

## Report of the Head of Planning & Enforcement Services

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

**Development:** Erection of part 2, part 3, part 4 storey blocks, plus accommodation in roof space, to provide 71, one, two and three bedroom flats, together with associated parking and landscaping (involving demolition of existing buildings).

**LBH Ref Nos:** 66985/APP/2010/2894

**Drawing Nos:** 1214/P121 REV A  
1214/P100 REV Q  
1214/P120  
1214/P101 REV Q  
1214/P102 REV Q  
1214/P110 REV L  
1214/P111 REV F  
D1883 L.100 REV C  
1214/P103 REV Q  
DAT/9.0  
Design and Access Statement  
Tree Survey  
Residential Travel Plan  
Transport Assessment  
Statement of Community Involvement  
Planning Statement  
Ecological Scoping Survey  
Noise and Vibration Assessment  
Pre-Purchase Flood Risk Statement  
Landscape Design Statement  
Archaeological Desk Based Assessment  
Daylight and Sunlight Report  
Renewable Energy Strategy  
Ecological Scoping Survey  
Arboricultural Method Statement (January 2011)

**Date Plans Received:** 15/12/2010                      **Date(s) of Amendment(s):**

**Date Application Valid:** 01/02/2011

### 1. SUMMARY

Planning permission is sought for the erection of of part 2, part 3, part 4 storey blocks, plus accommodation in roof space, to provide 71, one, two and three bedroom flats, together with associated parking and landscaping (involving demolition of existing buildings). The proposal includes parking for 61 cars , 76 secure cycle spaces and a bin stores, together with associated landscaping.

Five letters of objection have been received, objecting to the proposal on the grounds of inadequate parking, traffic congestion, the scale of the development, impact on residential amenity and construction impacts. Objections have also been received from the Ruislip Residents' Association and Ruislip, Northwood and Eastcote Local History Society.

While there is in general no objection to the principle of an intensification of use on existing residential sites, it is considered that in this instance, the loss of two large back gardens in this location and the lack of provision for the protection of an important Street Maple tree is a matter of material concern. The proposed redevelopment of these large private back gardens would have a detrimental impact on the character and appearance of the area, whilst the application does not make adequate provision for landscaping, and screening of the proposed buildings and car park. The loss of trees and this important 'green lung' are of particular concern and are considered to outweigh the contribution the development would make to achieving housing targets in the Borough.

In addition, the proposal will result in more than 10% of properties in Pembroke Road being redeveloped for flatted development, in breach of adopted planning design guidance. Crucially, it is the cumulative impact of the proposed buildings, in close proximity to the existing flatted development to the east, that gives rise to particular concern, as the development would create a group of uncharacteristically large buildings within the street scene, thus further eroding the area's traditional suburban scale and character. The principle of the development cannot therefore be supported.

In terms of the overall scale, site coverage, design and layout it is considered that the proposed development represents an over-development of the site, that would result in a cramped, unduly intrusive, visually prominent and inappropriate form of development, out of keeping with the character and appearance of the surrounding area.

Whilst it is not considered that the proposal will have a direct impact on the nearby Ruislip Village Conservation Area, the proposal, given its scale and siting, would have a detrimental impact on the setting of the listed Ruislip Station and signal box.

Notwithstanding that most of the site has now been cleared (without the benefit of protected species surveys), it is considered that the submitted ecological assessment has failed to demonstrate that the proposed development could be completed without detriment to the recognised ecological value of this area. In addition the proposal as submitted, does not demonstrate how the development will meet the London Plan requirements for a 20% reduction in CO2 from renewable energy.

The Council's Highway Engineer also raises objections to the proposed means of vehicular access to the site, which is considered inadequate to serve the proposed development.

Furthermore, no agreement has been completed with the applicant in respect of contributions towards the improvement of education services and facilities required, arising from the demands created by the proposed development. It is therefore recommended that planning permission be refused for these reasons.

## **2. RECOMMENDATION**

### **REFUSAL for the following reasons:**

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

The proposed development, by reason of its design, layout and scale, represents an over-development of the site, which would result in an unduly intrusive and inappropriate form of development, which would be out of keeping with the character and appearance of the surrounding area. In addition, the scale of the development is to the detriment of the character of Pembroke Road, when considered in the context of the cumulative impact with adjoining flatted development. The scheme is therefore contrary to Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies September

2007 and Paragraph 3.3 of the Hillingdon Design and Accessibility Statement 'Residential Layouts' and Policy 4B.3 of the London Plan.

**2 NON2 Non Standard reason for refusal**

The proposed development, by reason of its siting, design and layout, would fail to harmonise with the existing local and historic context of the surrounding area. The principle of intensifying the residential use of the site through the loss/part loss of the garden areas, failure to make adequate provision for the protection and long-term retention of one of the two roadside Maple trees and failure to provide adequate space for on-site landscape provision, would have a detrimental impact on the character, appearance and local distinctiveness of the area. The proposal is therefore detrimental to the visual amenity of the surrounding area, contrary to Policies BE13, BE19, BE38 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policies 3A.3, 4B.1 and 4B.8 of the London Plan (Consolidated with Alterations since 2004), Planning Policy Statement 3: Housing (June 2010), and guidance with The London Plan: Interim Housing Supplementary Planning Guidance (April 2010).

