

## Report of the Head of Planning & Enforcement

**Address** THE FERNS WITHY LANE RUISLIP

**Development:** Demolition of existing industrial building and erection of a block of 5 flats with associated parking (outline application.)

**LBH Ref Nos:** 6885/APP/2009/2650

**Drawing Nos:** 1:1250 Location plan  
05/3024/8  
05/3024/8  
Flood Risk Assessment  
05/3024/10 Rev. A  
05/3024/9  
Letter dated 15th April 2010  
Design & Access Statement

**Date Plans Received:** 07/12/2009                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 23/12/2009

### 1. SUMMARY

This scheme seeks outline planning permission to demolish the existing single storey industrial/storage buildings on site and erect a part two storey, part three storey building comprising of 3 studio and 2 one-bedroom units. Only landscaping has been reserved for subsequent approval.

Although the scheme does represent an improvement in design terms, compared to the previously refused scheme (6885/APP/2007/3707), it is considered that the proposed density is still excessive, failing to comply with the density guidelines advocated by the London Plan (February 2008). As a result, the scheme fails to harmonise with the street scene and surrounding area, with the only external amenity space being provided in the form of a roof terrace which does not satisfy Council standards. The scheme also does not make provision for education facilities. The scheme is recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1            NON2            **Non Standard reason for refusal**

The proposal by reason of its siting, overall layout, size, bulk, site coverage and excessive density, would have result in a cramped appearance and constitutes an over-development of the site with limited opportunities for landscaping, to the detriment of the character and visual amenities of the area. The proposal would result in a scale of building and hard surfacing that is inappropriate for the plot and would be to the detriment of the living conditions of future occupiers. The proposal is therefore contrary to Policies BE13, BE19 and BE38 of the Hillingdon Unitary Development Plan Saved Policies September 2007, the Supplementary Planning Document HDAS: Residential Layouts and Policy 3A.3 of the London Plan.

#### 2            NON2            **Non Standard reason for refusal**

The proposal fails to provide an adequate amount of private usable amenity space for the

future occupiers of the proposed flats to the detriment of the amenities of future occupiers and contrary to Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and the adopted Supplementary Planning Document HDAS: Residential Layouts.

### **3 NON2 Non Standard reason for refusal**

The development is estimated to give rise to a significant number of children of school age and additional provision would need to be made in the locality due to the shortfall of places in schools serving the area. Given that a legal agreement at this stage has not been offered or secured, the proposal is considered to be contrary to Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the adopted London Borough of Hillingdon Planning Obligations Supplementary Planning Document (July 2008).

## **INFORMATIVES**

### **1 I52 Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

OL5	Development proposals adjacent to the Green Belt
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
H4	Mix of housing units
H8	Change of use from non-residential to residential
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP	London Plan (February 2008)

PPS1	Delivering Sustainable Development
PPS3	Housing
HDAS	Residential Layouts Accessible Hillingdon
SPG	Interim Housing Supplementary Planning Guidance, April 2010

### 3

The applicant is advised that in the event of any resubmission the bathrooms/en-suite facilities should be designed in accordance with Lifetime Home standards. Whilst it is acknowledged that the relevant space standards in front and to the side of the WC have been incorporated, the vanity unit design would not be conducive to the spirit of Lifetime Home standards. The vanity units should be designed out or staggered to allow a wheelchair user to reverse back sufficiently to perform a successful side transfer from wheelchair to WC. In addition, a kneehole space of 700mm high and 500mm deep should be incorporated to allow wheelchair access to the basin. To allow bathrooms to be used as a wet room in future, any future detailed application should indicate floor gully drainage.

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The L-shaped application site is located on the east side of Withy Lane, some 25m to the north of its junction with Breakspear Road. It comprises a detached part single storey, part two storey detached building in use as a stone mason's workshop with ancillary storage.

To the south of the application site, fronting Breakspear Road is Rotary House, a three storey building comprising two floors of office space with residential flats above. Car parking serving the building and its access from Withy Lane separates the two sites. To the east of Rotary House is a 24 hour service station with car washing facilities and to the north of the application site is the Ruislip Fire Station. On the opposite side of Withy Lane is the Breakspear Crematorium, with two cottages within its grounds immediately opposite the application site. The site on the southern side of Breakspear Road, opposite Withy Lane incorporates a Grade II Listed Building and is in use for car sales.

Breakspear Crematorium forms part of the Green Belt, a designation which also includes Withy Lane itself.

