

## Report of the Head of Planning & Enforcement

**Address** EDWINNS, THE OLD ORCHARD PARK LANE HAREFIELD

**Development:** Single storey side extension, provision of delivery access road to side, paved terrace area with covered shelter to side to include new wall, new log store shelter and shed, repositioning of gas tank, alterations to banking, new fencing area, enlargement and alteration to car parking area/new fencing and alterations to front entrance, to include demolition of existing bay window to side.

**LBH Ref Nos:** 3499/APP/2009/2729

**Drawing Nos:** Location Plan at Scale 1:1250  
267/09/05 Rev. A  
Design and Access Statement  
Tree Survey and Arboricultural Implications Assessment Report  
267/09/01  
267/09/20  
267/09/10 Rev. A  
267/09/53 Rev. A  
267/09/16 Rev. A  
267/09/32  
267/09/14 Rev. B  
267/09/12 Rev. B  
267/09/54 Rev A

<b>Date Plans Received:</b>	18/12/2009	<b>Date(s) of Amendment(s):</b>	04/01/2010
<b>Date Application Valid:</b>	02/02/2010		02/02/2010
			23/03/2010
			30/03/2010
			01/04/2010
			19/04/2010

### 1. SUMMARY

The proposed extension and external alterations, including those to the car park, would be in-keeping with the surroundings to which it relates, and would not result in any adverse impact to the street scene, the Colne Valley Park, or the Conservation Area. It is not considered the development would result in a disproportionate change or a material increase in the built up appearance of the site and as such is considered to comply with the all the relevant policies contained in the UDP (Saved Policies September 2007) and the advice contained in PPG2: Green Belts.

### 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 OM1 Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

**REASON**

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 M1 Details/Samples to be Submitted**

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces, including the new paths and the patio area have been submitted to and approved in writing by the Local Planning Authority.

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 NONSC Non Standard Condition**

No development shall take place until detailed drawings and materials, as appropriate, in respect of the disabled access ramp have been submitted to and improved in writing by the Local Planning Authority.

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**5 H14 Cycle Storage - details to be submitted**

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for a minimum of 8 cycles, for users of and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the extensions shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

**REASON**

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

**6 H10 Parking/Turning/Loading Arrangements - Commercial Devs.**

The roads/turning/loading facilities/sight lines and parking areas (including the marking out of parking spaces) shown on the approved plans shall be constructed prior to occupation of the extension and thereafter permanently retained and used for no other purpose. All disabled spaces should have a 1.2m transfer space marked out to the side and rear of the spaces, a disabled logo should also be marked out.

**REASON**

To ensure that the loading, roads, turning facilities and parking areas are satisfactorily

laid out on site in accordance with Policies AM3 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

## **7 TL1 Existing Trees - Survey**

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:-

- (i) Species, position, height, condition, vigour, age-class, branch spread and stem diameter of all existing trees, shrubs and hedges on and immediately adjoining the site.
- (ii) A clear indication of trees, hedges and shrubs to be retained and removed.
- (iii) Existing and proposed site levels.
- (iv) Routes of any existing or proposed underground works and overhead lines including their manner of construction.
- (v) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees and other vegetation to be retained during construction work.

### **REASON**

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## **8 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 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.

## **9 TL3 Protection of trees during site clearance and development**

Prior to the commencement of any site clearance or construction work, detailed drawings

showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the 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).

#### **10 TL5 Landscaping Scheme - (full apps where details are reserved)**

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works 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.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),

#### 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).

#### **11 TL6 Landscaping Scheme - implementation**

All hard and 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 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).

### **12 TL7 Maintenance of Landscaped Areas**

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

#### REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

### **13 NONSC landfill gas survey**

Before any part of the development is commenced, the applicant shall carry out and submit details of a landfill gas survey for the ground at the development site. Some of the landfill gas tests within the survey shall be taken below the proposed footprint of the new extension. If landfill gas is found, the applicant shall install remediation measures to prevent gas ingress to any buildings on the development site, to the satisfaction of the Local Planning Authority.

#### REASON

The Council's records show that the site is near to a closed tip that has produced landfill gas in the past. A gas survey is required to clarify that there is no significant gas migration from the landfill to the development site.