**3 NON2 Non Standard reason for refusal**

The proposed development by reason of its siting, size and design would result in an incongruous and visually obtrusive form of development which would be out of keeping with the setting of the adjoining listed Ruislip Station and signal box. The proposal is therefore contrary to Policies pt.1.8, pt1.11, BE10 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

**4 NON2 Non Standard reason for refusal**

The submitted ecological assessment has failed to demonstrate that the proposed development could be completed without detriment to the recognised ecological value of this area. The proposal is therefore contrary to policy EC1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and policy 3D.14 of the London Plan and the provisions of PPS9 (Biodiversity and Geological Conservation).

**5 NON2 Non Standard reason for refusal**

The applicants have failed to demonstrate that vehicular access to the site is adequate to serve the proposed development. As a result, it is likely that the proposal would give rise to conditions prejudicial to the free flow of traffic and would be detrimental to highway and pedestrian safety. The development is therefore contrary to Policy AM7 of the adopted Unitary Development Plan Saved Policies (September 2007).

**6 NON2 Non Standard reason for refusal**

The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of education, construction training, libraries, town centre/public realm improvements and health improvements). The scheme therefore conflicts with Policy R17 of the London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007, and the adopted Supplementary Planning Document 'Planning Obligations'.

**7 NON2 Non Standard reason for refusal**

The applicant has failed to provide, through an appropriate legal agreement, an appropriate provision of on site affordable housing. The proposal is therefore contrary to policy Pt1.17 of the London Borough of Hillingdon Saved Policies (September 2007), the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations and policies 3A.10 and 3A.11 of the London Plan Consolidation (2008).

**8 NON2 Non Standard reason for refusal**

The application has not demonstrated that satisfactory energy conservation and carbon dioxide emissions reduction measures have been incorporated into the layout and design. Accordingly, the proposal would fail to meet the requirements set out in the London Plan for on-site energy generation and sustainability and is considered contrary to Policies 4A.7 and 4A.9 of the London Plan (February 2008).

**INFORMATIVES**

**1 152 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).

**2 153 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.

BE10	Proposals detrimental to the setting of a listed building
BE4	New development within or on the fringes of conservation areas
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.
BE28	Shop fronts - design and materials
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
A7	Developments likely to increase helicopter activity
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
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
HDAS	'Residential Developments'

POBS	Planning Obligations Supplementary Planning Document, July 2008
PPG13	Transport
PPG15	Historic Environment
PPG24	Planning and Noise
PPS1	Delivering Sustainable Development
PPS3	Housing

### 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 0.457 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

The proposal seeks to provide a total of 76 residential units comprising 32 x one bedroom, 40 x 2 bedroom and 4 x 3 bedroom apartments in 2 separate buildings, arranged as an 'L' shaped, separated by a central vehicular and pedestrian access way off Pembroke Road. Block A comprising 16 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 24 metres wide and be set back approximately 6.5 metres from the road frontage.

The remainder of the development would be provided in the larger building, subdivided into blocks B, C and D, comprising 55 flats and would be part 3, part 4 storey, plus accommodation in the roof space. This building would be 18 metres wide and 3 storeys high plus roof space accommodation, where it fronts Pembroke Road, stepping up to 5 storeys towards the centre of the site, the upper two levels being above eaves level, within the roof space. Blocks B -D would be set back between 8 -10 metre off the western boundary and 2.5 metres off the southern (rear) boundary, with a set back of approximately 7 metres from the Pembroke Road frontage. The total depth of this block,

which would run parallel to the eastern boundary is 79 metres.

The remainder of the site is, behind block A and to the west of Blocks B-D would be set aside for as amenity space, including a children's play area, site access and surface level parking for 61 vehicles. This parking also continues to the rear of block B-D and includes some undercroft parking.

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 practice 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 CO<sub>2</sub>. 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:

PT1.8 To preserve or enhance those features of Conservation Areas which contribute to

their special architectural and visual qualities.

- 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.
- PT1.17 To seek to ensure the highest acceptable number of new dwellings are provided in the form of affordable housing.
- 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:

- BE10 Proposals detrimental to the setting of a listed building
- BE4 New development within or on the fringes of conservation areas
- 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.
- BE28 Shop fronts - design and materials
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- A7 Developments likely to increase helicopter activity
- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- 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
- HDAS 'Residential Developments'



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PPS1	Delivering Sustainable Development
PPS3	Housing

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

**5.1** Advertisement Expiry Date:- **1st March 2011**

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

9th March 2011

## 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. 5 letters of objection has been received. The issues raised are:

1. Building another extremely tall block of flats in Pembroke Road is turning it into a canyon on the lines of the streets of New York.
2. Uninterrupted skyward vision from our property will be dominated by a block of flats which, in are too tall.
3. The proposed development will overlook our garden and into our rooms, which, for eighty years remained private.
4. The tall end wall, facing the railway, should have obscured glass in the windows, as it is an end wall. This part will overlook my property.
5. Object to this development on the grounds of invasion of privacy and excessive height.
6. The current plans for the number of units, and the height of the proposed housing development, is too great for the area.
7. The proposal will have a detrimental effect on the environment and nature, with the extra cars travelling to and from the housing area and also the destruction of the green areas/spaces that currently exist in Lyon Court.
8. Continuous housing developments of this nature are destroying the character of the town.
9. Unfair to the current tenants of Lyon Court by demolishing affordable accommodation and replacing it with unaffordable accommodation.
10. The housing density will simply be too high.
11. There are already problems with long queues of traffic building up at the traffic lights and the bus station, and the number of extra vehicles generated by these flats would exacerbate the situation.
12. The style of the new buildings, while matching the recent adjacent development, is out of character with the rest of the road and the bungalows opposite
13. The adjacent approved development has visibly increased the vehicles parking in the road.
14. The proposed development has inadequate parking.
15. No consideration is given to the impact on local wildlife by the removal of so many trees.
16. Concerned about flooding, as the current car park of these flats floods quite regularly.
17. Unsure that the design of the balconies especially, is in keeping with the rest of the road.
18. The site that is close to the conservation area and the proposed flats would overshadow Ruislip Station, a grade 2 listed building.
19. Two more family houses with gardens (in keeping with the Garden Suburb) would be lost and replaced by flats unsuitable for bringing up children.
20. The character of Pembroke Road, already damaged by the large blocks of flats erected on the site of eight family houses and gardens in 2007 would be irrevocably changed.
21. More traffic would be brought into an already busy road, very close to the 'bus yard.
22. Already far too many houses have been destroyed and made into flats. Character of area is being spoiled.
23. What will be done to prevent disruption (particularly by noise, dust and traffic) to local residents during the construction process.
24. What plans are in place to ensure that there is no disruption to existing supplies, and no

