

## Report of the Head of Planning & Enforcement Services

**Address** LYON COURT AND 28-30 PEMBROKE ROAD RUISLIP

**Development:** Erection of 3, part 2, part 3 storey blocks with accommodation in the roof space, to provide 61 residential units, comprising 25 one bedroom, 27 two bedroom, 8 three bedroom apartments and one 5 bedroom house, together with construction of a new access, associated parking and landscaping, involving demolition of existing buildings and stopping up of existing vehicular access.

**LBH Ref Nos:** 66985/APP/2011/3049

**Drawing Nos:** 1250/SK/29 Rev A  
1214-P100 AB  
1214-P101 AB  
1214-P102 W  
1214-P103 V  
1214-P110 S  
1214-P111 M  
1214-120  
1214-122  
1250/SK/33 C

**Date Plans Received:** 16/12/2011

**Date(s) of Amendment(s):** 25/01/2012

**Date Application Valid:** 25/01/2012

### 1. SUMMARY

Planning permission is sought for the erection of 3, part 2, part 3 storey blocks with accommodation in the roof space, to provide 61 residential units, comprising 25 one bedroom, 27 two bedroom, 8 three bedroom apartments and one 5 bedroom house, together with construction of a new access, associated parking and landscaping, involving demolition of existing buildings and stopping up of existing vehicular access. The proposal includes parking for 48 cars , 76 secure cycle spaces and bin stores, together with associated landscaping.

The proposed scheme is considered to be of an acceptable design which would be compatible within the local context and result in an adequate standard of amenity for future occupiers.

The proposal would not detrimentally impact on the residential amenity of neighbouring occupiers and would provide an acceptable area of soft landscaped amenity space for the benefit of future occupiers.

Accordingly, the application is recommended for approval, subject to conditions and the signing of a S106 Legal Agreement.

### 2. RECOMMENDATION

**A. That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of**

the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:

- i) A s278 shall be entered into to cover any and all highways works need as a result of this application.
- ii) Affordable Housing: a payment in the sum of £40,00 towards the provision of affordable housing within the borough.
- iii) Health and Social Care: a contribution in the sum of £14,835.40.
- iv) Public Realm: a contribution of £25,000.
- v) Libraries: a contribution in the sum of £2,233.99.
- vi) Construction Training: a contribution equal to £47,326.09.
- vii) Project Management and Monitoring Fee: £5,181.02.
- viii) Street Tree: This concerns a protection strategy as well as repair works and/or replacement of the street tree adjacent to the site access in the event of damage to the tree.
- ix) Ecology: Payment in the sum of £25,000

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and 278 Agreements and any abortive work as a result of the agreement not being completed.

C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised within 6 months of the date of this Committee resolution, or any other period deemed appropriate by the Head of Planning, Sport and Green Spaces, then the application may be referred back to the Committee for determination.

E) That subject to the above, the application be deferred for determination by the Head of Planning, Sport and Green Spaces under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

F) That if the application is approved, the following conditions be imposed subject to any changes negotiated by the Head of Planning, Consumer Protection, Sport and Green Spaces prior to issuing the decision:

**1 RES3 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 RES4 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:

1250/SK/29 Rev A

1214-P100 AB  
1214-P101 AB  
1214-P102 W  
1214-P103 V  
1214-P110 S  
1214-P111 M  
1214-120  
1214-122  
1250/SK/33 C

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

**3 RES6 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 RES7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

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 RES5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Refuse and Recycling Storage (Drawing 1214-P100 AB)

Cycle Storage (Drawing 1214-P100 AB)

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure that the development complies with the objectives of Policy 5.17 (refuse storage) of the London Plan (July 2011).

**6 RES9 Landscaping (including refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
  - 2.a Means of enclosure/boundary treatments
  - 2.b Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)
  - 2.c Hard Surfacing Materials
  - 2.d External Lighting
  - 2.e Other structures (such as play equipment and furniture)
3. Details of Landscape Maintenance
  - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
4. Schedule for Implementation (including provision of amenity areas prior to occupation)
5. Other
  - 5.a Existing and proposed functional services above and below ground
  - 5.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

**REASON**

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**7 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a

schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' 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.

#### **8 RES16 Code for Sustainable Homes**

The dwelling(s) shall achieve Level 4 of the Code for Sustainable Homes. No development shall commence until a signed design stage certificate confirming this level has been received. The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request.

The development must be completed in accordance with the principles of the design stage certificate and the applicant shall ensure that completion stage certificate has been attained prior to occupancy of each dwelling.

#### REASON

To ensure that the objectives of sustainable development identified in London Plan (July 2011) Policies 5.1 and 5.3.

#### **9 RES15 Sustainable Water Management (changed from SUDS)**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 5.12.

**10 RES19 Ecology**

No development shall take place until a scheme to protect and enhance the nature conservation interest of the site has been submitted to and approved by the Local Planning Authority.

REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with policy EC5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.19.

**11 RES18 Lifetime Homes/Wheelchair Units**

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further 10% of the units hereby approved shall be designed and constructed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (July 2011) Policies 3.1, 3.8 and 7.2

**12 RES22 Parking Allocation**

No unit hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan . (July 2011).

**13 RES24 Secured by Design**

The dwellings and children's play area shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

**14 NONSC Noise/Rail Noise Mitigation**

Development shall not begin until a scheme for protecting the proposed development

from road and rail traffic noise has been submitted to and approved by the Local Planning Authority (LPA). The noise protection scheme shall meet acceptable noise design criteria both indoors and outdoors. The scheme shall include such combination of measures as may be approved by the LPA. The scheme shall thereafter be retained and operated in its approved form for so long as the use hereby permitted remains on the site.

#### REASON

To safeguard the amenities of future occupiers in accordance with Policies OE1 and OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **15 NONSC Clean Soils**

All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination. The results of this testing shall be made available at the request of the Local Planning Authority.