## **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 (February 2008) and national guidance.

BE4	New development within or on the fringes of conservation areas
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
OL9	Areas of Environmental Opportunity - condition and use of open land
R16	Accessibility for elderly people, people with disabilities, women and children
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

## **3 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

## **4 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.

## **5 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).

## **6 I5 Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **7 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.

## **8 I34 Building Regulations 'Access to and use of buildings'**

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from [www.opsi.gov.uk](http://www.opsi.gov.uk)

· Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

· Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

· Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

## **9            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 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.

### **10**

Advice can be obtained from the Environmental Protection Unit on 01895 250155 regarding the condition relating to the 'landfill gas survey'.

## **3.            CONSIDERATIONS**

### **3.1        Site and Locality**

The application site is located on the south side of Park Lane and is accessed via a long access road running in a south-westerly direction. The application site comprises an attractive house designed in an 'H' shape with jettied wings and is currently in use as a restaurant with an open seating area to one side. The building is in a high position overlooking the lake and river valley on the outskirts of Harefield Village and is situated



within the Green Belt, the Colne Valley Regional Park and Harefield Village Conservation Area, as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007). There are two detached properties located on either side of the vehicular access to the site, however, the area predominantly comprises open countryside, and has a rural character.

### 3.2 Proposed Scheme

Planning permission is sought for the -

- Erection of a single storey side extension 6.5m wide x 11.5m deep, with forward facing gable and bay window, mirroring the design of the host building;
- New front entrance porch 2.25m wide x 1.5m deep, and finished with a pitched roof;
- Repositioning of the delivery access road to the side - the road would be straightened to allow for better pedestrian access points to the frontage of the existing building, once the extension has been constructed.
- Paved terrace area, with covered smoking shelter to the side - the paved area would be 12m wide by 8.5m deep and would be situated on the east side of the delivery access road and the host building. A smoking shelter would be provided on the corner of the paved area, which would be 3m wide by 2m deep.
- New log store and shed - the log store would be 3.5m wide by 0.97m deep, and finished with a mono-pitched roof at a maximum height of 2.2m. The shed would be 2m wide by 3m deep and would be finished with a pitched roof at a maximum height of 2.25m. Both of these would be positioned towards the north area of the site near the delivery area.
- Repositioning of gas tank - This would be repositioned adjacent to the north east corner of the bin area.
- Alterations to hard and soft landscaping
- New fencing
- Enlargement and alterations to car park - the car park would be enlarged by cutting into the existing garden area and the number of parking bays would be increased from 40 + 1 disabled bay, to 55 + 6 disabled bays
- Alteration of existing disabled access ramp - the existing access ramp would be altered to turn back on itself, thereby providing the access point to the ramp closer to and facing the main car park area.

### 3.3 Relevant Planning History

3499/AA/95/0611

The Old Orchard Hotel Park Lane Harefield

Change of use of existing hotel to nursing home and erection of three storey side and rear extensions to provide a 53-bedroom facility for 60 patients and associated servicing, car parking and landscaping

**Decision:** 02-10-1996 Refused

3499/APP/2003/1219

Edwinns Restaurant, The Old Orchard Hotel Park Lane Harefield

ERECTION OF A FRONT PORCH (INVOLVING DEMOLITION OF EXISTING PORCH)

**Decision:** 16-02-2004 Approved

3499/APP/2004/497

Edwinns Restaurant, The Old Orchard Hotel Park Lane Harefield

ERECTION OF A SINGLE STOREY REAR INFILL EXTENSION AND FRONT PORCH (INVOLVING REMOVAL OF A COVERED STORAGE AREA AND EXISTING PORCH)

**Decision:** 05-08-2004    Approved

3499/APP/2005/494        Edwinns Brasserie, The Old Orchard Park Lane Harefield  
ERECTION OF A SINGLE STOREY EXTENSION TO FORM TERRACE ROOM ON SITE OF  
EXISTING TERRACE

**Decision:** 07-04-2005    Approved

3499/APP/2007/2759       Edwinns Park Lane Harefield  
ERECTION OF A TIMBER AND GLASS CONSERVATORY INVOLVING LOWERING OF  
EXISTING RETAINING WALL, EXTENSION OF TERRACE DINING AREA AND  
CONSTRUCTION OF NEW STAIRCASE AND RETAINING WALL ADJACENT TO  
PROPOSED EXTENSION.