### 3.2 Proposed Scheme

This application seeks outline permission for the erection of an 'L' shaped, part two storey, part three storey building sited on the eastern side of Withy Lane, some 20m to the north of its junction with Breakspear Road. The proposal would involve the demolition of the existing part single storey, part two storey workshop and associated storage buildings. The proposed building would comprise 3 studio and 2 one-bedroom flats, with associated car parking. Only landscaping has been reserved for subsequent approval. A total of 6 car parking spaces would be provided, 5 spaces at the rear of the site, accessed through an undercroft via a triple width crossover, with a disabled space and bin and cycle storage provision within the undercroft. The rest of the ground floor would be taken up by a studio flat, with a studio and one-bedroom flat on the first and second floors above. The northern half of the roof space would be used as a communal roof terrace. The building would be set back 300mm from the northern side boundary and 1.05 from the southern side

boundary. It would be set back from Withy Lane at its nearest point by 800mm, increasing to 2.4m at its southern end. The building would have a maximum width of 18m and depth of 11.2m and drops to a two storey height for 3m of its width on the southern side. The building incorporates a front projecting communal staircase and private balconies and curved roof elements.

### **3.3 Relevant Planning History**

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

This application follows four applications for residential development at the site, one of which was withdrawn. The most recent was for a three storey building with roof terrace to provide 5 one-bedroom flats (6885/APP/2007/3707) which was refused on the 15th December 2008 for the following reasons:

1. The proposal by reason of its siting, design, overall layout, size, bulk, site coverage and excessive density, would have a cramped appearance and constitutes an over-development of the site, to the detriment of the character and visual amenities of the area. The proposal would result in a scale of building and hard surfacing that is inappropriate for the plot and would compromise residential development standards to the detriment of the living conditions of prospective occupiers. The proposal is therefore contrary to Policies BE13, BE19 and BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), the Supplementary Planning Document HDAS: Residential Layouts and Policy 3A.3 of the London Plan.

2. Whilst the applicant has marketed the business, no information has been supplied as to the marketing of the site for business purposes. As such, it is considered that the applicant has failed to justify the loss of the existing workshop and the proposal is thus contrary to Policy LE4 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3. The floor areas of three of the proposed 1-bed flats are below the minimum 50m<sup>2</sup> internal floor area required for a one-bedroom flat. As such the proposal fails to provide a satisfactory residential environment for future occupiers, contrary to Policies BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and section 4.0 of the Council's HDAS (SPD) 'Residential Layouts'.

4. The proposed development by reason of its overall size, height, siting and length of projection would result in an overdominant/visually obtrusive form of development in relation to the neighbouring residential flats at Rotary House, and as such would constitute an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to Policies BE19 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's HDAS (SPD) 'Residential Layouts'.

5. The proposal fails to provide an adequate amount of private usable amenity space for the future occupiers of the proposed flats to the detriment of the amenities of future occupiers and contrary to Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and HDAS (SPD) 'Residential Layouts'.

6. The proposed plans indicate that the rear parking spaces 1, 2 and 3 will be reduced in size by the boundary landscaping to below Council Standards of 2.4m wide by 4.8m long, and in turn would be likely to reduce the aisle width or forecourt depth to below the Council's minimum of 6m. As a result the proposal would be detrimental to highway and pedestrian safety contrary to Policies AM7 (ii) and AM14 and the Council's Car Parking

Standards of the Hillingdon Unitary Development Plan, Saved Policies (September 2007).

6885/APP/2005/3075 - Full permission for the erection of a four-storey building containing 6 one-bedroom flats together with parking spaces was refused on 3rd May 2006 on grounds of excessive density, Green Belt grounds, impact upon flats at Rotary House, inadequate amenity space and inadequate car parking.

6885/APP/2004/745 - Outline permission for the erection of a three-storey building containing three two-bedroom flats and 6 one-bedroom flats and car parking spaces was withdrawn on 12th August 2004.

6885/K/97/808 - Outline permission for the erection of a three storey block of 6 flats including access and parking was refused on 18th March 1998 on grounds of excessive density, disputed ownership of whole site, inadequate amenity space, excessive disturbance of amenity space by vehicle movements, inadequate parking, no archaeological and noise assessments and inadequate visibility.

#### **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.                                    |
| PT1.16 | To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.                                       |
| 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:

- |      |   |
|------|---|
| OL5  | Development proposals adjacent to the Green Belt  |
| BE13 | New development must harmonise with the existing street scene.  |
| BE19 | New development must improve or complement the character of the area.   |
| BE20 | Daylight and sunlight considerations.   |
| BE21 | Siting, bulk and proximity of new buildings/extensions.   |
| 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.  |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| OE11 | Development involving hazardous substances and contaminated land - requirement for ameliorative measures                  |
| H4   | Mix of housing units  |

H8	Change of use from non-residential to residential
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP	London Plan (February 2008)
PPS1	Delivering Sustainable Development
PPS3	Housing
HDAS	Residential Layouts Accessible Hillingdon
SPG	Interim Housing Supplementary Planning Guidance, April 2010

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

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

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

## **6. Consultations**

### **External Consultees**

20 neighbouring properties have been consulted on the application. 1 letter has been received and a petition in support of the proposal with 21 signatures was submitted with the application.