#### REASON

To ensure that the occupants and users of the development are not subject to any risks from contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **16 NONSC Details of Oriel Windows**

No development approved by this permission shall be commenced until full details of oriel windows serving plots A7, A11, C2, C5 and C11 have been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details.

#### REASON

To ensure that the design of the auriel windows secures adequate privacy and outlook for the future occupiers of the developmetn in accordance with Policies BE20, BE21 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2011) and the Hillingdon Design and Accessibility Statement - Residential Layouts.

### **INFORMATIVES**

#### **1 I23 Works affecting the Public Highway - Vehicle Crossover**

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

#### **2 I25A The Party Wall etc. Act 1996**

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) 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. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

### **3            134            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.

### **4            152            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).

## **5 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE28	Shop fronts - design and materials
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE4	New development within or on the fringes of conservation areas
EC2	Nature conservation considerations and ecological assessments
EC5	Retention of ecological features and creation of new habitats
H12	Tandem development of backland in residential areas
H4	Mix of housing units
H5	Dwellings suitable for large families
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

## **6 I15 Control of Environmental Nuisance from Construction Work**

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

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 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.

## 7

You are advised that the scheme should incorporate the following to meet Secure by Design accreditation:

The scheme needs to incorporate defensible space around the ground floor flats.  
Good perimeter treatment around the central one space and LAP.  
Details of bin stores, cycle stores should be provided.  
Natural surveillance where possible.

## 8

You are advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy. The applicant will be liable to pay the Community Infrastructure Levy to the sum of £122,045 on commencement of this development. A separate liability notice will be issued by the Local Planning Authority, however you are advised that it is your responsibility to notify the Local Planning Authority of the anticipated commencement date and any changes in liability through submission of the appropriate forms.

Should you require further information please refer to the Council's Website (<http://www.hillingdon.gov.uk/index.jsp?articleid=24738>).

## 9            I23                            **Works affecting the Public Highway - Vehicle Crossover**

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

## 10            I25A                            **The Party Wall etc. Act 1996**

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) 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. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining

owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The site comprises Lyon Court, a U shaped 2 storey block of 4 x 1 bedroom and 12 x 2 bedroom flats and a pair of semi detached 2 storey dwellings (28-30) Pembroke Road to the east. The site has a total frontage of 60m to Pembroke Road. The combined site area is 0.46 ha. The site slopes down generally in a southerly direction.

The site lies at the western end of Pembroke Road; it currently includes Lyon House, a late c1940s 2 storey red brick block of flats with a 'U' shaped footprint and an enclosed garden and parking area to the rear. Nos 28 and 30 Pembroke Road are a pair of semi-detached houses of similar period. Merrion, Cheriton and Jameston Court, a recently constructed flatted development, lie to the east of these buildings and are large modern blocks, which despite some limited tree planting to the front, are considered to dominate the streetscape of the immediate area. The site is bounded to the west by an office block. Beyond this block, King's Lodge, a former office building now converted into apartments, occupies a prominent position at the southern end of Ruislip High Street. The remainder of Pembroke Road is predominantly residential, suburban and spacious in character, comprising mainly 1930s detached and semi detached houses, and also a number of bungalows, mostly with hipped roofs, mainly set in generous gardens. A group of bungalows lie directly opposite the proposal site.

The site is located on the edge of the Ruislip Town Centre and lies at the south-eastern entrance to the Ruislip Village Conservation Area. It backs onto the forecourt area of Ruislip Station and is also close to Ruislip Signal box, both are grade II listed buildings.

#### **3.2 Proposed Scheme**

Erection of 3, part 2, part 3 storey blocks with accommodation in the roof space, to provide 61 residential units, comprising 25 one bedroom, 27 two bedroom, 8 three bedroom apartments and one 4 bedroom house, together with construction of a new access, associated parking and landscaping, involving demolition of existing buildings and stopping up of existing vehicular access.

The proposal seeks to provide a total of 61 residential units comprising 25 one bedroom, 27 two bedroom, 8 three bedroom apartments and one 4 bedroom house, in 3 separate buildings, separated by a central vehicular and pedestrian access way off Pembroke Road.

Block A comprising 14 flats which is part 2, part 3 storey, with accommodation in the roof space is located adjacent to Merrion Court to the east and would front Pembroke Road. This block would be 17 metres wide and be set back approximately 10 metres from the road frontage. The proposed 4 bedroom house would be attached to the eastern side of the block, adjacent to the boundary with Merrion Court.

Block B comprising 25 flats which is 3 storeys, with accommodation in the roof space is located and would front Pembroke Road. This block would be 18 metres wide and be set back approximately 11 metres from the road frontage.

Block C comprising 21 flats which is part 2, part 3 storey, with accommodation in the roof space is located to the rear of Block B. This block would be 17 metres wide and be set back approximately 8metres and 16.5metres from the eastern southern boundaries respectively.

The remainder of the site behind block A, to the west of and between Blocks B and C would be set aside for as amenity space, including a children's play area, site access and surface level parking for 48 vehicles. This parking also continues to the rear of block C.

The proposal will involve the demolition of all the existing buildings on the site.

The application is supported by a number of reports that assess the impact of the proposal. A summary and some key conclusions from these reports are provided below:

- Planning Statement

The statement describes the development and provides a policy context and planning assessment for the proposal. The statement concludes that the proposal is well conceived, robust and in accordance with the proper planning of the area.

- Design and Access Statement

This report outlines the context for the development and provides a justification for the design, number of units, layout, scale, landscaping, appearance and access for the proposed development.

- Arboricultural Method Statement

The statement has been prepared to ensure good practise in the protection of trees during the construction and post construction phases of the development.

- Renewable Energy Strategy

The sustainability credentials of the scheme are assessed in respect of renewable energy resources and achieving savings in terms of CO2. The assessment concludes that the use of Photo Voltaic panels is the preferred option for renewable energy technology.