**Decision:** 24-10-2007    Refused

3499/APP/2008/937       Edwinns Park Lane Harefield  
ERECTION OF A TIMBER AND GLASS CONSERVATORY INVOLVING LOWERING OF  
EXISTING RETAINING WALL, EXTENSION OF TERRACE DINING AREA AND  
CONSTRUCTION OF NEW STAIRCASE AND RETAINING WALL ADJACENT TO  
PROPOSED EXTENSION.

**Decision:** 03-06-2008    Approved

3499/APP/2009/2730       Edwinns, The Old Orchard Park Lane Harefield  
Demolition of existing bay window to side (Application for Conservation Area Consent.)

**Decision:** 30-03-2010    Withdrawn

3499/APP/2010/8         The Old Orchard Park Lane Harefield  
Erection of side single storey extension, new side delivery access road, new paved terrace area  
with covered shelter. Relocation of gas tank, log storage shelter & new shed. Cutting back of  
banking for the installation of gabion walling to extend parking area. Car park re-surfacing, new  
fencing and alterations to existing terrace area (Application for Conservation Area Consent.)

**Decision:** 29-01-2010    NFA

3499/L/78/1637         The Old Orchard Hotel Park Lane Harefield  
Res.dev - Hostel/Boarding/Guest house (Full) (P)

**Decision:** 15-12-1978    Approved

3499/M/79/0339         The Old Orchard Hotel Park Lane Harefield  
Extension/Alterations to Hostel/Guest house (P) of 109 sq.m.

**Decision:** 26-06-1979 Approved

3499/N/82/1034 The Old Orchard Hotel Park Lane Harefield  
Section 53 certificate (P)

**Decision:** 28-09-1982 GPD

3499/Q/84/0651 The Old Orchard Hotel Park Lane Harefield  
Front ground floor porch extension.

**Decision:** 30-05-1984 Approved

3499/R/84/1548 The Old Orchard Hotel Park Lane Harefield  
Residential development - Hotel (Outline)(P)

**Decision:** 18-12-1984 Refused

3499/S/87/1183 The Old Orchard Hotel Park Lane Harefield  
Extns to hotel (outline)

**Decision:** 08-01-1988 Approved

3499/T/88/2288 The Old Orchard Hotel Park Lane Harefield  
Dem of ancil bldgs,erect of extns + new lower grnd floor + basement to form 53 bed  
hotel+assoc facils

**Decision:** 12-10-1989 Refused **Appeal:** 06-10-1990 Withdrawn

3499/X/90/0763 The Old Orchard Hotel Park Lane Harefield  
Erection of three-storey side extension and two- storey rear extension including demolition of  
ancillary buildings at rear, to provide 42 bedrooms, dining area, meeting rooms and ancillary  
areas, and associated landscaping

**Decision:** 29-06-1990 Approved

3499/Y/94/1242 The Old Orchard Hotel Park Lane Harefield  
Change of use of existing hotel to nursing home, erection of a three storey side and rear  
extension to provide 53-bedroom facility for 60 patients, plus associated servicing facilities, car  
parking and landscaping

**Decision:** 13-12-1994 Withdrawn

3499/Z/95/0321 The Old Orchard Hotel Park Lane Harefield  
Renewal of planning permission ref. 3499X/90/763 dated 29/06/90; Erection of three storey side

extension and two storey rear extension, including demolition of ancillary buildings at rear to provide 42 bedrooms, dining area, meeting rooms and ancillary areas and associated landscaping

**Decision:** 15-11-1995 Refused

**Appeal:** 28-06-1996 Dismissed

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

None

#### **4. Planning Policies and Standards**

PPG2 - Green Belts

#### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

BE4	New development within or on the fringes of conservation areas
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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
OL2	Green Belt -landscaping improvements
OL4	Green Belt - replacement or extension of buildings
OL9	Areas of Environmental Opportunity - condition and use of open land
R16	Accessibility for elderly people, people with disabilities, women and children
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

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

**5.1** Advertisement Expiry Date:- **17th March 2010**

**5.2** Site Notice Expiry Date:- **17th March 2010**

#### **6. Consultations**

**External Consultees**

The site was given statutory press and site publicity, and 4 adjoining neighbours, the Conservation Panel and the Residents Association consulted. One response received, from the Harefield and Tenants Association, making the following comments:

Our members are concerned about the proposal to cut into the bank to provide 15 more additional car parking spaces, on this Green Belt Site. Also, the smoking shelter may stand out in a manner which could detract from the Listed Building when viewed from the wider area. We do not object to the design of the extension previously approved by the Council.

