of the adjoining occupiers in terms of loss of amenity.

It is also noted that objections have been raised and the petition was submitted, however the objectors were targeting the activities which are largely not subject of this application.

The proposal is therefore considered to have no material impact on the residential amenity of the adjoining upper floor neighbouring occupants and other neighbouring occupants, in compliance with Policies BE19, BE20, BE21 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7.09 Living conditions for future occupiers**

Not applicable to this application.

**7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The Council's Highway Engineers have assessed the application and do not consider that the development would cause any significant increase in traffic over and above what is generated by the existing use of the site as a Public House.

The site has an existing vehicular access that leads to a large car park (30+ spaces). The proposal makes provision for car parking for staff, visitors and existing residential flat at the first floor. The car parking will be subject to 2 car parking space having active EV charging

and 2 spaces passively connected.

The provision of 3 secure covered cycle parking spaces can be conditioned.

The main body of the car park is shown to be retained with the existing property but no use has been allocated to it in the plans provided. The transport officer suggested that a condition could be imposed that the use is for residents and workers on the site and not to be rented or sold to other uses such as car/lorry parking or storage.

It is therefore considered that the proposed development subject to conditions, complies with Policies AM7 and AM8 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**7.11 Urban design, access and security**

This is an accessible location and there are no issues relating to security, given that the existing access to the front/street elevation would be retained and provide a high degree of surveillance.

**7.12 Disabled access**

The drawings Number HN/075/08 indicate an existing access ramp on the Northern elevation of the building.

**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**

In terms of waste generation and storage, the scale and nature of the proposed use are such that any waste generated would not be significantly more than that related to a Use Class A4 use, which was the existing lawful use on the site.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

This site is in Flood Zone 1 and not shown to be in an area at flood risk; the scale and nature of the proposed development are such that it would not result in the generation of any localised flooding on the site.

**7.18 Noise or Air Quality Issues**

There are no adverse noise or air quality issues to address as part of this application proposal. The EPU Officer has raised no objection to the proposal in this regard.

**7.19 Comments on Public Consultations**

This application is solely for a change of use from Use Class A4 to Use Class B1(a) and the retention of existing first floor accommodation.

The works on the application site which are not a part of this planning application and were carried out without planning permission were passed to the enforcement officers.

The petition in support was submitted with a desired outcome of a conditional approval.

As mentioned above, notwithstanding the submitted drawings this application is solely for a change of use and the retention of existing residential accommodation at the first floor, as such new access to the site is not the subject of this application.



The temporary hoarding (which is not a subject to this proposal) has been removed.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

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

Following a recent site visit by planning officers it is noted that a section of the car park has been divided and fenced off with its own separate access via double gates from Colham Green Road. This matter has been reported to the council's enforcement team.

**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**

Given the nature of the proposal, the only physical change to the existing building would be a new proposed entrance to the first floor residential accommodation on the Eastern elevation which would not be visible from the street. There are no other external alterations or additions proposed. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction.

The proposal is therefore considered to be an acceptable development within the Green Belt and as such would be in accordance with regional and local policies and the NPPF.

Furthermore the proposed development would not adversely impact upon the amenities of neighbouring residents and would also provide adequate parking provision as well as a suitable means of access for vehicles and pedestrians.

