

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

**Address** THE KINGS ARMS 6 PARK LANE HAREFIELD

**Development:** Erection of boundary fence.

**LBH Ref Nos:** 74218/APP/2018/3542

**Drawing Nos:** 2042|2 Rev. A Proposed Fence Detailed Elevation and Section  
Site Location Plan  
2042|1 Rev. D Design Proposal Boundary Fence Plans & Elevation

**Date Plans Received:** 03/10/2018

**Date(s) of Amendment(s):** 08/10/2018

**Date Application Valid:** 03/10/2018

### 1. SUMMARY

This application seeks permission for the erection of a boundary fence and is considered acceptable in principle and with regard to its impact on highway, pedestrian safety, the setting of the Listed Buildings, the visual amenities of street scene and the character and appearance of the Conservation Area. The application is recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 COM3 Time Limit

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

REASON

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

#### 2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2042|1 Rev. D Design Proposal Boundary Fence Plans & Elevation, 2042|2 Rev. A Proposed Fence Detailed Elevation and Section 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).

### 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).

## 2 153 **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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment
LPP 7.8	(2016) Heritage assets and archaeology
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

## 3 170 **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 consists of the Grade II Listed Kings Arms Public House and a car park serving 14 car parking spaces. The site also adjoins the Grade II Listed stable to the north of the public house and the recently permitted Co-operative shop. The site is located within close proximity to a mini-roundabout, opposite The Green public open space and is designated as part of the Harefield Village Conservation Area.

#### 3.2 **Proposed Scheme**

This application seeks permission for the erection of a boundary fence, separating the Kings Arms Public House car park from the neighbouring car park serving the recently permitted Co-operative shop. The proposed iron wrought spiked fencing would be hand painted in black hammerite and would measure 1.2 metres in height, 21 metres in length and would be set back from the road at its closest point by approximately 2 metres.

#### 3.3 **Relevant Planning History**

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

None.

### 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.HE1 (2012) Heritage

Part 2 Policies:

NPPF- 12 NPPF-12 2018 - Achieving well-designed places

NPPF- 16 NPPF-16 2018 - Conserving & enhancing the historic environment

LPP 7.8 (2016) Heritage assets and archaeology

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE4 New development within or on the fringes of conservation areas

BE10 Proposals detrimental to the setting of a listed building

BE13 New development must harmonise with the existing street scene.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

### 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **5th December 2018**

5.2 Site Notice Expiry Date:- Not applicable

### 6. Consultations

#### External Consultees

A site notice was erected and letters were sent to neighbouring properties and the Harefield Village Conservation Area Panel. An advert was also posted in the local paper. All consultations expired on the 24/10/2018.

45 comments have been received in support of the proposal. It is stated that the proposed fence would create a boundary between the two businesses and reduce the use of the public house car park for the use of the Co-operative shop. A white pickett fence has been suggested as a more in keeping alternative.

One objection against the proposal was also received, stating that the proposed fence would appear to be an eye sore to the conservation area. It is noted that people would still use the public house car park for the Co-operative shop with the fence in place. It is suggested that a pay and display system with a free refund at the public house with an order is implemented instead.

Case Officer Comment:

The impact of the proposal on the Listed Buildings, Conservation Area and pedestrian safety are addressed in the main body of the report.

Historic England:

No comment.

Harefield Village Conservation Area Panel:

The fence shown starts at 1.8 metre high and only steps down to 1m when it gets close to the road. The panel would prefer the fence to be 1 metre high all the way along so that it does not obstruct views to/from the Listed Building.

Case Officer Comment:

Amendments were submitted, changing the fencing to hand painted black wrought iron spiked railings and reducing its height to 1.2 metres.

### **Internal Consultees**

Conservation and Urban Design Officer Comment:

**BACKGROUND:** The King's Arms public house and stables are grade II listed with the pub dating from the seventeenth-century or earlier. It has a very good street front with an old tile roof, gabled cross wings, external chimneystack, and exposed timber framing. It is situated on a prominent site in Harefield Village Conservation Area, opposite The Green, near a cross roads with other historic buildings. Directly north of the Kings Arms public house is a new development the Co-operative store / residential building which is currently nearing completion.

### **COMMENTS:**

The application seeks permission to erect a new fence between the front car parks of The King's Arms and the new store directly to the north. The elevational drawing shows a fence with chevron pattern boarding and a height of 1.8 metres that reduces to 1.0 metres for the two panels closest to the road.

There are concerns with the proposal as it will create a physical and highly prominent boundary that will block views of the public house, stable building and new store.

The fence will also have a residential quality that would appear as an incongruous addition to the High Street at odds with its commercial appearance. The boundary between the two car parks is currently separated by modest painted concrete bollards and allows unrestricted views across the site. This open characteristic should be respected.