English Heritage - This application should be determined in accordance with national and local policy guidance and on the basis of your special conservation advice.

### **Internal Consultees**

#### **CONSERVATION OFFICER:**

This is a most attractive house in the Arts and Crafts, mediaeval manor house tradition, designed in an 'H' shape with jettied wings. It is in use as a restaurant and to one side there is an open seating area, which leads on to the front terrace and is reached by steps through an attractive retaining wall with vegetation growing up all around it. The building is situated in a high position overlooking the lake and river valley on the outskirts of the village, but within Harefield Conservation Area. There is a previous approval for a conservatory within the location of the proposed addition, which was agreed in 2008.

There are a number of missing drawings relating to the application that will be required, subject to the issues noted below. These are:

Site cross-sections to consider levels and particularly the matter of access and a detailed roof plan.

External layout: The matter of disabled access/parking will need to be discussed with the Access Officer, however, the existing ramps (to the terrace and at the front door) and parking provision appear inadequate in this respect and need to be reconsidered. The best location for disabled parking would appear to be close to the building and ideally to the south, where the works could incorporate a new ramp and steps that could be used by anyone visiting the restaurant. More information on the marking out of the parking bays should be required (possibly by condition) and ideally, further thought should be given to the surface materials to be used for the parking area, black tarmac can look very harsh. An aggregate rolled into the surface would give it a more mellow appearance. Ideally, areas of cobbled surfaces should be avoided as they are difficult to use, particularly for wheelchair users, people with walking difficulties and also pushchairs. It would be better visually to keep the palette of materials to be used for hardsurfacing to a minimum, so that the frontage treatment appears as simple and as clutter free as possible.

The garden to the side of the building is very attractive and benefits from extensive views across the gravel pits. Ideally, the new patio area should be paved with good quality stone to match that of the existing terrace and we would prefer to see the area without a retaining brick wall, as this would formalise the space. The new fencing to the car park boundary should be timber to retain an informal feel to the area and be combined with new planting to retain a soft edge to the garden. More information should be provided on the appearance of the gabions proposed to retain the bank adjacent to the car park.

There are no objections in principle to the smoking shelter, although, ideally, it should be reduced in length to 3m rather than 4m and be roofed in shingles. This would give it the appearance of an informal garden structure. There are no objections to the shed and log store from a design point of view and ideally, they should be roofed to match the smoking shelter.

The jumbrellas would be very noticeable in views towards the new paved area and should be more discretely located, possibly closer to the building, although it is difficult to see where they could be positioned and not detract from the overall setting of the building.

There would be no objection in principle to the addition, however, it must be set back from the main frontage, as it is quite large and needs to read as a secondary element to the original building. The open eaves detail of the main building needs to be incorporated into the design of the new addition. The design and roof form of the linking element is unclear and the positioning of the right hand side rear window is uncomfortably close to the junction with the linking element.

All materials and detailing will need to match the main building, including the design and construction of the windows/doors which are quite unusual and particular to the original house.

There is no objection to the removal of the existing open porch to the entrance. However, a more detailed drawing of the new porch and entrance ramp are required.

Conclusion - Acceptable in principle, but further revisions and additional information required.

Officer comments - These comments were forwarded to the agent and revised details have been received which cover these points. The final comments of the Conservation Officer received in respect of the amended drawings were;

I can confirm that they appear to cover most of the areas of concern raised previously.

If minded to approve, details of the landscape proposals (both hard and soft) should be sought and samples of all materials and finishes for the external elevations and surfaces (the addition itself and also new the paths and patio) should be provided for agreement. Detailed drawings of the ramp should also be required, plus materials for the works, as the current retaining walls are unusual as they appear to include kiln waste.

#### ACCESS OFFICER

I have no particular comments on the above scheme. However, as regards parking, a minimum of 3 accessible bays should be provided within the car park. The bays should be sited and designed in accordance with BS 8300:2009, as detailed in 'Accessible Hillingdon' (Adopted January 2010).

#### HIGHWAYS ENGINEER

(Initial comments) At least 10% of the parking spaces should be provided for disabled users. The disabled parking spaces should be close to the disabled access point, detail of which should be submitted. The parking layout at the end of the car park needs to be amended to allow satisfactory turning circles.