additional stress placed on these services.

## LONDON UNDERGROUND INFRASTRUCTURE

In principle London Underground has no objection to the planning application for the property above. However we do advise that any planning permission granted has an informative attached suggesting that some form of vehicle barrier is erected along the property boundary with our land.

## RUISLIP, NORTHWOOD AND EASTCOTE LOCAL HISTORY SOCIETY

The Society is very concerned about the detrimental impact this proposed development will have on the surrounding area.

The four storey blocks of flats will be built immediately next to three substantial blocks of three storey flats erected in 2007. This latter development involved the demolition of eight houses, all with large gardens and now a further two houses and Lyon Court are to be demolished with more garden loss. The whole suburban character of Pembroke Road is being destroyed and one side of the road risks becoming a corridor of flats. This is over development and it will dominate the low rise bungalows on the opposite side of the road.

The proposed flats will overshadow Ruislip Station and its signal box, which are Grade 2 listed buildings. They are also very close to the recently extended Ruislip Village Conservation Area.

The application claims that the use of matching materials will ensure that the flats will be sympathetic to the area and will blend in. But the Society thinks they will be intrusive and out of character.

## RUISLIP RESIDENTS' ASSOCIATION

Following the applicant's public exhibition last November we wrote to them expressing concern that their proposal would result in over development of the site. Apart from a few cosmetic changes the current proposal seems little different from the original. Therefore we remain concerned about the proposal and in particular the following aspects :

The bulk and massing of the new buildings would add to the existing over dominance on Pembroke Road and neighbouring properties of the recent development on the adjacent site i.e. Merrion Court. In addition the impact on the listed buildings at Ruislip Station should be considered

The new buildings and associated hard landscaping/parking areas would extinguish the pleasant green lung space created by the existing rear gardens.

There is already an excess of new flats in Ruislip at the expense of affordable houses for young families.

A possible conflict with the 10% rule on this part of Pembroke Road in respect of the loss of further houses.

With only 61 parking spaces for 71 flats (130 bedrooms) there would be an under provision of spaces. Whilst the applicant may hope that both residents and visitors will walk or cycle, the reality is that most would use a car. This would inevitably lead to an overspill of parking in the wider area with all the associated problems.

Some dwellings appear to be below the Council's required minimum space standards.

Arrangements for refuse storage are unclear. This has been a problem in recent developments in Kingsend where insufficient information was provided at the outset.

Security gates at the entrance would create a feeling of separation from the wider community and is not in keeping with other recent developments in the area e.g. Appeal decision at Mill Works, Bury Street.

RUISLIP VILLAGE CONSERVATION PANEL - No response.

#### NATURAL ENGLAND

The Ecological Scoping Survey prepared by The Ecology Consultancy is appropriate and covers the areas and issues that Natural England would like to see in such a document.

The report indicates that buildings will be demolished as a result of the proposed development and that further bat surveys are recommended, this is supported. The Council should request these surveys from the applicant prior to granting planning permission relating to the potential for the site and buildings to support bat roosts. This is in line with paragraph 98 of ODPM Circular 06/2005, which states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

This would be in line with the recommendations proposed by The Ecology Consultancy and should be undertaken prior to any planning decision being made by the Council paragraph 2.14 refers.

The Enhancement proposals as referenced under paragraphs 4.12 to 4.17 are to be welcomed and encouraged, subject to the completion of the protected species surveys as reference above.

#### DEFENCE ESTATES SAFEGUARDING

The MoD has no safeguarding objections to this proposal.

#### CLLR CORTHORNE

I would like to register my objections to the above planning application. I believe that this would impact on, and be to the detriment of, the conservation area, although it sits just outside.

I think the character of Pembroke Roads has already been damaged and whilst the site is not currently occupied by town houses, the proposed development would not complement the appearance of the street scene. There are also concerns about traffic impact at this already congested.

#### 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**

### **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.

Reason: To safeguard the amenity of surrounding areas.

#### **Condition 2 - Lighting**

Details of external lighting within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and illumination. No floodlighting or other external lighting should be installed without the prior written approval of the Local Planning Authority. REASON To ensure the safety and security of occupants while safeguarding the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan.

#### **Dust from demolition and construction**

Current government guidance in PPS23 endorses the use of conditions to control impacts during demolition and construction phases of a development. With this in mind the following condition is recommended;

#### **Condition 3**

A1 The development shall not begin until a scheme for protecting surrounding dwellings from dust emitted from any demolition or construction works, has been submitted to, and approved by the LPA. The scheme shall include such combination of dust control measures and other measures as may be approved by the LPA.

Reason: To safeguard the amenity of surrounding areas.

Relevant Best Practice Guidance exists from the Greater London Authority; The Control of dust and emissions from construction and demolition. November 2006.