The proposal will harm the setting of the Listed Buildings and will neither preserve nor enhance the character and appearance of the conservation area.

**RECOMMENDATION:** Refuse

Case Officer Comment:

Amendments were submitted, changing the proposal to hand painted black hammerite wrought iron spiked railings and reducing its height to 1.2 metres for the full length. The fence would comprise of 1.9 metre long individual panels with 90 x 38 x 5mm hollow section uprights with 38 x 15mm top and bottom rails with 18mm square solid intermediate spiked vertical uprights at maximum 100mm spacings. The bottom rail is set 100mm above the finished ground level and the top rail is set 150mm down from the top. Uprights are secured into individual concrete bases along the boundary line with individual panels welded in place.

Conservation and Urban Design Officer Follow-Up Comment:

Now acceptable.

Highways Officer Comment:

The fencing proposal as it stands is very likely to be of significant detriment to mutual sight-line inter-visibility between pedestrian and vehicular users of the site and the highway in general. As a consequence there are likely to be significant safety related implications which are considered unacceptable. The main issue lies with the type of fencing proposed which consists of boarded timber panels which do not afford translucency. A 'welded' round or square bar type metal fencing would be better received as it would allow improved inter-visibility between all pedestrian and car borne users. In summary, if this type of proposed fencing remains unaltered, there would be a justification to apply a highways refusal based on safety grounds.

Case Officer Comment:

Amendments were submitted, changing the proposal to a 1.2 metre high metal railings, thereby allowing inter-visibility between all pedestrian and car borne users.

Access Officer Comment:

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

## **7. MAIN PLANNING ISSUES**

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

The principle of erecting a fence in the proposed location is considered to be acceptable but is subject to other considerations. Such considerations include design, impact on the Harefield Conservation Area, impact on the setting of Grade II Listed Buildings, highways concerns, pedestrian safety and landscaping.

### **7.02 Density of the proposed development**

Not applicable to the consideration of this application.

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

Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that new developments should retain or enhance the character and appearance of Conservation Areas and those features which contribute to the special architectural qualities.

Policy BE10 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that planning permission or Listed Building Consent will not normally be granted for proposal which are considered detrimental to the setting of a Listed Building.

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the Local Planning Authority considers it desirable to retain or enhance.

The revised proposed fencing would be positioned between the front car parks of The King's Arms Public House and the recently permitted Co-operative shop. The proposed fence would utilise a wrought iron framing with a hand painted black hammerite finish. It would measure 1.2 metres in height and 21 metres in length. It would not block views of neighbouring listed buildings and is considered to be an appropriate style of fencing which would complement the high street and character of the Harefield Conservation Area, in accordance with Policies BE4, BE10 and BE13.

#### **7.04 Airport safeguarding**

Not applicable to the consideration of this application.

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

Not applicable to the consideration of this application.

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

Please see the 'Impact on archaeology/CAs/LBs or Areas of Special Character' section of the report.

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

The proposed development is not considered to have an impact on neighbouring amenity or privacy.

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

Not applicable to the consideration of this application.

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

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The revised proposed fencing would consist of metal railings which would allow inter-visibility between pedestrian and car borne users. As such, the proposal is considered acceptable with regard to its impact on highway and pedestrian safety, according with Policy AM7.

Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) will be considered and requires that new development is only permitted where it is in accordance with the Council's adopted car parking standards.

The proposal would not compromise the provision of car parking spaces on site and is not contrary to Policy AM14.

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

Please see the 'Impact on archaeology/CAs/LBs or Areas of Special Character' section of the report.

#### **7.12 Disabled access**

Not applicable to the consideration of this application.

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

Not applicable to the consideration of this application.

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

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development proposals will be expected to retain and utilise topographical and landscape features of merit and provide new planting and landscaping wherever it is appropriate. Planning applicants for planning consent will be required to provide an accurate tree survey showing the location, height, spread and species of all trees where their proposals would affect any existing trees.

No trees or other landscape features of merit will be affected by the proposal to erect a boundary fence between the two car parks. The proposal is considered to accord with Policy BE38.

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

Not applicable to the consideration of this application.

**7.16 Renewable energy / Sustainability**

Not applicable to the consideration of this application.

**7.17 Flooding or Drainage Issues**

Not applicable to the consideration of this application.

**7.18 Noise or Air Quality Issues**

Not applicable to the consideration of this application.

**7.19 Comments on Public Consultations**

Please see 'External Consultees' section of the report.

**7.20 Planning Obligations**

Not applicable to the consideration of this application.

**7.21 Expediency of enforcement action**

Not applicable to the consideration of this application.

**7.22 Other Issues**

None.