An statement detailing the additional capacity+staff linking it to the level of car parking would be useful.

Officer comments - These comments were forwarded to the agent and revised details have been received which cover these points. The final comments received in respect of the amended drawings were;

The proposals include increasing the number of parking bays from 40 + 1 disabled bay (existing) to 55 + 6 disabled bays (proposed). The disabled parking bays equate to approximately 10% of the total parking spaces, which is in accordance with the Council's standards. All disabled spaces should have a 1.2m transfer space marked out to the side and rear of the spaces, a disabled logo

should also be marked out. All other parking spaces should be provided and marked out before occupation of the extension, and maintained and available for parking related to this site all times thereafter. These issues should be covered through a suitable planning condition.

Both the existing and proposed numbers of staff for the premises are to remain unchanged at 10 persons. The increased capacity in covers within the new restaurant extension equates to 48 persons. The modal split of the customers to the site is likely to be a mixture of walking, car driver, car driver+passengers and other means.

The Council's cycle parking standards stipulate a requirement of approximately 8 spaces for the site. This should be covered through a suitable planning condition to provide 8 covered and secured cycle parking spaces and maintained thereafter.

Subject to the above issues being covered through suitable planning conditions, no objection is raised on the highways aspect of the proposals.

#### TREES AND LANDSCAPE OFFICER

(Initial comments) The site lies within the Harefield Conservation Area, a designation which protects trees. The only tree which is close to the proposed development area is a large specimen (not identified) within the lawn area to the south of the Old Orchard. This tree has been plotted on the existing site layout drawing No. 05 - but there is no detailed tree survey or arboricultural implications assessment to support the application.

The proposal is to build a single-storey side extension, a new delivery/access road, a paved terrace and alterations to the parking. The Design & Access Statement makes no reference to the future of the tree, although it is indicated as a retained feature on drawing No. 12. According to these drawings, the proposed new access drive will result in changes of level to the sloping ground close to the tree and the paved garden area is also indicated within the canopy spread of the tree. Furthermore, the edge of the road will be significantly closer to the tree than at present.

RECOMMENDATION - Saved policy BE38 seeks to retain landscape features of merit and to enhance the landscape in association with development. While the location of the extension to the building should not have any adverse effect on the tree, the changes to surface treatments and levels within the spread of the canopy (and likely root protection area) of the tree may well have an adverse effect on the tree unless the details are appropriately designed to safeguard the tree. Therefore, if you are minded to approve this application, I have no objection subject to conditions TL1, TL2, TL3, TL5 and TL6.

(Further comments received) I note that a Tree Report had been submitted.

The assessment rates the Willow tree as a 'B' category tree - marked down from an 'A' due to its condition rather than its landscape/amenity value. However, in the Arboricultural Implications Assessment, the only threat to the tree which is identified (at 6.2) is that of the proposed patio area. It is acknowledged that some pruning of the tree may be necessary. This will not harm the tree. However, no mention is made of the widening of the service road closer to the tree. The implications of this construction is potentially the most damaging and needs to be addressed at this stage.

Following discussion with the Conservation Officer, I am also concerned about the disabled access for pedestrians/wheelchair users which appears to be less than ideal on this site which is characterised by changes of level.

Officer comments - These comments were forwarded to the agent and revised details have been

received which cover these points. The final comments received in respect of the amended drawings were;

I note that the width of the proposed service road has been reduced. This should reduce any adverse impact on the Willow tree, subject to tree protection and the road edge construction details.

If you are minded to approve this application I have no objection subject to conditions safeguarding the existing tree and the provision of hard and soft landscape details: TL1, TL2, TL3, TL5, TL6 and TL7.

#### ENVIRONMENTAL PROTECTION UNIT (EPU)

The development is about 94 metres from the closed 'Church Hill Landfill Site'. It was filled with domestic waste from 1954 to 1970. The site is known to contain some landfill gas. There were concerns in the 1980's and 1990's regarding gas migration from the tip. The land itself is not contaminated or tipped. I would advise the following condition.

Before any part of the development is commenced, the applicant shall carry out and submit details of a landfill gas survey for the ground at the development site. Some of the landfill gas tests within the survey shall be taken below the proposed footprint of the new extension. If landfill gas is found, the applicant shall install remediation measures to prevent gas ingress to any buildings on the development site, to the satisfaction of the Local Planning Authority.