- Ecological Scoping Survey

The report summarises the findings of a walk over survey, desk study and protected species assessment. Recommendations for protected species surveys have been made.

- Archaeological Desk Based Assessment

The assessment considers the impact of the proposed redevelopment on archaeological assets. The assessment concludes that the site has generally low archaeological potential for as yet undiscovered archaeological assets and that no further archaeological work will be required.

- Transport Assessment

The assessment considers the accessibility of the site, examines predicted generation trips by all modes, assesses the effect of the development on surrounding transport infrastructure and considers surfacing and refuse collection facilities. The assessment concludes that the development benefits from good levels of public transport accessibility, that net trip generation can be accommodated on the surrounding transport infrastructure and that the development through its design, will encourage the use of sustainable modes of transport.

- Travel Plan

A framework travel plan to be used as a basis from which to agree the terms of any legal agreement or conditions. It provides a long terms management strategy to deliver sustainable transport objectives, with the emphasis of reducing reliance of single occupancy car journeys.

· Noise and Vibration Assessment

The report contains the results of noise and vibration surveys, compares the noise levels with PPG24 Criteria and details the results of the preliminary external building fabric assessment. The report concludes that suitable internal noise levels can be achieved with appropriate sound insulation.

· Landscape Design Statement

This document is provided to illustrate the proposed Landscape Strategy for the external space, the Design Vision required to develop the Landscape Masterplan and the detailed design proposals for the hard and soft elements of the external environment. The Landscape Masterplan will illustrate how the detailed design has used both the existing landscape context and the aspirations for Lyon Court to provide a framework for the integration of the new development and how the use, primarily of soft landscape element forms and appropriate plant species in a range of sizes will enhance both the existing landscape structure and the proposed development whilst maintaining the overall landscape context.

· Daylight & Sunlight Report

the report assesses the daylight and sunlight aspects of the proposal in relation to neighbouring properties and the proposed accommodation. the report concludes that there would be no adverse effects to the daylight and sunlight received to neighbouring buildings and that the daylighting to the proposed accommodation satisfies relevant BRE criteria and recommendations.

· Pre Purchase Flood Risk Assessment

The assessment considers flood related matters, but is not a Flood risk Assessment, although it contains information that could be used as a basis for such a document. The report notes that the site is in Flood Zone 1 and is therefore not at risk of flooding from main rivers.

· Statement of Community Involvement

The document summarises the consultation strategy with statutory and non statutory consultees, including local politicians, local community groups and neighbours.

### **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:

PT1.10 To seek to ensure that development does not adversely affect the amenity and

the character of the area.

PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE22 Residential extensions/buildings of two or more storeys.
  
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE25 Modernisation and improvement of industrial and business areas
- BE28 Shop fronts - design and materials
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- BE4 New development within or on the fringes of conservation areas
- EC2 Nature conservation considerations and ecological assessments
- EC5 Retention of ecological features and creation of new habitats
- H12 Tandem development of backland in residential areas
- H4 Mix of housing units
- H5 Dwellings suitable for large families
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE5 Siting of noise-sensitive developments
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **17th February 2012**

5.2 Site Notice Expiry Date:- Not applicable

29th February 2012

## 6. Consultations

### External Consultees

This application has been advertised under Article 8 of the Town and Country Planning General Development Procedure Order 1995 as a Major Development. The application has also been advertised a development likely to affect the character and appearance of the Ruislip Village Conservation Area and the setting of the listed buildings known as Ruislip LT Railway Station Signal Box and Ruislip LT Railway Station. A total of 240 surrounding property owners/occupiers have been consulted. 9 letters of objection have been received. The issues raised are:

- i) Traffic impacts - congestion
- ii) disruption during construction
- iii) Excessive height of proposed blocks
- iv) Overlooking from the proposed blocks
- v) Loss of privacy
- vi) Inadequate parking provision which Will result in on street parking
- vii) Loss of trees
- ix) Increased pollution

#### RUISLIP VILLAGE CONSERVATION PANEL

No response.

#### RUISLIP RESIDENTS' ASSOCIATION

I realise I suggested the view should be taken from the junction of Brickwall Lane and South Drive but it appears the architect has chosen the most advantageous spot. Attached are views from South Drive itself and further east along Brtickwall Lane. My concern is that in repeating the mass of Merrion Court it will create virtually a continuous row of higher buildings which will further change the character of the area. In addition they may also block out the view of the mature trees on the south side of the application site.

Ruislip has already suffered from the introduction of too many higher buildings and each one only creates a further precedent for future applications. I trust that officers will give due consideration to the impact the current proposal would have on the local skyline when viewed from all angles and not just those selected by the applicant.

#### LONDON UNDERGROUND INFRASTRUCTURE

No Objection.

#### ENGLISH HERITAGE

No Objection.

#### THAMES WATER

No objection.

#### NATURAL ENGLAND

No Objection. This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species and these issues are covered by standing advice.

## DEFENCE ESTATES SAFEGUARDING

The MoD has no safeguarding objections to this proposal.

## METROPOLITAN POLICE CRIME PREVENTION OFFICER

No objections subject to the scheme achieving Secure by Design accreditation and the provision of CCTV to the parking areas.

In addition the following advice is provided:

The scheme needs to incorporate defensible space around the ground floor flats.

Good perimeter treatment around the central one space and LAP.

Details of bin stores, cycle stores should be provided.

Natural surveillance where possible.

### **Internal Consultees**

#### **POLICY AND ENVIRONMENTAL PLANNING (PEP)**

In land use policy terms they have made an extensive case for the scheme and proposed what appears to be a reasonable mix of different sized units - which also appear to meet the minimum space standards in the 2011 London Plan. It is clearly a very high density proposal and the design character will be for the Specialists Team to advise on. Depending on your views re the amenity space provided - e.g. is there adequate play space available for children here - it seems acceptable in policy terms.

You will be assessing the mix of affordable housing proposed plus the S106 requirements (e.g. towards education costs).