#### **Condition 4 Soil importation**

No former contaminative uses have been identified at the site. As additional sensitive receptors are being introduced, if the standard contaminated land condition provided below is too onerous, as a minimum could you ensure the soils and landscaping condition is included in any permission given.

#### AMENDED EPU L1 Site survey and remediation scheme

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.

#### Condition to minimise risk of contamination from garden and landscaped area

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, and the results of this testing shall be submitted for approval to the Local Planning Authority.

Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

#### S106 OFFICER

I have taken a look at the following proposal and would like to advise of the planning obligations should the application be recommended for approval.

#### Proposal:

Erection of part 2, part 3, part 4 storey blocks, plus accommodation in roof space, to provide 71, one, two and three bed flats, together with associated parking and landscaping (involving demolition of existing buildings)

#### Affordable Housing:

6 x 1 bed flats (2hrms x 1.5 pop) = 9

6 x 2 bed flats (3hrms x 1.34 pop) = 8.04

4 x 3 bed flats (4hrms x 2.24 pop) = 8.96

#### Market Housing:

16 x 1 bed flats (2hrms x 1.51 pop) = 24.16

33 x 2 bed flats (3hrms x 1.50 pop) = 49.5

6 x 3 bed flats (4hrms x 1.93 pop) = 11.58

New population: 111.24

#### Existing on site:

all market housing

4 x 1 bed flats (2hrms x 1.51 pop = 6.04)

12 x 2 beds flats (3hrms x 1.5 pop = 18)

2 x 4 bed houses (5hrms x 2.31 pop = 4.62)

Existing population 28.66

#### Proposed Heads of Terms:

1. Transport and transport related issues: In line with the SPD on Transport a contribution towards public transport may be sought. There may be the need for a s278 agreement or similar to be entered into to cover any and all highways works need as a result of this application.
2. Affordable Housing: In line with the SPD on affordable housing for developments of this nature 50% of the developed should be provided for as affordable housing. I note that there has been a FVA submitted and the applicant is proposing 23% affordable housing, this will need to be validated by a third party, the process of which is underway.
3. Education: In line with the SPD on Education a contribution is likely to be sought.
4. Health: In line with the SPD for Health a contribution in the region of £17,892.61 - £24,102.37 (£216.67 per person) is likely to be sought if a bid is received demonstrating need by the local PCT.
5. Recreational Open Space: In line with the SPD on Recreational Open Space and if a deficiency in Open Space provision in the area is found, then the green spaces team may seek a contribution towards all or some of the following:
  1. Sports pitches and district parks
  2. Local parks, small parks and pocket parks
  3. Play space for children - please note that a children's play area is proposed on site.
6. Town centre/Public Realm: £25,000 to be used towards town centre improvements in Ruislip/Ruislip Manor.
7. Libraries Contribution: in line with the SPD a libraries contribution in the sum of £2558.52 will be sought.
8. Construction Training: In line with the SPD it is likely that a financial contribution towards training schemes will be sought as a result of this application given its nature and scale.
9. Project Management and Monitoring: In line with the SPD a contribution towards project management and monitoring is sought equal to 5% of the total cash contributions secured from this proposal.

#### EDUCATION AND CHILDREN'S SERVICES

#### Private Flats:

33-12 = 21x 3-room affordable flats

6x 4-room affordable flats

Affordable Flats:

6x 3-room

4x 4-room

Private Houses:

-2x 5-room Private Houses

Based on the above, the project in West Ruislip ward requires a contribution of £33,160 as follows: £3,099 for nursery provision, £10,816 for secondary provision and £19,246 for post 16 provision.

## ACCESS OFFICER

In assessing this application, reference has been made to London Plan Policy 3A.5 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted January 2010.

It is noted that page 8 of the Design & Access Statement refers to a number of documents that have been used to inform the design, however, the above-mentioned SPD appears not to have been utilised during the design process.

The scheme should be revised and compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan. In addition, 10% of new housing should be built to wheelchair home standards and should accord with relevant policies, legislation and this Council's adopted guidance.

The following access observations are provided:

1. Good practice recommends that communal car parks, as part of a Lifetime Home development, should provide at least one accessible parking space within each zone. The accessible bays should provide an effective clear width of 3300 mm (3600 mm preferred). Where more than 9 car parking spaces are provided, 10% should be designed as accessible bays.

2. To support the Secured by Design agenda, accessible car parking bays should not be marked. Car parking spaces should be allocated to a specific unit, allowing a disabled occupant to choose whether the bay is marked.

REASON: Bays that are not allocated would not guarantee an accessible bay to a disabled resident. Similarly, a disabled person may not necessarily occupy an accessible home allocated a disabled parking space. Marking bays as disabled parking could lead to targeted hate crime against a disabled person.

3. In line with the GLA Wheelchair Housing BPG and the Council's Accessible Hillingdon SPD, the 7 required wheelchair accessible flats should be evenly distributed between the proposed blocks A, B, C and D.

4. Level access should be confirmed on block plans using a fixed and known datum point.

5. All blocks of flats, as proposed, should feature at least one Part M compliant passenger lift. In larger blocks, containing 15 flats or more, two lifts should be incorporated. Blocks B and C would require an amendment in this regard.