The individual letter is sent on behalf of residents of Rotary House and states that they would have no objections, providing:

- (i) No access will be allowed for all vehicles, either construction or future residents across our boundaries;
- (ii) No loss of natural light into Rotary House;
- (iii) Require method statements to show how dust and/or debris would be kept away from residents and employees cars and the prevention of dust pollution into offices and residential apartments.

The petition in support states:

1. The flats are accommodated on land which is currently underused, allowing for new homes without causing pressure to build on green field sites;
2. The application site is well located in close proximity to amenities and very good primary and secondary schools;
3. The scheme has been designed in order to protect the residential amenity of the neighbouring properties;
4. The flats harmonise with the character and appearance of the area;

Ruislip Residents' Association:

This latest proposal appears to have a footprint and overall height similar to the previous application (6885/APP/2007/3707), which was refused in December 2008. Our comments therefore are similar to those stated in our letter dated 20 February 2008 regarding that application, ie.

\* The proposed building would be over dominant on Withy Lane

\* Due to the lack of amenity space at ground at ground level it is proposed to provide a roof terrace. Use of this terrace would result in overlooking of the rear gardens of Crematorium Cottages and grounds. Also when used by the occupants of the five flats and any guests it could result in an unacceptably high level of noise. As officers will be aware this is more noticeable when generated at roof level and could affect the amenity of nearby residential properties and the Crematorium.

We therefore feel the development is not in character with the area.

We are also concerned about the effect the development would have on the adjacent deciduous tree adjacent to the northwest corner of the site.

Ickenham Residents' Association: No comments received.

Environment Agency:

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

#### Condition 1

The development hereby permitted shall not be commenced until such time as a scheme to ensure finished floor levels are set no lower than 44.65m above Ordnance Datum (AOD) has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

#### Condition 2

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment (PRA) which has identified:
  - \* All previous uses;
  - \* Potential contaminants associated with those uses;
  - \* A conceptual model of the site indicating sources, pathways and receptors;
  - \* Potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- 3) The site investigation scheme, based on (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

**Reason:**

The site lies within an inner source protection zone and there is no London clay to protect the major groundwater aquifer. There is insufficient information to make an assessment of the potential for contamination from previous uses to adversely affect groundwater.

Note: We wish to be consulted on any details submitted in compliance with the above conditions.

**Internal Consultees**

Tree Officer:

**The Site**

The application form continues to make no reference to the off-site Ash tree to the north of the site. However, the location and approximate spread of the tree is shown on drawing Nos.9 and 10 Rev A. There are no TPO's or Conservation Area designations affecting trees on, or close to, the site.

**The Proposal**

Following previous submissions for the re-development of this site, the current outline application proposes to demolish the existing stone mason's yard and erect a block of 5No. flats with associated parking.

The Design & Access Statement fails to comply with CABE's guidance in as much that it makes no assessment of the local landscape quality and sets out no specific landscape objectives for the enhancement of the site as an integral part of the development. However, it does refer to a communal roof terrace and the provision of private balconies. Drawing ref. 9 and 10 Rev A indicate the presence of planting to the Wither Lane frontage and around the rear parking court.

**Key Landscape Issues**

There is no comment made about the off-site Ash tree but it appears likely that it will be affected by the development. Tree surgery and possibly removal will be necessary. Saved policy BE38 requires landscape enhancement as an integral part of the development. If the amenity space provision is to rely on the roof terrace and private balconies, the roof should be both functional and attractive. Similarly, the balconies should be deep enough to sit out on (i.e. not Juliet balconies). Due to the nature of the shared/communal open spaces, details of the landscape management and maintenance will be required to ensure that the landscape is established and maintained in accordance with the design objectives.

**Recommendation**

If you are minded to approve this application, there are no objections subject to reserved matters (landscape) and conditions TL1, TL2, TL3, TL4, TL6 and TL7.

**Highway Engineer:**

The provision of 6 car parking spaces, including 1 disabled bay is in accordance with the Council's maximum car parking standards. The disabled bay should have a 1.2m clear transfer space marked to the side and rear of the bay. The parking provision and design of the disabled bay including surface material of the access road and parking area should be covered through a suitable planning condition.

The Council's minimum cycle parking standards stipulate a requirement of 5 spaces. The proposed cycle storage is not suitable for 5 spaces. A suitable condition should be attached to provide 5 cycle



parking/storage spaces, details of which shall be submitted to and approved by LPA.