#### **ENVIRONMENTAL PROTECTION UNIT**

No objections are raised to this proposal. Should planning permission be granted, the following conditions are recommended:

#### **Road and Rail Traffic Noise exposure - PPG24 assessment**

I refer to the Noise and Vibration Assessment undertaken by Paragon Acoustic Consultants Reference 2388\_NVA\_1 for the applicant. Chapter 7.0 shows the predicted site-wide noise levels across the site, placing the site in NEC C. Based on the results of the noise assessment I am satisfied that the requirements of the Borough's Noise SPD can be met using a combination of noise mitigation measures.

It is therefore recommended the following condition be applied to ensure that the proposed development will satisfy the requirements of the Borough's Noise SPD, Section 5, Table 2;

#### **Condition 1 Road and rail traffic noise**

N1 Development shall not begin until a scheme for protecting the proposed development from road and rail traffic noise has been submitted to and approved by the Local Planning Authority (LPA). The noise protection scheme shall meet acceptable noise design criteria both indoors and outdoors. The scheme shall include such combination of measures as may be approved by the LPA. The scheme shall thereafter be retained and operated in its approved form for so long as the use hereby permitted remains on the site.

#### **Condition 2 Soil importation**

All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination. The results of this



testing shall be made available at the request of the Local Planning Authority.

#### S106 OFFICER

the following broad Section 106 Heads of Terms would be pursued by the Council at that time:

Affordable Housing: £40,000 payment in Lieu

Education: £14,225

Health: £14,835.40

Construction Training: £47,326.09

Public Realm: £25,000

Libraries: £2,233.99

Project Management and Monitoring Fee: £5,181.02

Ecology: £25,000

Highways: Any and all highways works to be undertaken at the owners expense.

#### ACCESS OFFICER

No objection.

#### WASTE MANAGER

No objection.

#### URBAN DESIGN AND CONSERVATION OFFICER

Initial comments:

- i) footprint/building line now considered appropriate
- ii) frontage blocks better in terms of height, block A has odd proportions re its fenestration, sketch revisions to be provided for further discussion. Design of Block B acceptable.
- iii) need for gates to the frontage to be reassessed
- iv) angle of roofs across site discussed, lower angle to reduce bulk suggested- applicants
- v) unwilling to do this because of loss of floor area
- vi) requirement for 2 floors within part of the roof form queried, particularly in the rear block, which will be the most visible from the station forecourt, again the applicant was unwilling to lose any further accommodation on site. The removal of the second tier of dormers as previously proposed, is however, an improvement.
- vii) further planting to break up potentially large areas of hard-surface requested, if not possible, additional tree planting along boundary of play area to be incorporated
- viii) PVs on roofs noted on drawings but not on Energy Statement, which proposes GSHPs. The roof level PVs will be omitted.
- ix) more planting to be incorporated next to the parking area adjacent to Block B to protect the privacy/outlook from the living area of Plot B5
- x) the possibility of adding more tree screening along the western boundary was discussed, but it was felt that the trees on the adjacent site were adequate to screen / soften the boundary.

#### Final Comments:

The issues have been addressed satisfactorily. No objection raised.

#### SUSTAINABILITY OFFICER

No objection subject to a £25,000 S106 contribution for offsite ecology improvements.

#### TREE AND LANDSCAPE OFFICER

Concern has been raised that the proposed site access would damage the roots of the street tree directly adjoining this proposed access.

Officer Comment: Officer's acknowledge that there is a risk of damage to the tree, however it is noted that the street tree is not subject to a TPO and is not located in a conservation area. On balance it is considered that the overall benefits of the development would outweigh the impact of any damage of the tree, should this occur. It is also considered that should damage occur a replacement tree could be provided through a S106 agreement.

#### HIGHWAY ENGINEER

Pembroke Road is a Classified Road and is designated as Local Distributor Road within the Council's UDP. It is a busy road and is an important east-west route providing connection between Ruislip and Eastcote and connections between London Distributor Road and Local Distributor Roads and the wider network. The site is located close to Ruislip Station and Ruislip High Street.

A previous planning application on this site proposing 71 units was recommended for refusal on highways ground. The developer has revised the scheme to try to overcome the Council's concerns

There are single yellow line road markings along the northern side of Pembroke Road. On the southern side of Pembroke Road there are single yellow line road markings between the signal controlled junction with West End Road to the west and the proposed access point. The single yellow lines restrict parking between 8am and 6:30pm Monday to Saturday.

On-street parking takes place east of the proposed access and is congested. Parking restrictions proposed in WSP s drg no. 1250/SK/29 Rev A should be secured through s106/s278 agreement and conditions should be applied to achieved 2.4mx43m sightlines and 2.4mx2.4m pedestrian visibility splays on both sides of the access points.

South of proposed main vehicular access points, two trees fall within the required sightlines, one of which is immediately adjacent to the proposed access. The access layout is constrained; as a result swept paths for refuse vehicles and large delivery vehicles rely upon entering the lane with opposing traffic when exiting the site on to Pembroke Road. Considering the type and busy nature of Pembroke Road, such manoeuvres are not normally considered acceptable, however given the site constraints and considering that vehicles will be waiting on the give way at the access point before entering Pembroke Road, which is likely to reduce the risk of exiting vehicles colliding with opposing traffic and/or having a prejudicial effect on free flow of traffic. The access arrangements shown on WSP S drg no. 1250/SK/33 Rev B should be secured through s106/s278 agreement.

The access arrangements shown on WSP S drg no. 1250/SK/33 Rev B should be secured through s106/s278 agreement.

A shared surface arrangement is proposed within the development site, along with entrance gates 10.5 from the back of the footway, refuse & recycles storage, 48 car parking spaces including 7 disabled space, and cycle parking.