6. All Lifetime Home flats should provide at least 700 mm to one side of the WC, with 1100 mm provided between the front edge of the toilet pan and a door or wall opposite. Whilst the considerable effort in this regard is noted, further amendment will be necessary to ensure



compliance with the council's adopted supplementary planning guidance. To this end, the 700 mm to one side should be clear to allow a wheelchair user to reverse back, beyond the face of the cistern, to perform a side transfer from wheelchair to WC, i.e. a hand basin fixed within a vanity unit would undoubtedly impede access.

a. Plots B1, B4 and B7; B2 and B3; D3 and D11; D19; D9 and D17; B5 and B8; B6 and B9; B10; B11; C3 and C7; C4 and C8; C12; C11, D24; D26; D27; A6; C16; and D20, all require amendment.

7. To allow bathrooms to be used as wet rooms in future, plans should indicate floor gully drainage.

Conclusion:

On the basis that the above alterations can be shown on a revised plans prior to any grant of planning permission, no objection would be raised.

#### ACCESS PANEL

- . Generally a strong Design and Access Statement
- . Welcome 7 undercover parking spaces.
- . Although disabled units are on the ground floor, no lifts are provided. Therefore there is no wheelchair visitor accessibility beyond the ground floor. This is the only major failing with the scheme.
- . Standard 6 of lifetime Homes should be 1.2 m hallway width, not 0.9m as stated.
- . Unclear whether support pillars will affect parking
- . Wheelchair parking needs to be properly marked out.
- . Need to condition accessible play area.
- . Brick paving will need to be maintained as dangerous when wet.

#### WASTE MANAGER

a) I would estimate the total weekly waste arising from the development to be 11,090 litres.

The above waste would therefore be accommodated in a total of 10 bulk bins. The 22 bulk bins shown would therefore be more than sufficient. Initially all bulk bins on site would be for residual waste; then one of these could be exchanged for recycling at a latter date, or an additional recycling bin added. If the developers want to leave space for 12 x 1,100 litre bulk bins, this gives scope for extra bins to cover variances in waste arising.

b) The bin enclosures must be built to ensure there is at least 150 mm clearance in between the bulk bins and the walls of storage area. The size and shape of the bin enclosures must also allow good access to bins by residents, and if multiple bins are installed for the bins to be rotated in between collections.

c) Arrangements should be made for the cleansing of the bin store with water and disinfectant. A hose union tap should be installed for the water supply. Drainage should be by means of trapped gully connected to the foul sewer. The floor of the bin store area should have a suitable fall (no greater than 1:20) towards the drainage points.

d) The material used for the floor should be 100 mm thick to withstand the weight of the bulk bins. Ideally the walls of the bin storage area should be made of a material that has a fire resistance of one hour when tested in accordance with BS 472-61.

e) The gate / door of the bin stores need to be made of either metal, hardwood, or metal clad softwood and ideally have fire resistance of 30 minutes when tested to BS 476-22. The door frame should be rebated into the opening. Again the doorway should allow clearance of 150 mm either side of the bin when it is being moved for collection. The door(s) should have a latch or other mechanism to hold them open when the bins are being moved in and out of the chamber.

f) Internal bin chambers should have appropriate passive ventilators to allow air flow and stop the build up of unpleasant odours. The ventilation needs to be fly proofed.

g) The collectors should not have to cart a 1,100 litre bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard).

h) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the storage area is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

#### General Points

i) The value of the construction project will be in excess of £300,000, so the Site Waste Management Plans Regulations 2008 apply. This requires a document to be produced which explains how waste arising from the building works will be reused, recycled or otherwise handled. This document needs to be prepared before the building work begins.

j) The client for the building work should ensure that the contractor complies with the Duty of Care requirements, created by Section 33 and 34 of the Environmental Protection Act.

k) It is important that the management company bring the bins forward, if our collection point is based in this. This should be secured by condition.

#### URBAN DESIGN AND CONSERVATION OFFICER

CONSIDERATION: The large buildings within this area, including Merrion, Cheriton and Jameston Court, predate the designation of the southern extension of the CA. Given this, they should not be considered as a precedent for similar new buildings in this sensitive location on the edge of the conservation area. Very careful consideration should also be given to the impact of any new development on the setting of the listed station buildings.

#### Position

The proposed building line steps forward the office building (Fanuc House, 1 Station Road) on the corner of Station Approach and Pembroke Road. This combined with the height and bulk of the new buildings would make them conspicuous in views from the west along Pembroke Road. The bulk and depth of the larger building would also be highly visible in views from the road across the car park and open area located adjacent to no 1 Station Road, particularly as the trees in this area have recently been cut back

To the rear, the larger of the new blocks rises to 5 floors (two within the roof structure) for much of the depth of the site. Given the position of this block, and its projection beyond the rear of the adjacent office block, its bulk would be clearly visible from the forecourt area of the station and across the car park. It would also be positioned directly opposite the signal box and have an impact on the setting of both listed buildings. Given the position of the larger block close on the rear site boundary, it would appear quite cramped in this location and there would be no opportunity to

include planting to create a setting for the building, or to provide screening to reduce its impact on the setting of the listed buildings.

### Scale

The proposed buildings are between three and five storeys tall and have large footprints in comparison with the traditional houses on the street frontage. From the information provided it appears that the new buildings would for the most part be taller than the adjacent modern residential blocks. These are predominately 3 storeys on the frontage, rising to 4 storeys adjacent to the site entrance. To the rear these buildings rise to 4 storeys but are located away from the rear site boundary. The proposed blocks are mainly 4 storeys to the front and the larger block would be taller at five storeys for much of its length. Both new buildings would be of an entirely different character and scale to the bungalows opposite. In addition, the new buildings would be seen in context with the existing large residential blocks and together, their accumulative impact would create a group of uncharacteristically large buildings within the street scene, thus further eroding the areas traditional suburban scale and character.