#### REASON

The Council's records show that the site is near to a closed tip that has produced landfill gas in the past. A gas survey is required to clarify that there is no significant gas migration from the landfill to the development site.

Advice can be obtained from the Environmental Protection Unit on 01895 250155 regarding this condition.

### **7. MAIN PLANNING ISSUES**

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

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene and BE15 states that alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building

Planning Policy Guidance Note 2: Green Belts (PPG2) states that the most important attribute of the Green Belt is its openness. Therefore, the construction of new buildings in the Green Belt is inappropriate unless it is for a limited range of uses including agriculture, forestry, recreation, limited alteration/re-building of dwellings, and infilling major developed sites as identified in adopted plans.

PPG2 also makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The guidance adds that such circumstances will not exist unless the harm is clearly outweighed by other considerations and that it is for the applicant to show why permission should be granted.

Paragraph 3.6 of PPG2 states: 'Provided that it (the development) does not result in disproportionate additions over and above the size of the original building, the extension



or alteration of dwellings is not inappropriate in Green Belts. The replacement of existing dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces.'

As the application site is an established use in the Green Belt, very special circumstances do not need to be demonstrated. However, the proposal is subject to compliance with Policy OL4 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

Policy OL4 of the UDP (Saved Policies September 2007) states that the replacement or extension of buildings within the green belt will only be permitted if the development would not result in any disproportionate change in the bulk and character of the original building, would not significantly increase the built-up appearance of the site, and would not injure the visual amenities of the green belt by reason of siting, materials, design, traffic or activities generated.

Thus, subject to compliance with the policies and guidance stated above, the principle of extending and altering the building is considered 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**

The application is within Harefield Village Conservation Area and the Conservation and Urban Design Officer does not object to the proposed extension and external alterations to the site, subject to details of the landscape proposals (both hard and soft) and samples of all materials and finishes for the external elevations and surfaces (the addition itself and also new the paths and patio) being conditioned and details being submitted. should be provided for agreement. Detailed drawings of the ramp including materials for the works are also required by condition. Subject to these conditions and details the overall design of the extension and the external works proposed are not considered to impact on the character of the Harefield Village Conservation Area. As such, the proposal is considered to comply with Policy BE4 of the UDP (Saved Policies September 2007).

#### **7.04 Airport safeguarding**

Not applicable to this application

#### **7.05 Impact on the green belt**

Policy OL1 defines the types of development that are considered acceptable within the Green Belt. The proposal at this Public House/Restaurant does not conform to those types, however, the use is considered to be established on this site. Policy OL2 states, where development proposals are considered acceptable, the LPA will where appropriate seek comprehensive landscaping improvements to achieve enhanced visual amenity and other open land objectives.

PPG2 states that the construction of new buildings within the Green Belt is inappropriate unless it is for certain specified purposes. The proposal relates to the provision of an extension to an existing restaurant and as such, the use on this land is established. The guidance goes on to state that the visual amenities of the Green Belt should not be injured by proposals for developments which could be visually detrimental by reason of their siting, materials or design.

Policy OL4 states the replacement or extension of buildings within the Green Belt will only be acceptable where they do not result in a disproportionate change in the bulk and character of the original buildings, and the development would not injure the visual

amenities of the Green Belt by reason of siting, design or activities generated.

The existing building is surrounded by a hard surfaced area with perimeter landscaping. The proposed extension is not considered to result in a disproportionate change in the character or appearance of the building and is considered acceptable in terms of design and appearance. Furthermore, the previous application for a conservatory extension with a similar footprint was considered acceptable in terms of its impact on the Green Belt. It is also considered that the proposed external alterations due to their siting and design would not have a material impact and with regard to the smoking shelter, due to its proposed construction would not appear as a permanent feature on the site.

The proposal also involves an extension to the car parking area which would intrude into the existing garden area by approximately 3m x 20m. However, in terms of the visual impact on the Green Belt, this part of the site has a number of trees which means that the car park is not visible from beyond the site. Also, in mitigation it is proposed to return some areas of hardstanding to garden area, close to this car park extension and thus improve the visual amenity of the Green belt.

It is therefore considered the development would not significantly increase the built up nature of the site or injure the amenities of the surrounding Green Belt in accordance with Policy OL4 of the UDP (Saved Policies September 2007) and advice set out in PPG2 - Green Belts.