Car parking surveys at two nearby residential sites; Kings Lodge (94 units, parking provision c.0.8 per unit) and Merrion Court Site Inc. Cheriton Lodge & Jameston Lodge (83 units, parking provision c.0.7 per unit) show parking occupation of c.65.8% and c.67.5% respectively. The development proposes parking @ c.0.8 per unit. Considering the site is located close to Ruislip tube station, availability of bus services nearby, and the results of the parking surveys, the proposed parking provision is considered acceptable subject to a satisfactory parking allocation plan, which should be secured through a suitable planning condition.

The development is not considered to result in a significant impact on the capacity of the highway network.

Subject to the above issues being covered through suitable planning conditions, no objection is

raised on the highways aspect of the application.

## **7. MAIN PLANNING ISSUES**

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

The site is located within a Developed Area as designated in the Hillingdon Unitary Development Plan. Flatted residential redevelopment is considered appropriate within the developed area, subject to compliance with the various policies of the UDP.

No objection would be raised to the principle of redevelopment of Lyon Court element of the site for a more intensive flatted development, subject to compliance with the various policies of the UDP. This part of the site is considered to be suitable for residential redevelopment by virtue of its location within a predominantly residential area and its close proximity to the Ruislip Town Centre.

However, the proposal includes the redevelopment of two semi detached properties (28-30 Pembroke Road). The inclusion of these properties within the development site introduces the following policy considerations:

Loss of Residential Gardens:

The National Planning Policy Framework (NPPF), which has replaced PPS3, states that 'Local Planning Authorities should consider setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area'.

Furthermore, Policy 3.5 of the London Plan (July 2011) states that 'Housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live. Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.'

The NPPF and the London Plan (2011), do not state that development on previously undeveloped land, including back gardens, will never be acceptable. The alteration to the definition of 'previously developed land' means that Local Planning Authorities must consider all other relevant material planning considerations in greater detail to assess whether or not such considerations outweigh the loss of the private residential garden.

At present the two dwellings at No's 28 & 30 Pembroke Road and their respective gardens are sandwiched between two blocks of flats, Merrion and Lyon Courts. This section of Pembroke Road is characterised by large flatted developments, with these two storey dwellinghouses situated in the midst of these larger developments. Given this, it is considered that the demolition of these two houses and the loss of their gardens causes no demonstrable harm to the local area. The loss of these houses is outweighed by the contribution the development would make toward achieving housing targets in the borough. It is therefore considered that the principle of the proposed residential development accords with the National Planning Policy Framework and policy 3.5 of the London Plan (July 2011).

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

Policy 3.4 of the London Plan advises that Boroughs should ensure that development proposals achieve the highest possible intensity of use compatible with local context and the site's public transport accessibility. The London Plan provides a density matrix to

establish a strategic framework for appropriate densities at different locations.

The site has a PTAL of 4. Taking into account these parameters, the London Plan density matrix recommends a density range between 70 to 260 u/ha and 200 to 700 hr/ha for flatted developments within urban environments.

The scheme provides for a residential density of 133 u/ha or 343 hr/ha, at an average of 2.75 hr/unit. The proposal therefore falls within the density parameters of the London Plan.

#### Unit Mix

Saved Policies H4 and H5 seek to ensure a practicable mix of housing units are provided within residential schemes. One and two bedroom developments are encouraged within town centres, while larger family units are promoted elsewhere.

A mixture of 1, 2 and 3 bedroom units is proposed and this mix of units is considered appropriate for the private housing.

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

#### Archaeology

Policy BE3 states that the applicant will be expected to have properly assessed and planned for the archaeological implications of their proposal. Proposals which destroy important remains will not be permitted. The site does not fall within an Archaeological Priority Area.

An Archaeological Desk Based Assessment has been submitted in support of the application. The assessment considers the impact of the proposed redevelopment on archaeological assets and concludes that the site has generally low archaeological potential for as yet undiscovered archeological assets and that no further archaeological work will be required.

#### Conservation Area

Policy BE4 requires any new development within or on the fringes of a Conservation Area to preserve or enhance those features that contribute to its special architectural and visual qualities, and to make a positive contribution to the character or appearance of the conservation area.

The Urban Design and Conservation Officer notes that the large buildings within this area, including the recently constructed Merrion, Cheriton and Jameston Court to the east, predate the designation of the southern extension of the Ruislip Village Conservation Area, and should therefore not be considered as a precedent for similar new buildings in this sensitive location on the edge of the conservation area.

The proposed buildings are between three and five storeys tall and have large footprints in comparison with the traditional houses on the street frontage opposite and further to the east. Although, Ruislip Village Conservation Area is located to the north and west of the site, given the distance and intervening development between, it is not considered that the proposed development would have a direct impact on the character of the adjoining Conservation Area, in compliance with Saved Policy BE4 of the Hillingdon Unitary Development Plan.

## Listed Buildings

Policy BE10 states that development proposals should not be detrimental to the setting of listed buildings. This includes views to listed buildings (i.e., the listed Ruislip Station located to the southwest of the site and the listed signal box to the south). Any development would therefore be expected to address these matters.

The proposal has been reduced in height from the previous scheme, and has included planting to create a better setting for the listed building. It is therefore considered that the proposal would not have a detrimental impact on the setting of the listed station, in accordance with Saved Policy BE10 of the UDP.

### **7.04 Airport safeguarding**

There are no airport safeguarding issues related to this development.

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

There are no Green Belt issues associated with this site.

### **7.06 Environmental Impact**

Covered under other sections of the report.

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

Saved Policies BE13 and BE19 seek to ensure that new development complements or improves the character and amenity of the area, whilst Policy BE38 seeks the retention of topographical and landscape features and provision of new planting and landscaping in development proposals. Policy BE35 requires developments adjacent to or visible from major rail connections to be of a high standard of design, layout and landscape, and that where the opportunity arises, important local landmarks are opened up from these transport corridors. The scale, bulk and siting of buildings are key determinants in ensuring that the amenity and character of established residential areas are not compromised by new development.