### Design

As previously advised, a good modern design would be preferred for this site rather than pastiche or something half way as currently proposed. The bulky roof forms which in some parts encompass two floors of accommodation and include large areas of flat roof would appear as highly conspicuous within the street scene and not reflect the traditional architecture of the street, which is much smaller in scale and includes a strong rhythm of simple roof forms. The buildings themselves appear to be of a rather bland and repetitive design and lack any particular features or detailing that reflect the 1930s architecture that is characteristic of the road and also the adjacent conservation area.

Good landscaping will be crucial to the success of the scheme and little information has been provided on this, whilst the play area is welcomed, the open areas to the front and at the side would have limited value as amenity spec. The temporary bin enclosures to the front should also be more discretely located.

CONCLUSION: Not acceptable as proposed.

### SUSTAINABILITY OFFICER

Objections are raised to the proposed development on 2 grounds:

- 1 - Ecology
- 2 - Energy

#### 1 Ecology

Objections are raised to the proposed development as insufficient information has been presented with regards to the ecological status of the site. As a consequence, the applicant has not adequately demonstrated the likely impacts from the development or the mitigation and enhancement measures.

The applicant has submitted an ecological scoping report as part of the application. This is a preliminary report to identify the need for further studies. The conclusion of this report states:

Based on the findings of the walkover survey, desk study and protected species assessment, the

habitats on the Pembroke Road Site are considered potentially suitable to support roosting bats, breeding birds and slow worms. The site may also support hedgehogs and stag beetle, both BAP Priority species. Foxes are also likely to occupy the site.

The report then goes on to make a series of recommendations for further studies and states:

Further targeted surveys are recommended prior to submission of any planning application for development to ensure a breach of the wildlife legislation is avoided.

The applicant has not submitted any further studies or reports in line with the recommendations in the ecological scoping report. Local Authorities should no longer rely on planning conditions to ensure studies and investigations are carried out at later stages of the planning process. This approach has been supported by the European Case Law with regards to European Protected Species (*Wooley vs Cheshire*). In addition domestic policy requirements also require planning decisions to be made in full knowledge of the impacts on ecology. PPS9 states:

Development plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics local authorities should assess the potential to sustain and enhance those resources.

Circular 06/2005 which accompanies PPS9 states:

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

## Summary

As submitted the Local Authority cannot determine the ecological impacts of the proposed development based on the inadequate information provided. It is therefore unable to apportion sufficient weight to ecological considerations.

The development is contrary to:

- Article 12 of the Habitats Directive 92/43/EEC
- Article 41 of the Conservation of Habitats and Species Regulations 2010
- Part 1, Article 9 of the Wildlife and Countryside Act 1981 (and amendments)
- Planning Policy Statement 9: Biological and Geodiversity Conservation
- London Plan policy 3D.14
- UDP Policy EC3
- UDP Policy BE38

## 2 Energy

Objections are raised to the proposed development as insufficient information has been provided to demonstrate that the proposed development will achieve a 20% CO<sub>2</sub> reduction from renewable energy.

The information provided does not sufficiently outline the baseline energy demand. The supporting text refers to 2006 Building Regulations and provides a baseline assessment in the appendices. However, these figures do not appear to be to 2010 Part L.

The London Plan requires an Energy Assessment for all major developments. Policy 4A.7 requires a 20% reduction of CO2 from renewable energy which is taken from the baseline (less any further savings made through reducing energy demand). As a consequence it is not possible to accurately determine the baseline and therefore the amount of renewable energy required to achieve the 20% reduction.

Furthermore, the London Plan requires the energy assessment to consider the whole energy use of the development which includes unregulated energy. The energy report acknowledges that it is not possible to achieve this with PV due to the amount of roof space available.

In addition, the elevations plan for block B includes PVs that are likely to be shadowed as they are at a lower level adjoining block. The plans do not match the findings in the Energy report.

### Summary

As submitted the planning application does not demonstrate how the development will meet the London Plan requirements for a 20% reduction in CO2 from renewable energy.

The development is contrary to:

- Policy 4A.1
- Policy 4A.3
- Policy 4A.7

### TREE AND LANDSCAPE OFFICER

The site, and the buildings and vegetation on and close to it, are visible from Pembroke Road, (Ruislip LUL) Station Approach and the railway.

When the application was submitted there were about 50 trees on and close to the site. The trees on the site have been removed recently. Most of these trees were small, fruiting and cypress varieties of poor form and low/very low value, which formed a mass in the rear gardens of the existing properties, however three had moderate values.

The most valuable trees are the two prominent roadside Maples (off-site), which are landscape features of merit. The belt of eight trees close to the western boundary of the site (off-site) is also a landscape feature of merit. There are also hedges along the Pembroke Road frontage and the western boundary of the site.

In terms of Saved Policy BE38, the valuable (off-site) trees constrain the development of the site, whilst the hedges should be retained if they fit with the proposed development. In addition, the extensive rear gardens, which formerly contained the mass of trees, contribute to the character of the area. The tree mass (removed) provided a green vista and screen / buffer for the buildings to the east of the site and the railway and car park to the south, and the development should restore a green vista and a screen / buffer in relation to the existing and proposed buildings, and contribute to the character of the area.