A suitable planning condition should be applied to restrict the access width to 4.1m.

The vehicular access shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

The location of refuse and recycle storage is within acceptable trundle distance from the highway.

It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system. The hardstanding shall therefore be so designed and constructed that surface water from the private land shall not be permitted to drain onto the highway or into the highway drainage system. This should be covered through an informative.

Subject to the above conditions being applied, there is no objection on the highways aspect of the proposals.

Environmental Protection Services: I do not wish to object to this proposal.

Two environmental protection issues need to be addressed. These are noise and contaminated land. Air quality is not a significant factor given the size of the proposal and its location outside an air quality management area.

#### Contaminated land

The site is presently used as a stonemason's yard. According to the applicant the site was previously used as a metal works and there was another industrial use prior to that. Metalworking can involve the use of toxic materials such as chromium and cyanide. Volatile organic compounds can be used as degreasing agents in such works. It would not be surprising to find evidence of these substances at this site. In addition to the site itself adjacent uses have to be considered. East of the site is a service station. The possibility of leaks from underground fuel tanks cannot be discounted and there is a corresponding risk that the site might have been affected. Similar considerations apply in respect of the fire station north of the application site where it is likely that polluting materials have been used in the course of fire training. There are no landfills known to exist within 250 metres of the site.

A desktop study is required to determine the site characteristics and identify all possible risks that may exist on the site and its surrounding in relation to the proposed residential development, by reviewing the current/historical land uses and ground conditions. Should planning permission be granted I would therefore recommend the following condition be applied;

#### Condition 1

Before any part of this development is commenced a site survey to assess the land contamination levels shall be carried out to the satisfaction of the Council and a remediation scheme for removing or rendering innocuous all contaminates from the site shall be submitted to and approved by the LPA. The remediation scheme shall include an assessment of the extent of site contamination and provide in detail the remedial measures to be taken to avoid risk to the occupiers of the site, members of the public, buildings and the environment when the site is developed. All works that form part of this remediation scheme shall be completed before any part of the development is occupied, unless otherwise agreed in writing by the LPA.

Any imported material i.e. soil shall be tested for contamination levels therein to the satisfaction of the Council.

Reason: To ensure that the occupants of the development are not subjected to any risks from land contamination.

The Supplementary Planning Guidance on land contamination gives general advice on information required to discharge the planning condition.

#### Noise

The proposed development comprises flats only so there is no need to consider the effects of noise on private gardens because there are none. The site is not adversely affected by road, rail or air traffic noise. The office block to the south of the site would not be expected to be a significant source of noise, other than the six air conditioning units on the façade and the staff parking. The fire station, although a twenty-four hour emergency operation is not known to be a source of complaints about noise and neither is the service station east of the site. However, the proximity of these uses, particularly the service station, does present a risk of noise disturbance. The service station is open round the clock however it has been confirmed by EPU that the car wash at the adjacent BP service station ceases to be used at 20:00 hours.

Residents living near 24 hour service stations may experience noise from vehicles arriving and departing, from car radios, from customers themselves and ancillary equipment such as car washes, air pumps and the like. Equally, hydraulic and pneumatic equipment may be used by the Fire Service for example for training purposes in the yard.

The scale of the proposed development is such that to require an acoustic assessment would probably be excessive. It would be more cost-effective to require that the applicant submit a scheme for approval of the window schedule for the habitable rooms (bedrooms and living rooms) of the flats on the eastern façade and the following condition is advised;

#### Condition 2

The use hereby permitted shall not commence until a scheme for the design and specification of the windows and ventilation for the habitable rooms of the flats on the eastern façade as shown on the submitted plan numbered 05/3024/10 has been submitted to and approved by, the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for so long as the development is available for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

Reason: To safeguard the amenities of the new residential properties.

Informative. The scheme should specify acoustic double-glazing and ventilation provision capable of providing adequate ventilation without the windows having to be opened.

#### Environmental Protection Services (Land Contamination):

The application site appears to be a former works based on Ordnance Survey maps. The nature of the works is unknown. Ideally with these types of application a contamination survey should be submitted with the application. In its absence the following contaminated land condition is advised for any permission given.

'Before any part of this development is commenced a site survey to assess the land contamination levels shall be carried out to the satisfaction of the Council and a remediation scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved by the Local Planning Authority. The remediation scheme shall include an assessment of the extent of site contamination and provide in detail the remedial measures to be taken to avoid risk to the occupiers and the buildings when the site is developed. All works which form part of this remediation scheme shall be completed before any part of the development is occupied (unless otherwise agreed in writing by the Local Planning Authority). The condition will not be discharged until verification information has been submitted for the remedial works. Any imported material i.e. soil shall be tested for contamination levels therein to the satisfaction of the Council.