London Plan Policy 7.1 sets out a series of overarching design principles for development in London and policy 7.6 seeks to promote world-class, high quality design and design-led change in key locations. In addition to Chapter 7, London Plan policies relating to density (3.4) and sustainable design and construction (5.3) are also relevant.

The proposals need to be considered with regard to the impact on Pembroke Road. This is a predominantly residential street, with a strong suburban character over most of its length. It comprises mainly detached and semi-detached two storey properties, although these are interspersed with single storey bungalows. The majority of the properties date from the 1930's and of are varied architectural styles typical of this period.

The wider context of the site includes the flatted developments in the town centres of Ruislip and Ruislip Manor, the flats at Lyon Court (part of the development site) and the flats at Nos. 32-46 Pembroke Road. This latter development has been sited as a precedent for the proposed scheme. However, it is considered that their impact on Pembroke Road is somewhat limited, due to the abundance of trees in the street and some of the front gardens. It is noted that the Inspector in refusing the scheme for flatted development at 55, 57 and 59 Pembroke Road, (Appeal Ref: APP/R5510/A/08/2072077) was of the opinion that the erection of the flats at Nos 32-46 Pembroke Road, adjacent to the development site, has not changed the character of Pembroke Road in its entirety. A mix of single storey detached bungalows and two storey detached and semi-detached houses still dominate the street scene.

It is clear that when looking at Pembroke Road the larger flatted development is close to the town centre and the more spacious residential character is further down Pembroke Road. In this regard this site (sandwiched between two flatted blocks) is less sensitive than further down Pembroke Road to the impacts of flatted developments. It should also be noted that this part of Pembroke Road has a higher Public Transport Accessibility Level (PTAL).

The Urban Design Officer raises no objections to the scale, height and massing of the proposed buildings. It is considered that the proposed buildings at two stories would not appear unduly prominent within the street scene and would be compatible with the scale of surrounding residential development. No objections are raised to the siting of the play area.

The external design of the buildings and proposed building materials, such as facing bricks, render, and tiled roofs maintain a balanced and appropriate design response with regard to the scale and context of the site. It is considered that a condition should be imposed on any permission requiring the submission of external materials details prior to the commencement of works.

Subject to compliance with this condition, it is considered that the scheme is compliant with Policies BE13, BE19 and BE21 of the UDP, relevant London Plan policies and design guidance.

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

In relation to outlook, Saved Policy BE21 requires new residential developments to be designed to protect the outlook of adjoining residents. The design guide 'Residential Layouts' advises that for two or more storey buildings, adequate distance should be maintained to avoid over dominance. A minimum distance of 15m is required, although this distance will be dependent on the extent and bulk of the buildings.

The proposal therefore complies with the guidance and is not considered to result in an over dominant form of development which would detract from the amenities of neighbouring occupiers, in compliance with Policy BE21 of the UDP.

Policy BE24 states that the design of new buildings should protect the privacy of occupiers and their neighbours. It is not considered that there would be a loss of privacy to adjoining occupiers, in accordance with Policy BE24 of the UDP Saved Policies (September 2007) and relevant design guidance.

In relation to sunlight, Policy BE20 of the UDP seeks to ensure that buildings are laid out to provide adequate sunlight and preserve the amenity of existing houses. It is not considered that there would be a material loss of day or sunlight to neighbouring properties, as the proposed buildings would be orientated or sited a sufficient distance away from adjoining properties.

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

Policy BE23 of the UDP requires the provision of external amenity space, sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting. The Council's SPD Residential Layouts specifies amenity space standards for flats.

Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document - Residential layouts, suggests that the following shared amenity space for flats and maisonettes is provided:

1 bedroom flat - 20m<sup>2</sup> per flat  
2 bedroom flat - 25m<sup>2</sup> per flat  
3+ bedroom flat - 30m<sup>2</sup> per flat

Based on the current accommodation schedule this would equate to a total of 1,425m<sup>2</sup> of shared and private amenity space for 61 dwellings.

The current development proposal provides 1,425m<sup>2</sup> of useable amenity space including 70m<sup>2</sup> of play space provision. The amenity space provided is considered acceptable, in compliance with the Hillingdon Design and Accessibility Statement (HDAS) Residential Layouts and Saved Policy BE23 of the UDP.

In terms of floor area each of the 1,2 and 3 bedroom units meets the minimum requirements as set out in the London Plan (July 2011).

Each of the units benefit from a reasonable level of privacy, outlook and light and overall, it is considered that good environmental conditions can be provided for future occupiers in compliance with relevant UDP saved policies and supplementary design guidance.

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

##### Traffic Generation

The applicant has submitted a Transport Assessment to consider the traffic impacts on the existing road capacity. It demonstrates that the level of increase in peak hour traffic resulting from the proposed development can be accommodated on Pembroke Road. The Highway Engineer therefore raises no objections on traffic generation grounds.

##### Parking

The application proposes a total of 48 parking spaces, including 10% of these spaces for people with a disability. This equates to 0.8 spaces per unit. The Council's standards allow for a maximum provision of 1.5 spaces per residential unit, a total of 106.5 spaces in this case. The site has a PTAL rating of 4 and the Council's Highways Engineer has raised no objection to the level of car parking and has confirmed that all parking spaces would be of sufficient dimensions and usable. As such, it is considered that the application complies with UDP Saved Policies AM14 and AM15.

In addition, the submitted plans indicate that secure cycle storage can be provided for 60 cycles, in the form of cycle stores within the demise of each block. The scheme would be in accordance with the Council's standards and Saved Policy AM9 of the UDP.

##### Access

The Highways Engineer advises that the access to the site is now sufficiently wide to allow vehicles to enter and exit the site without prejudicing the free flow of traffic.

In light of the above considerations it is considered that the development would not give rise to conditions prejudicial to free flow of traffic and highway and pedestrian safety. The development therefore accords with Policy AM7 of the Unitary Development Plan Saved Policies (September 2007).

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

These issues have been dealt with elsewhere in the report.