#### **7.06 Environmental Impact**

Not applicable to this application

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

The proposed extension would not be visible from the public highway. However, the extension has been designed sympathetically in relation to the host building, mimicking its design features including forward facing gable, bay window with overhang above and similar fenestration details. As such it is considered that the proposed extension would satisfactorily integrate with the existing building. The internal service road would be straightened to allow for better pedestrian access to the front of the building and a shed and log store would be provided at the rear of this service road, with the visual impact of these alterations limited. Whilst the smoking shelter would be clearly visible, it is considered to be of an appropriate size, design and construction to not have an adverse affect.

As such, the proposal would not result in harm to the character and appearance of the existing building or the wider area in compliance with polices BE13, BE15 and BE19 of the UDP (Saved Policies September 2007).

#### **7.08 Impact on neighbours**

Due to the distances to the nearest properties, it is not considered that any material loss of amenity would arise by either loss of sunlight, overshadowing, or privacy. As such, the proposal would be in accordance with Policies BE20, BE21 and BE24 of the UDP (Saved Policies September 2007).

#### **7.09 Living conditions for future occupiers**

Not applicable to this application

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

With regard to traffic impact, the layout plans show the number of parking bays increased from 40 + 1 disabled bay to 55 + 6 disabled bays. The proposed staffing levels will remain unchanged at 10 persons and the increased capacity at the restaurant will equate to 48 persons.

The increase in disabled bays from 1 to 6 now results in a 10% proportion, which would satisfy the Councils adopted standards and the revised layout plan now shows a redesigned access ramp with the disabled parking spaces close to this access point. The parking layout at the end of the car park has also been amended to allow for satisfactory turning circles. It is therefore considered that subject to the submission of detailed drawings, required by condition, adequate facilities would be provided and the Highway Engineer considers the proposals to be acceptable. Therefore the proposal would be in accordance with Policy R16, AM7 and AM14 of the UDP (Saved Policies September 2007).

#### **7.11 Urban design, access and security**

See above

#### **7.12 Disabled access**

The site is on different levels. However, a level access would be provided between the floor area of the existing building and the proposed extension and the revised access ramp and additional disabled parking spaces provided are considered to significantly improve the access for the elderly, people with disabilities and women and children. Therefore the proposal is considered to comply with Policy R16 of the UDP (Saved Policies September 2007).

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this application

#### **7.14 Trees, Landscaping and Ecology**

There is a willow tree situated near the proposed relocated service road. However, further to the amended plans that have been received which show the width of this road reduced, the Trees and Landscape Officer is now satisfied that this should reduce any adverse impact on the Willow Tree, Therefore, subject to appropriate safeguarding and landscaping conditions being applied, no objections are raised to the proposal. As such, the application is considered to comply with policy BE38 of the UDP (Saved Policies September 2007).

#### **7.15 Sustainable waste management**

Not applicable to this application

#### **7.16 Renewable energy / Sustainability**

Not applicable to this application

#### **7.17 Flooding or Drainage Issues**

Not applicable to this application

#### **7.18 Noise or Air Quality Issues**

Not applicable to this application

#### **7.19 Comments on Public Consultations**

The additional car parking spaces would be positioned behind the existing car parking spaces and as such are not considered to materially impact on the openness of the Green Belt or significantly increase the built-up appearance of the site. The building is not Listed, however, it is within a conservation area and as such the comments about the smoking shelter are considered valid and revised plans have been requested and received, which show this element of the proposal reduced in size.

#### **7.20 Planning Obligations**

Not applicable to this application

#### **7.21 Expediency of enforcement action**

Not applicable to this application

#### **7.22 Other Issues**

The application site is also located within the Colne Valley Park and Policy OL9 states that the authority will keep the condition and use of areas of open land under review, where appropriate seek improvements to protect these areas and consider with other land owners positive improvements. The proposal is considered to comply with the intentions of this policy and the development will not result in a detrimental impact to the site and will not increase the built development further into the open Park area and thereby would complying with Policy OL9 of the UDP (Saved Policies September 2007).