The application includes an Arboricultural Method Statement (January 2011) (AMS) and Tree Protection Plan (Dwg. No. TMC-10049-TPP) (TPP). The AMS (page 6) indicates that the proposed temporary access (for site clearance, demolition and construction) will be close to the one roadside Maple (T1) and mentions the use of an existing drive for that purpose. However, there is not an existing access or crossover close to and within the root protection area (RPA) of T1, which is shown to be retained, and it will, therefore, be necessary to construct a new cross-over (for the

temporary access), which may also serve the proposed access. Whilst the AMS (pages 7 and 12) and TPP provide details about the access drive and the parking areas within the site, the AMS does not include sufficient information to show how the temporary and/or permanent crossover(s), with kerbs, will be constructed (off-site) to the necessary technical specification within the RPA of T1 without affecting it. For this reason, the scheme does not make adequate provision for the protection and long-term retention of one of the two roadside Maples, and does not therefore comply with Saved Policy BE38 of the UDP.

Whilst the scheme has been designed to retain most of the best trees (close to the site) and hedges, and provide a courtyard garden and a narrow belt of shrub and tree planting along the southern and eastern boundaries, the application does not make adequate provision for landscaping, and screening of the building and car park, in the south-western corner of the site to address the other landscape-related consideration.

## HIGHWAY ENGINEER

Pembroke Road is a Classified Road and is designated as Local Distributor Road within the Council's UDP. Pembroke Road 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,

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, which would interfere with the sightlines at the proposed access. Two trees fall within visibility splays required for the proposed access, one being very close to it, which is also considered to interfere with the sightlines. Parking on single yellow line during the evenings, overnight and Sundays is permitted. Parking close to the access point due to the existing and future demand would also interfere with the sightlines. Parking on the northern side in proximity to the access point, when there are parked cars on the southern side of the road would result in awkward manoeuvres by vehicles entering and exiting the site leading to situations detrimental to highway safety.

The proposed access is unsatisfactory for two cars to pass and also one car to pass when a vehicle is waiting at the give way. Car swept paths submitted in the Transport Assessment are incorrectly drawn as they fail to consider the on-street parking to the east. Commercial vans would be used by tradesman. Some residents of the proposed development could also have commercial vans. No assessment has been submitted for commercial vans and delivery vehicles entering and exiting the site. The proposed access is considered unsatisfactory for commercial vans and delivery vehicles.

The proposed refuse collection arrangement would require management intervention throughout the life of the development, which is not desirable. Refuse vehicles would have to park close to a vehicular and pedestrian access for a substantial development and wait for a longer period than existing on this busy road.

Consequently, considering all of the above, the proposals are considered unacceptable from the highways point of view. The application is therefore recommended to be refused, as it is considered contrary to the Council Policy AM7 of the UDP.

## **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:

#### **1. Revisions to PPS 3 (Housing) and The London Plan Interim Housing Supplementary Planning Guidance**

On 9th June 2010 Government implemented the commitment made in the Coalition Agreement to decentralise the planning system by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and garden grabbing in the amended Planning Policy Statement 3: Housing (PPS3). The key changes to PPS3 are as follows:

- private residential gardens are now excluded from the definition of previously developed land in Annex B
- the national indicative minimum density of 30 dwellings per hectare is deleted from paragraph 47

Together, these changes emphasise that it is for local authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas. The amended policy document sets out the Secretary of State's policy on previously developed land and housing density. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and where relevant, to take it into account as a material consideration when determining planning applications.

The key point in relation to the proposed scheme is that residential gardens are no longer included within the definition of "previously developed land" - i.e "brown field land". There is hence no automatic presumption that former residential gardens are nominally suitable for development or redevelopment, subject to compliance with routine development control criteria.

Simultaneously with publication of the revised PPS 3, the Planning Inspectorate has issued practice guidance to Planning Inspectors who are administering planning appeals currently underway. It follows that these changes are immediately relevant to decision makers who will be deciding current and forthcoming planning applications.

It follows that there is now more scope for a robust implementation of other government advice contained in PPS 1 and also echoed in paragraph 13 of PPS 3: "Reflecting policy in PPS 1, good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities

available for improving the character and quality of an area and the way it functions, should not be accepted".

This policy objective is also reflected in points 1 and 9 of Policy BE1 of the Council's emerging Core Strategy. It will be reflected in the draft Development Management SPD which is being prepared. (Note: These documents are not yet material considerations for planning applications).

In addition, the London Plan Interim Housing Supplementary Planning Guidance which came into force in April 2010 has been adopted as an interim measure until the Mayor's full replacement London Plan is formally published in winter 2011/12. This document provides guidance on implementing the existing London Plan (Consolidated with Alterations since 2004, published 2008) so that it can more effectively address three key issues:

- development on private garden land,
- the relationship between housing density and quality, and
- affordable housing targets.

The guidance requires that "In implementing London Plan housing policies and especially Policy 3A.2, the Mayor will, and Boroughs and other partners are advised when considering development proposals which entail the loss of garden land, to take full account of the contribution of gardens to achievement of London Plan policies on:

- \* local context and character including the historic and built environment;
  - \* safe, secure and sustainable environments;
  - \* bio diversity;
  - \* trees;
  - \* green corridors and networks;
  - \* flood risk;
  - \* climate change including the heat island effect, and
  - \* enhancing the distinct character of suburban London,
- and carefully balance these policy objectives against the generally limited contribution such developments can make toward achieving housing targets."

The London Plan Interim Housing Supplementary Planning Guidance represents the Mayor of London's guidance on how applications for development on garden land should be treated within the London Region. The thrust of the guidance is that gardens contribute to the objectives of a significant number of London Plan policies and these matters should be taken into account when considering the principle of such developments.

The London Plan Interim Housing supplementary Planning Guidance represents part of Hillingdon's adopted policy framework. Whilst it does not introduce additional policy, it provides further guidance on the interpretation of existing policies within The London Plan. Accordingly, it is considered that significant weight should be given to this guidance in determination of this application.