#### **7.12 Disabled access**

HDAS was adopted on the 20th December 2005 and requires all new residential units to

be built to lifetime home standards and 10% of units designed to wheelchair accessible standards. Further guidance is also provided on floor space standards for new residential development to ensure sound environmental conditions are provided on site. As a guide, the recommended minimum standard for 1 bedroom flats is 50sq. m and 63sq. m for 2 bedroom flats. Where balconies are provided, the floor space of the balconies can be deducted from these standards, up to a maximum of 5sq. metres. Additional floorspace would be required for wheelchair units.

The floor plans indicate that the development achieves HDAS recommended floor space standards and that Lifetime Home Standards could be met for these flats in terms of size.

The Access Officer is satisfied with the level of facilities provided subject to minor revisions to the internal layout of the units to ensure full compliance with all 16 Lifetime Home standards (as relevant) and Wheelchair Home Standards for 6 of the units. Subject to a condition to ensure compliance, it is considered that the scheme accords with the aims of Policies 3.4 and 7.2 of the London Plan July 2011, the Hillingdon Design and Access Statement (HDAS) Accessible Hillingdon and Policy AM15 of the UDP.

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

The London Plan sets the policy framework for affordable housing delivery in London. Policy 3A.10 and 3A.11 requires that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes, having regard to their affordable housing targets.

The Planning Obligations Supplementary Planning Document (supplementary planning guidance) adopted in July 2008 replaces the previous Supplementary Planning Guidance and updates the information and requirements of the Affordable Housing supplementary planning guidance adopted in May 2006. Chapter 5 on Affordable Housing from the Planning Obligations supplementary planning guidance paragraph 5.14 states, the council will always seek the provision of affordable housing on-site except in exceptional circumstances. The council will consider affordable housing tenure mix on a site by site basis with reference to housing needs, financial viability and/or the London Plan as appropriate.

Paragraph 5.22 states that the Council will seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes. The LDF policy acknowledges a balance between the need for affordable housing that the economic viability of private housing developments. Where less than 50% affordable housing is proposed, a justification for the departure from the London Plan and Policy CP5A will be required, together with a financial viability appraisal to demonstrate that the maximum affordable housing provision is being delivered on site.

The application exceeds the threshold of 10 units and above, therefore affordable housing provision by way of a S106 Legal Agreement is required. A Financial Viability Assessment (FVA) has been provided. This has confirmed that the scheme is not capable of providing on site affordable housing, but could provide a contribution of £40,000 towards provision elsewhere. This level of contribution has been varified by a third party assessor and is therefore considered acceptable.

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

#### **ECOLOGY**

Saved Policy EC2 of the UDP seeks the promotion of nature conservation interests. Saved policy EC5 of the UDP seeks the retention of features, enhancements and creation



of new habitats. Policy 3D.12 of the London Plan states that the planning of new development and regeneration should have regard to nature conservation and biodiversity and opportunities should be taken to achieve positive gains for conservation through the form and design of development.

The applicant submitted an Ecology Survey which suggested that the scrub area on the site could contain protected species, although an initial survey conducted by the applicant's Ecologist found no protected species. It was recommended that further surveys be carried out. However the applicant cleared the land before any further surveys had been conducted.

No objections have been received from Natural England, however the Council's Sustainability officer has indicated that a contribution should be made towards offsite ecological enhancements. Subject to this contribution and a condition to secure some on site ecological enhancement as recommended within the submitted Ecology survey the development is considered to comply with Policy EC2.

## LANDSCAPE ISSUES

Policy BE38 of the Unitary Development Plan Saved Policies states, amongst other things that development proposals will be expected to retain and utilise topographical and landscape features of merit.

The Council's Trees and Landscape Officer has raised no concerns regarding the landscape layout within the development site itself, which would provide for an appropriate mix of hard and soft landscaping supplemented by new tree planting throughout the development.

The Council's Trees and Landscape Officer has however raised concern that the proposed access point would result in works within the root protection area of a street tree, which may result in damage to the roots of this street tree.

The possibility of damage to this street tree is noted, however the street tree is not subject to a Tree Preservation Order or located within a Conservation Area. On balance it is considered that the overall benefits of the development would outweigh the impact of any damage to the tree were this to occur. The indicative landscaping details also indicate the provision of additional new tree planting (6 no.) on the front boundary of the site and the legal agreement requires protection of an existing street during construction or a replacement street tree should such damage occur, thereby ensuring that there would be no overall loss of soft landscaping within the street scene as a result of the development.

### **7.15 Sustainable waste management**

Refuse is provided in two refuse stores at ground floor level in each of the buildings. The level of waste and recycling provision is acceptable and vehicle tracking diagrams have been submitted demonstrating that the development can be adequately serviced by refuse vehicles.

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

Policies within Chapter 5 of the London Plan require developments to provide for reductions in carbon emissions, including a reduction of 25% in carbon emissions, in line with Code for Sustainable Homes Level 4.

The application is supported by an assessment which indicates that the development has been designed to achieve Level 4 of the Code for Sustainable Homes. No objections are

raised to the details submitted.

Subject to an appropriate condition to secure this implementation within the final design the scheme will comply with adopted policy.

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

There are no specific flooding or drainage issues associated with this application. However, in the event that this application is approved, it is recommended that a sustainable urban drainage condition be imposed.

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

The application site is on a busy high road. It is therefore reasonable to expect that traffic noise is likely to be high enough to affect the residential amenities of future occupiers. Although the site falls within NEC B as defined in PPG24, it is considered that flatted development is acceptable in principle, subject to adequate sound insulation.

The acoustic assessment contains recommendations which, if implemented, would reduce noise to levels that comply with reasonable standards of comfort, as defined in British Standard BS 8233:1999 'Sound insulation and noise reduction for buildings - Code of Practice'. It is considered that the issue of sound insulation can be addressed by the imposition of suitable conditions, as suggested by the Council's Environmental Protection Unit. Subject to compliance with these conditions, it is considered that the scheme would be in compliance with Saved Policy OE5 of the UDP.