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).'

Note: The Environmental Protection Unit (EPU) must be consulted at each stage for their advice when using this condition. Supplementary Planning Guidance on Land Contamination provides some general guidance on the information required to satisfy the condition. The Environment Agency, EA, should be consulted when using this condition. Contaminates may be present in the soil, water (ground/surface) and gas within the land or exist on the surface of the land.

Access Officer:

I have no fundamental objections to this scheme. If the application is refused I would request the following informative as part of any future re-submission:

The bathrooms/en-suite facilities should be designed in accordance with Lifetime Home standards. Whilst it is acknowledged that the relevant space standards in front and to the side of the WC have been incorporated, the vanity unit design would not be conducive to the spirit of Lifetime Home standards. The vanity units should be designed out or staggered to allow a wheelchair user to reverse back sufficiently to perform a successful side transfer from wheelchair to WC. In addition, a knee-hole space of 700mm high and 500mm deep should be incorporated to allow wheelchair access to the basin. To allow bathrooms to be used as a wet room in future, any future detailed application should indicate floor gulley drainage.

## **7. MAIN PLANNING ISSUES**

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

Policy LE4 of the UDP (Saved Policies) states that proposals which involve the loss of existing industrial floorspace or land outside of designated Industrial and Business Areas will only be permitted if the existing use seriously affects amenity, is unsuitable for industrial/business redevelopment, is unlikely to be used for industrial /warehousing space in the future and accord with the Council's regeneration policies for the area.

The applicants state that Withy Lane is a narrow cul-de-sac with The Ferns being the only industrial use in the road. The use is unrestricted in terms of operating hours and being a small restricted site with no scope to expand, the use for the preparation and cutting of stone products ranging from granite worktops to memorials makes servicing of the site extremely difficult, given the narrow width of road. The lack of off-street parking results in delivery lorries blocking the road which has resulted in complaints to the Council, as has the open storage of wood used in the packaging waiting for disposal due to the lack of space on site. Given the above, there is little prospect of the site continuing in its current use.

As regards employment, the applicants state that there is currently only one full time

employee with other specialist contractors visiting the site to carry out specialist tasks so that any impact upon employment with the loss of the use would be negligible. They are also seeking alternative premises within the borough.

It is considered that the existing use of the site clearly has the potential to seriously affect surrounding properties and given its restricted size and location, is unlikely to be used for industrial/business purposes in the future. As such, it is considered that it has been demonstrated that the scheme accords with Policy LE4 and overcomes the second reason for refusal of the previous scheme.

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

Table 3.2 of the London Plan (February 2008) recommends that developments on suburban sites with a PTAL score of 1 should be within the ranges of 50 - 75 u/ha or 150 - 200 hr/ha. Counting the larger habitable rooms with an internal floor area in excess of 20m<sup>2</sup> that are capable of being subdivided, this scheme has a density of 148 u/ha and 349 hr/ha which is above both thresholds. Whilst the density matrix contained in Table 3.2 is clearly intended as a guide, the latest guidance from the Mayor contained in the Interim Housing Supplementary Planning Guidance, April 2010 advises at paragraph 3.4 that 'unless additional reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should be resisted.'

It is considered that the density of the development is excessive and the site cannot accommodate the proposed level of development whilst maintaining a satisfactory environment within and around the site. No ground floor amenity space is provided, with the only amenity space proposed taking the form of a roof terrace which does not satisfy standards. The proposed building is also sited hard up against the site boundaries, with little provision being made for landscaping. Given the proposed siting and layout, it is considered that the scheme would not harmonise with the surrounding area and fails to achieve good environmental conditions for future residents of the flats, contrary to London Plan Guidelines and Council policies. This illustrates the cramped nature of the proposal. As such, the scheme has not overcome the first reason for refusal of the previous scheme (6885/APP/2007/3707).

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

The application site is not within an Archaeological Priority Area and is not within a Conservation Area or an Area of Special Local Interest. There is a Grade II Listed Building on the opposite side of Breakspear Road but it is considered that the proposal would be too remote from this building to adversely affect its setting, particularly as the building is surrounded by vehicles being offered for sale.

#### **7.04 Airport safeguarding**

Not applicable to this development.

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

As regards the green belt reason for refusal of application 6885/APP/2005/3075, the Officer's report to committee on the 9th December 2009 considering the previous scheme (6885/APP/2007/3707) advised that 'the Council's GIS now places the application site outside the green belt. As such, Green Belt issue does not form part of the assessment of the current application.'