## **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**

Not applicable to this application

## **10. CONCLUSION**

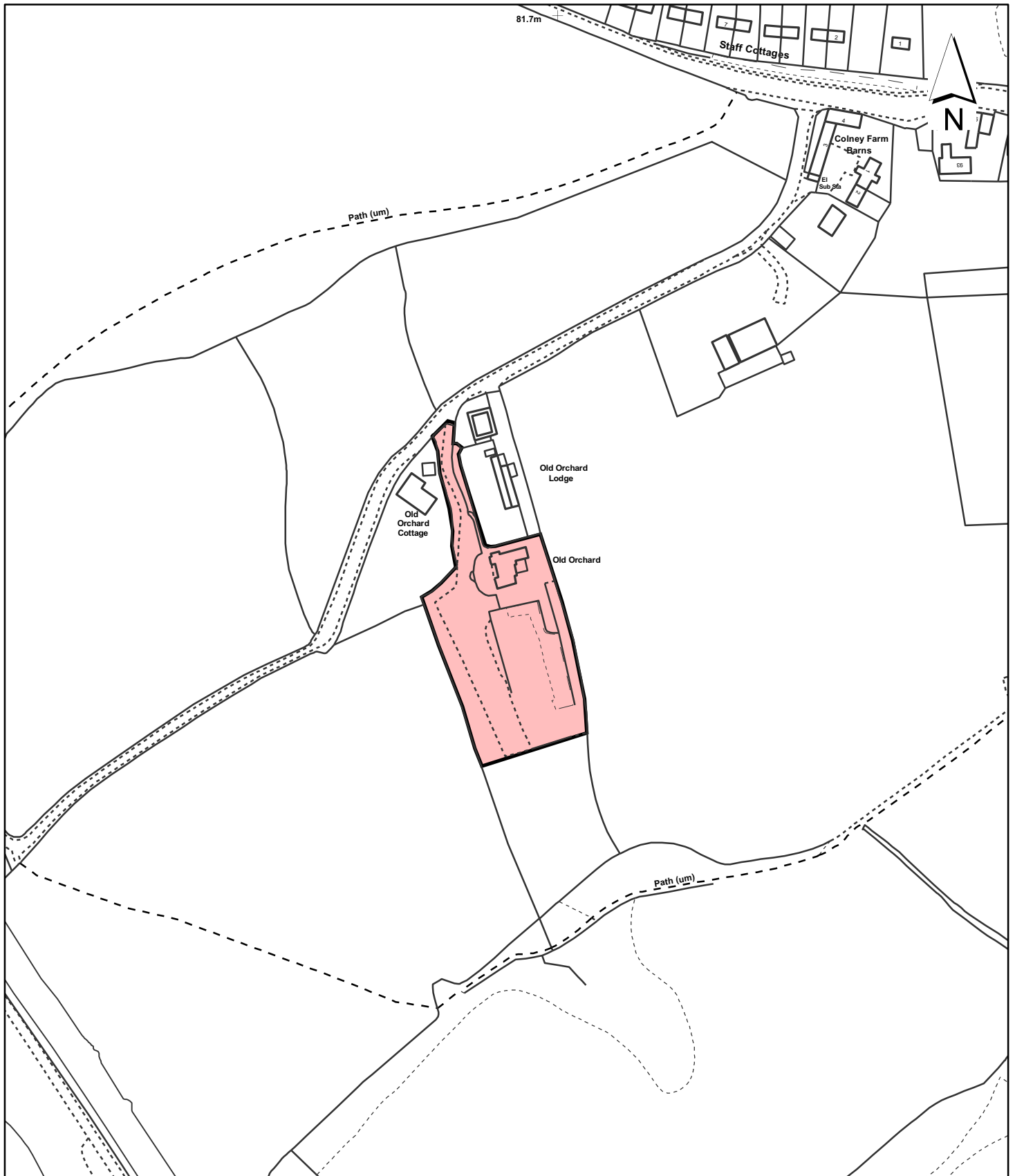
The proposed extension and external alterations to the site layout would not result in any adverse impact and would comply with all relevant policies contained in the UDP (Saved Policies September 2007) and therefore the proposal is recommended for Approval.



## **11. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies September 2007  
The London Plan (2008)  
PPG2: Green Belts

**Contact Officer:** Catherine Hems

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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>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.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p><b>Edwinns, The Old Orchard Park Lane Harefield</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Planning &amp; Community Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p><b>3499/APP/2009/2729</b></p>	<p>Scale</p> <p><b>1:2,500</b></p>	
	<p>Planning Committee</p> <p><b>North</b></p>	<p>Date</p> <p><b>April 2010</b></p>	
		 <p><b>HILLINGDON</b> LONDON</p>	