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

The main issues raised regarding the scale and bulk of the development, traffic congestion and parking have been dealt with in the main body of the report.

General construction impacts, such as dust and noise, are dealt with under separate legislation and an informative is attached reminding the applicant of these requirements.

#### **7.20 Planning Obligations**

Policy R17 of the Hillingdon UDP is concerned with securing planning obligations to supplement the provision recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. The following Heads of Terms are sought:

Affordable Housing: £40,000 payment in Lieu

Education: £14,225

Health: £14,835.40

Construction Training: £47,326.09

Public Realm: £25,000

Libraries: £2,233.99

Project Management and Monitoring Fee: £5,181.02

Ecology: £25,000

Highways: Any and all highways works to be undertaken at the owners expense.

Street Tree: Protection of the street tree and making good of drainage.

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

There are no enforcement issues associated with this site.

#### **7.22 Other Issues**

Officers did initially advise the applicant that the 10% rule for flatted developments might be breached by the scheme. By providing a new 5 bed house the applicant has overcome this issue.

## **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.

## **10. CONCLUSION**

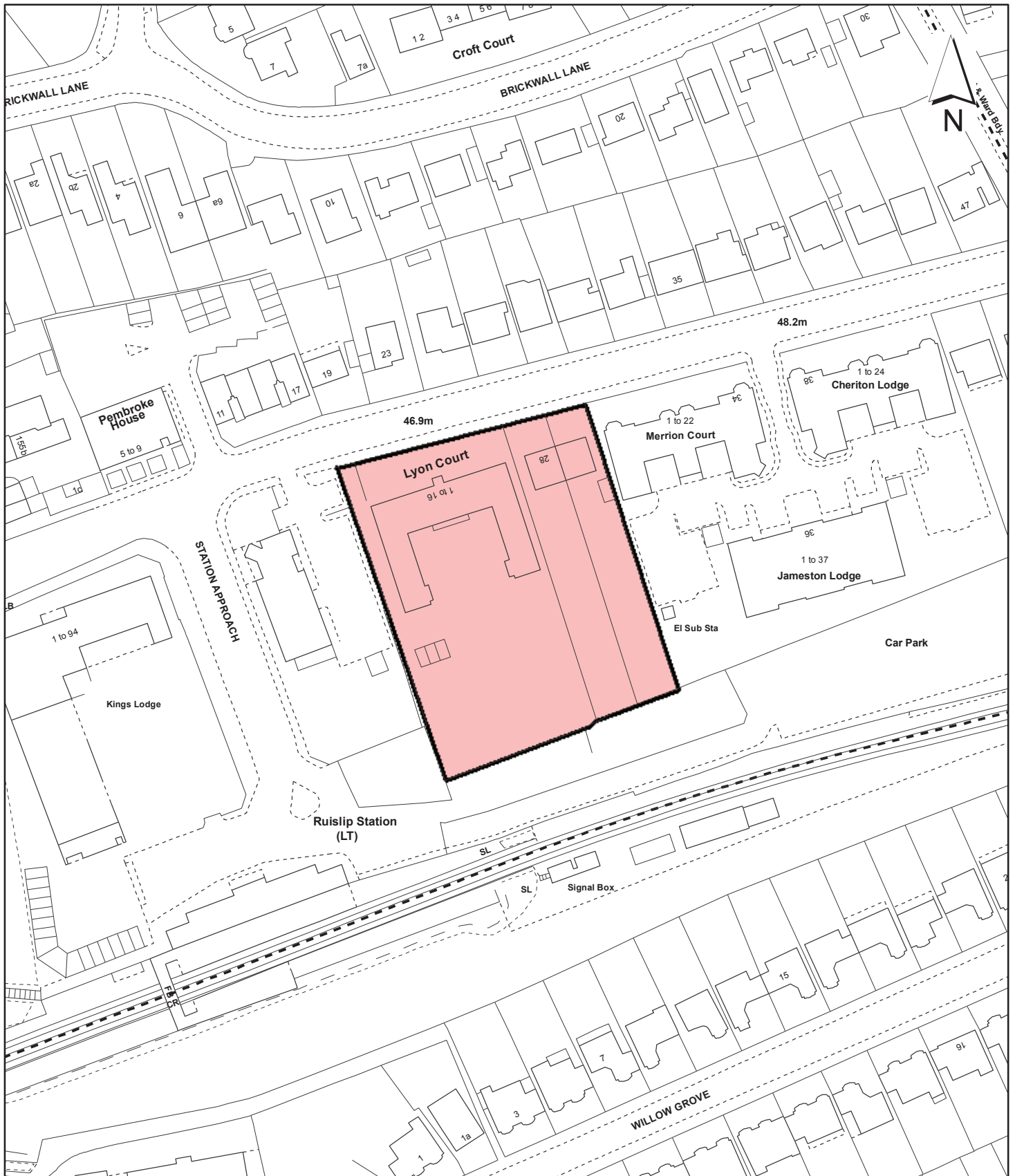
For the reasons provided throughout this report, the application is considered to be appropriate and acceptable and to comply with the relevant policies and planning guidance for the site. Therefore, the application is recommended for approval.


## **11. Reference Documents**

National Planning Policy Framework  
Hillingdon Unitary development Plan Saved Policies (September 2007)  
The London Plan July 2011  
Representations

**Contact Officer:** Matt Kolaszewski

**Telephone No:** 01895 250230



<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 2012 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center"><b>Lyon Court and 28 - 30 Pembroke Road Ruislip</b></p>		<p align="center"><b>LONDON BOROUGH OF HILLINGDON</b> Planning, Environment, Education &amp; Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center"><b>66985/APP/2011/3049</b></p>	<p>Scale</p> <p align="center"><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p align="center"><b>North</b></p>	<p>Date</p> <p align="center"><b>May 2012</b></p>	



**HILLINGDON**  
LONDON