In terms of Policy OL5 of the UDP (Saved Policies) and the impact of development adjacent to the Green Belt, it is considered that the proposal would not adversely harm its open character, given the siting and scale of adjoining development, including the adjoining three storey Rotary House, five storey tower at the adjoining Ruislip Fire Station and two storey terrace housing at the northern end of Withy Lane.

## **7.06 Environmental Impact**

Not applicable to this development.

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

Policies BE13 and BE19 require development to harmonise with the street scene and to safeguard the amenity and character of the surrounding area.

Withy Lane is characterised by a mix of residential and commercial/industrial properties of differing design, which are predominantly two and three storeys in height. The area is also somewhat dominated by the five storey training tower at the Ruislip Fire Station immediately adjoining the site to the north. The application site itself consists of two buildings. The main building is part single, part two-storey, with both pitched and flat roof components, and fronts directly onto Withy Lane. It is currently used as a workshop and ancillary offices. The secondary building is single storey with a flat corrugated roof and is used for storage.

No objections are raised to the design of the proposal. It is considered to be of an acceptable modern asymmetrical design, incorporating flat and curved roof elements that add visual interest and successfully step down the mass of the building. The use of balconies on the front elevation with a projecting centrally sited stairwell helps to break up the mass of the building, as does the use of contrasting brickwork and render between the ground/first and second floors. The main concern relates to the extent that the building fills the site, with little in the way of landscaping being provided and the area to the rear of the building would almost be entirely hardsurfaced to accommodate off-street car parking.

Furthermore, Policy BE22 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) requires buildings of two or more storeys to be set back a minimum of 1m from the side boundaries for the full height of the building. The building does not achieve this on its northern boundary, with only a 300mm gap being proposed. Although this policy is primarily concerned with ensuring that visual gaps are provided between buildings, the overall height and depth of the building and its proximity to the northern side boundary would give the building an unduly cramped appearance. The lack of a setback would also not afford any opportunity for planting to help break up the mass of the building as viewed from the north. Furthermore, although visual coalescence with the proposed building is unlikely to occur presently, as the site adjoins the relatively open fire station to the north, the site may be redeveloped in the future. The proposal is therefore considered to be contrary to policy BE22.

## **7.08 Impact on neighbours**

The nearest residential properties to the application site are the second floor flats in Rotary House and Crematorium cottages, the two houses on the opposite side of Withy Lane.

The nearest part of the proposed building would be sited 7.5m from the existing flats. However, at this point, the building would be two storey (a major change from the previously refused scheme which proposed 3 storeys), only increasing to 3 storey at a distance of 10.5m. Design guidance advises that development of two or more storeys should be sited at least 15m from adjoining habitable room windows. However, that guidance assumes the habitable room windows will be at ground floor, whereas in this instance, the three storey element of the proposed building only represents a single storey building as viewed from the second floor flats. As such, the spirit and purpose of the guidance would not be breached and the 10.5m separation gap is adequate to prevent the building from appearing unduly dominant. In terms of loss of sunlight, the flats in Rotary House, being sited to the south of the proposal would not be affected and there are no

windows proposed in the flank elevation of the building facing Rotary House and the side walls to the roof terrace would prevent any overlooking to Rotary house.

As regards Crematorium Cottages, the proposed building and its roof terrace would be sited over 21m from the habitable room windows of the nearest house, No. 2 Crematorium Cottages and its rear amenity space.

As such, it is considered that the revised scheme overcomes the reason for refusal of the previous scheme and complies with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Saved Policies (September 2007) and the Council's SPD HDAS: Residential Layouts.

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

All the habitable rooms of the proposed flats would have an adequate outlook and all their facilities would be self-contained. The one-bedroom flats would have an internal floor area of 56m<sup>2</sup> and the ground and first floor studio flats would have floor areas of 45m<sup>2</sup>, with the second floor studio unit having a floor area of 33m<sup>2</sup>. These areas are adequate to ensure that the floor areas satisfy the Council's minimum floor areas of 33m<sup>2</sup> and 50m<sup>2</sup> for studio and one-bedroom flats as contained in the Council's SPD HDAS: Residential Layouts. It is therefore considered that the units would provide internal floor space to achieve adequate living conditions for their future occupiers. The scheme is considered to have overcome the third reason for refusal of the previous application (6885/APP/2007/3707).

Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) requires the provision of amenity space, which is usable in terms of its shape and siting. The Council's SPD HDAS: Residential Layouts, advises that 20m<sup>2</sup> of amenity space is required for each studio and one-bedroom flats, giving a total requirement of 100m<sup>2</sup> for the 5 units. The proposal does not provide any ground floor amenity space. A shared roof terrace is proposed, with an area of 56m<sup>2</sup>. However, this reduces to 40m<sup>2</sup> if the roof area shown to contain five solar panels is not included in the assessment of usable amenity area. The proposal also includes small balconies for each of the flats, but these would have floor areas of less than 3m<sup>2</sup>. It is noted that there are public parks and open space within easy walking distance of the site, but the Council standards relate to private space and it is concluded that given the size of the shortfall from these minimum standards, a relaxation from standards would not be justified in this suburban location. It is therefore concluded that the size, form and location of the proposed amenity space is not considered to result in satisfactory usable amenity space for the occupiers of the development and as such, the proposal would not afford satisfactory living conditions for future occupants, contrary to policy BE23 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's SPD HDAS: Residential Layouts. The proposal fails to overcome the fifth reason for refusal of the previous scheme.

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

The Council's adopted car parking standards require a maximum provision of 1.5 spaces per unit and 6 spaces are proposed. The Council's Highway Engineer raises no objections to this level of provision and the general layout is acceptable. Other issues raised by the Highway Engineer relate to access around the disabled parking space, surface materials of parking spaces and access road, cycle parking and restriction of the width of access to 4.1m could be controlled by condition, if the application were not recommended for refusal. The proposal is therefore considered to comply with policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan saved Policies (September 2007) and overcomes the sixth reason for refusal of the previous scheme.

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

This is dealt with in Sections 7.07 and 7.09.

#### **7.12 Disabled access**

The Council's Access Officer does not raise objection to the scheme, advising on detailed matters as regards compliance with Lifetime Homes standards. If the proposal had not been recommended for refusal, this could have been dealt with by way of a condition.

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

Not applicable to this development.

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

The Council's Tree Officer advises that an off-site Ash Tree immediately to the north of the site will possibly be required to be removed to accommodate the scheme, but no objections are raised to this loss. If the application had been recommended for approval, a comprehensive landscaping scheme would have been required as part of the reserved matters and conditions attached to any outline approval. As such, the scheme complies with policy BE38 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

The proposal makes adequate provision for refuse/recycling storage, the details of which would have been required by condition if the application were being recommended for approval.

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

The proposal does ensure that all the habitable rooms would be well served by natural daylight and five solar panels have been included on the roof terrace. An appropriate renewable energy scheme would have been conditioned if the application had not been recommended for refusal.

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

Policy OE7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) advises of the need to provide flood protection measures in new development in areas liable to flood. A flood risk assessment has been submitted with the application and the Environment Agency advise of the need for a condition to ensure that finished floor levels are at a suitable height. This would have been attached if the application had not been recommended for refusal. As such, the scheme complies with Policy OE7 of the saved UDP.

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

The site is surrounded by non-residential development, including the fire station immediately to the north, the car parking area serving Rotary House to the south and the 24 hour Burt Street Service Station to the rear. Such uses could generate disturbance to the occupiers of the proposed flats. However, the Council's Environmental Protection Officer considers that the potential for noise would be limited and could be mitigated through an appropriate condition requiring details of the windows and ventilation on the eastern facade to be submitted. If the application were to be approved, a condition would be recommended requiring such a scheme. As such, the scheme complies with policies OE1 and OE3 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) requiring details of a noise mitigation scheme.

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

As regards the matters raised in the individual response letter, point (i) is noted. Point (ii) is dealt with in the main report and Point (ii), relating to dust/debris would have been conditioned as part of a Construction Management Plan. The matters raised in the petition in support are noted and the objections raised by the Ruislip Residents' Association have been dealt with in the main report.

#### **7.20 Planning Obligations**

Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) 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. These UDP policies are supported by more specific supplementary planning guidance.

Education Services advise that this scheme generates a need of a total contribution towards additional education space of £3,165 (Primary - £454, Secondary - £1,757 and £954 Post 16). As the application is being recommended for refusal, no detailed negotiations have been entered into with the developer in respect of this contribution. As no legal agreement to address this issue has been offered, the proposal fails to comply with Policy R17 of the UDP Saved Policies (September 2007) and it is recommended the application should be refused on this basis.

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

Not applicable to this development.

#### **7.22 Other Issues**

The Council's Environmental Protection Officers and the Environment Agency raise concerns regarding the possibility of land contamination on site. However, they also advise that this could be dealt with by suitable condition(s) if the application were to be recommended for approval.

### **8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

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



Not applicable to this development.