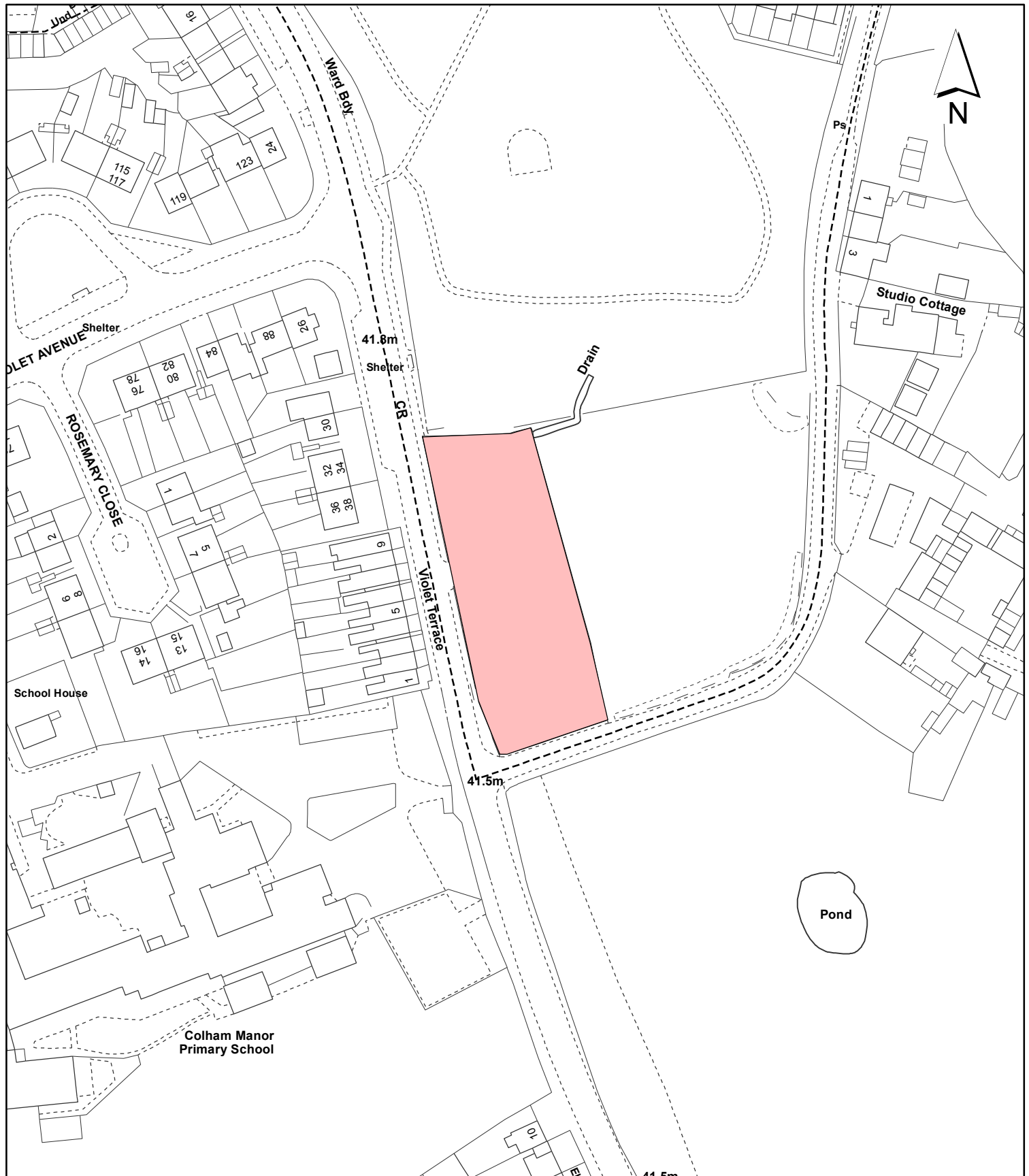
Accordingly, taking all matters into consideration the application is recommended for approval, subject to conditions.

#### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
The London Plan (2016)  
National Planning Policy Framework (July 2018)

**Contact Officer:** Hardeep Ryatt

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# Notes:

 Site boundary

For identification purposes only.

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Site Address:

**The Crown P.H.  
Colham Green Road**

Planning Application Ref:

**3318/APP/2017/1753**

Planning Committee:

**Central & South**

Scale:

**1:1,250**

Date:

**August 2018**

**LONDON BOROUGH  
OF HILLINGDON**

**Residents Services  
Planning Section**

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**HILLINGDON**  
LONDON