**8. Observations of the Borough Solicitor**

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

**9. Observations of the Director of Finance**

Not applicable.

**10. CONCLUSION**

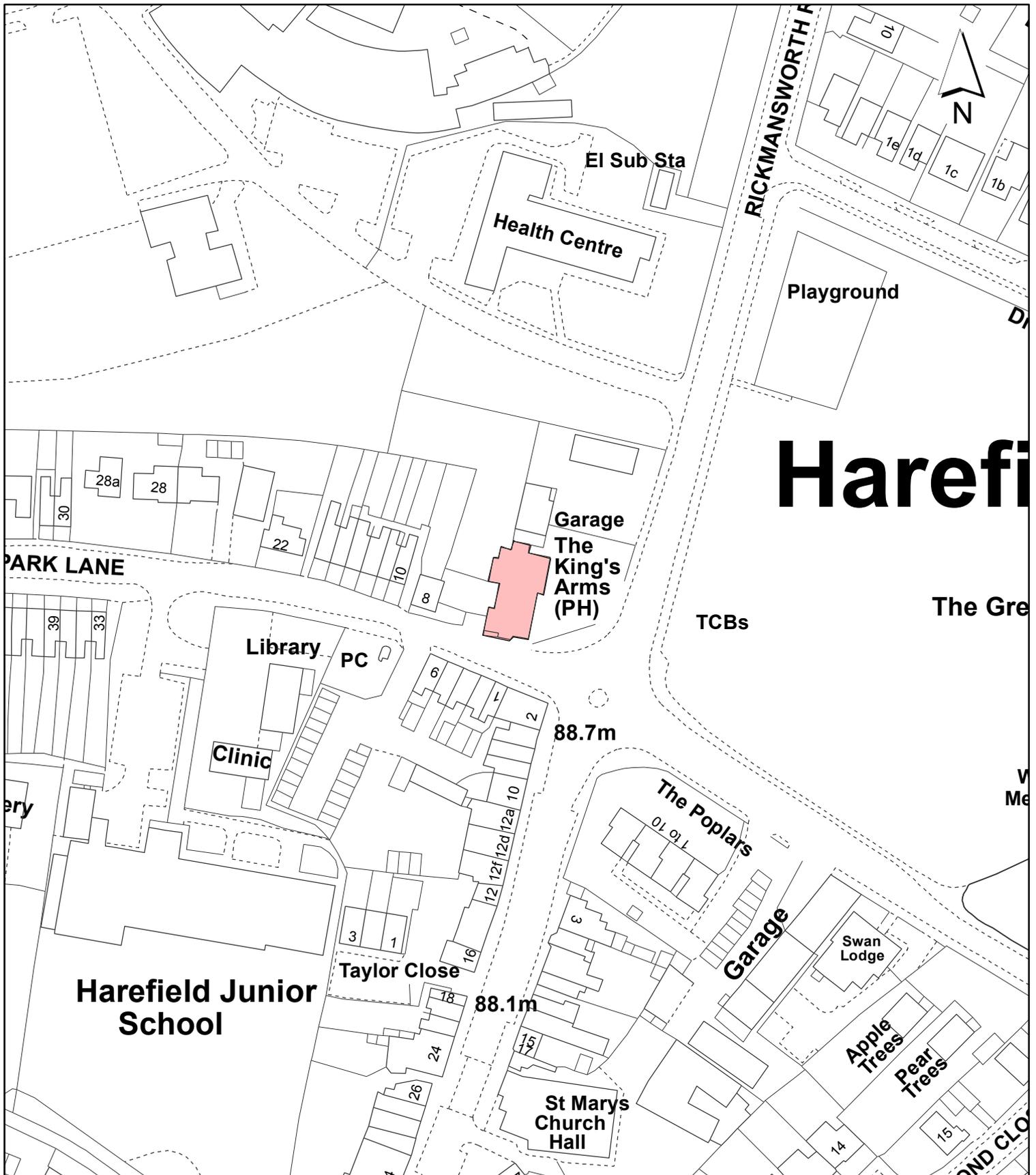
In conclusion, the proposed development is considered acceptable in principle and with regard to its impact on highway, pedestrian safety, the setting of the Listed Buildings, the visual amenities of street scene and the character and appearance of the Conservation Area. The application is recommended for approval.

**11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan (March 2016)  
National Planning Policy Framework (February 2019)

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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 and database rights 2018 Ordnance Survey 100019283</p>	<p>Site Address:</p> <p><b>The Kings Arms 6 Park Lane Harefield</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b> Residents Services Planning Section Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p> 
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	<p>Planning Committee:</p> <p><b>North</b></p>	<p>Date:</p> <p><b>March 2019</b></p>	