## **10. CONCLUSION**

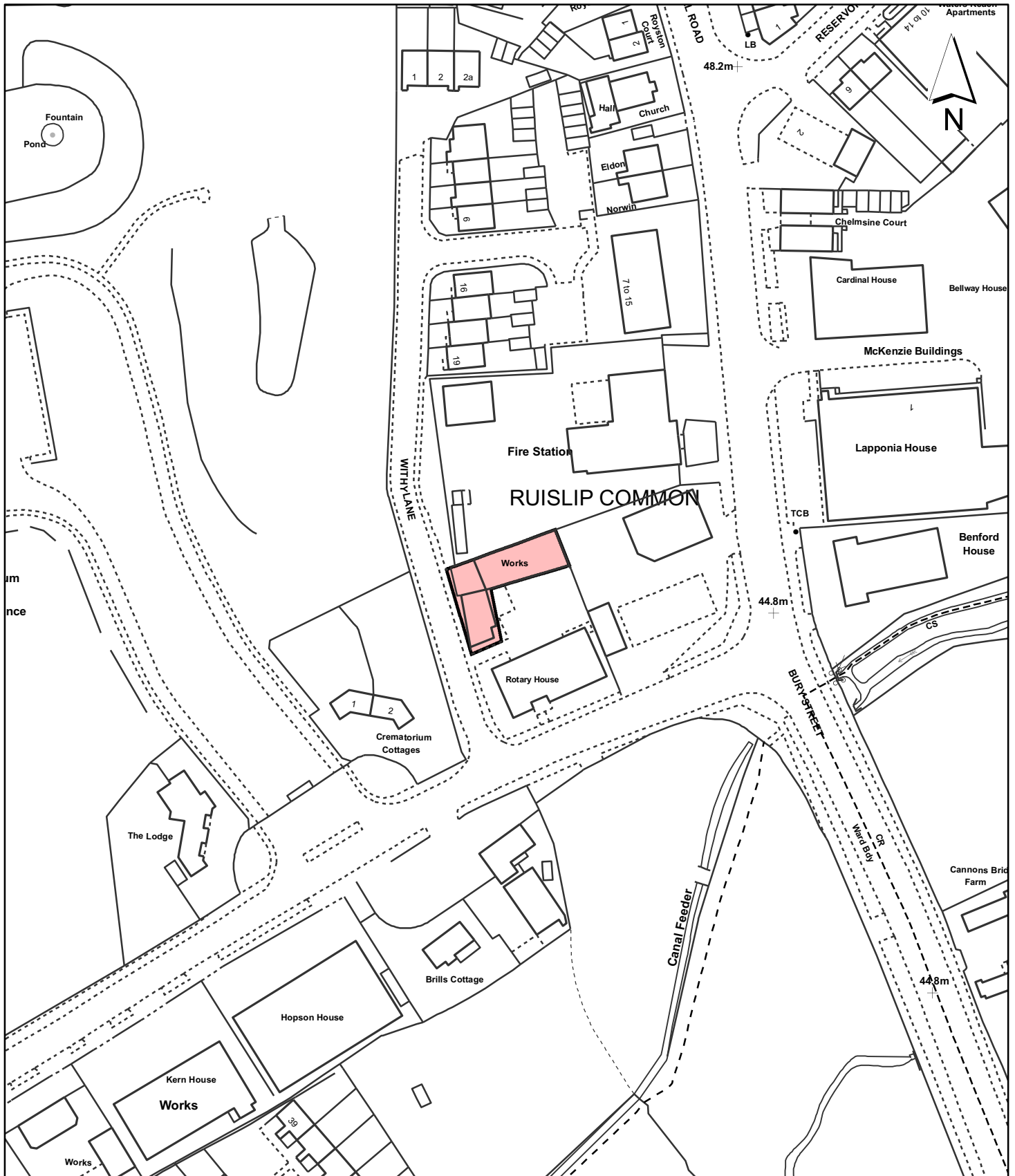
This scheme is considered to have too high a density, in excess of that recommended by the London Plan which fails to harmonise with the surrounding area and does not satisfy the minimum amount of amenity space required by guidance. The scheme also does not make provision to secure a contribution towards additional education facilities. The scheme is recommended for refusal.

## **11. Reference Documents**


Planning Policy Statement 1 (Delivering Sustainable Development)  
Planning Policy Statement 3 (Housing)  
The London Plan  
Mayor's Interim Housing Supplementary Planning Guidance, April 2010  
Hillingdon Unitary Development Plan Saved Policies September 2007.  
Hillingdon Design and Accessibility Statement - Residential Layouts  
Supplementary Planning Guidance - Educational Facilities  
Consultation responses

**Contact Officer:** Richard Phillips

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**Notes**

 Site boundary

For identification purposes only.

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Site Address

**The Ferns  
Withy Lane  
Ruislip**

Planning Application Ref:

**6885/APP/2009/2650**

Planning Committee

**North**

Scale

**1:1,250**

Date

**May 2010**

**LONDON BOROUGH  
OF HILLINGDON  
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