While there is in general no objection to the principle of an intensification of use on existing residential sites, it is considered that in this instance, the loss of two large back gardens in this location is a matter of material concern. The proposed redevelopment of these large private back gardens would have a detrimental impact on the character and appearance of the area. With regard to the criteria in the Mayor's interim guidance, the impact on local context and character, together with the loss of trees and this important 'green lung' would be particular concerns and are considered to outweigh 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 is contrary to PPS3: Housing, Policies 3A.3, 4B.1 and 4B.8 of the London Plan and guidance within The London Plan Interim Housing Supplementary Planning Guidance.

## 2. Breach of the Council's 10% rule relating to large plots and infill sites.

Paragraph 3.3 of the Hillingdon Design and Accessibility Statement 'Residential Layouts', in relation to the redevelopment of large plots and infill sites currently used for individual dwellings into flats, states that the redevelopment of large numbers of sites in close proximity to each other is unlikely to be acceptable, including large numbers of redevelopments on any one street. The redevelopment of more than 10% of properties on a residential street is unlikely to be acceptable, including houses which have been converted into flats or other forms of housing. The nature of dwelling units locally is a part of the character of the area and therefore paragraph 3.3 follows on from London Borough of Hillingdon Unitary Development Plan (UDP) Saved Policy BE19. This policy seeks to ensure that new development complements or improves the amenity and character of the area.

As at 2006 when the Supplementary design Guidance was adopted, there were a total of 63 premises in Pembroke Road, comprising 15 bungalows, 22 detached two storey dwellings, 16 pairs of semi detached dwellings, 2 blocks of maisonettes at Parkway Court, a church and 3 commercial buildings at the eastern end of Pembroke Road and at the western end of this road, Pembroke House, Neyland Court, the Fanug Office building and Lyon Court. Of these, 8 residential dwellings have been demolished, to make way for development of flats between 32 and 46 Pembroke Road. The application proposes the redevelopment of a further two residential properties (nos. 28-30). This would equate to 10 out of 63 sites, which is approximately 15.8% of the total premises in the street. If the calculations exclude commercial premises, there are a total of 56 residential plots in Pembroke Road and the proposal would result in 17.8% of the total residential plots in the street being lost. Even if one were to include each individual unit within the 4 purpose built blocks of flats/maisonettes in this road, (which would amount to amounting to a total of 93 residential properties in the road), this would still equate to 10.75% of residential units lost, should the development proceed.

Clearly, which ever way the calculations are assessed, the proposal will result in the 10% rule being breached under Paragraph 3.3 of the Hillingdon Design and Accessibility Statement 'Residential Layouts'. Crucially, it is the cumulative impact of the proposed buildings, in close proximity to the existing flatted development to the east, that gives rise to particular concern. It is considered that the further erosion of spacious single dwellings and intensification of use of the site would have a significant harmful effect on the character of the area. The London Plan seeks to maximise density, but this should be in a manner that is consistent with the character of the area. These urban design issues are dealt with more fully elsewhere in this report and have been included in the reasons for refusal.

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

Policy 3A.3 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 200 - 350 hr/ha and 70 - 130 u/ha, at an average of 2.7-3.0 hr/unit for flatted developments within suburban environments. This rises to 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 166 u/ha or 438 hr/ha, at an average of 2.6 hr/unit. The proposal therefore falls significantly over the density parameters of the London Plan for units per hectare, and habitable rooms per hectare within a suburban environment. The proposed density would therefore be more appropriate to an urban setting.

The London Plan defines 'urban' as areas with predominantly dense development such as, for example, terraced houses, a mix of different uses, medium building footprints and buildings of three to four storeys, located within 10 minutes walking distance of a district centre. The site is located just outside the Ruislip Major Town Centre. It is acknowledged that the site is located within very close proximity of larger, town centre buildings at the western end of Pembroke Road. It is also noted that the Inspector when considering an earlier application for the adjoining Wimpey site, further away from the town centre, described the site as being within an accessible urban location. However, the immediately surrounding properties opposite are bungalows and further along Pembroke Road are predominantly 2 storey detached and semi detached dwellings, which are more akin to a suburban setting.

Notwithstanding the debate as to whether the site falls within a suburban or an urban setting, it will be important to demonstrate that the development will complement and improve the amenity and character of the area, that the units will have good internal and external living space, and that the scale and layout of the proposed development is compatible with sustainable residential quality, having regard to the specific constraints of this site. These issues are dealt with elsewhere in the report.

#### 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. However, for any affordable housing element, the Council would seek the following mix: 1 Bedroom 15%, 2 Bedroom 35 %, 3 Bedroom - 25%, 4 Bedroom 15%, 5 Bedroom 10%, which is in line with the London Plan targets for affordable housing across London.

### **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 building line steps forward the office building (Fanuc House, 1 Station Road) on the corner of Station Approach and Pembroke Road. This combined with the height and bulk of the new buildings would make them conspicuous in views from the west along Pembroke Road. 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.

To the rear, the larger of the new blocks rises to 5 floors (two within the roof structure) for much of the depth of the site. Given the position of this block, and its projection beyond the rear of the adjacent office block, its bulk would be clearly visible from the forecourt area of the station and across the car park. It would also be positioned directly opposite the signal box and have an impact on the setting of both listed buildings. Given the position of the larger block close on the rear site boundary, it would appear quite cramped in this location and there would be no opportunity to include planting to create a setting for the building, or to provide screening to reduce its impact on the setting of the listed buildings. It is therefore considered that the proposal would have a detrimental impact on the setting of the listed station and signal box, contrary to 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**

Not applicable to this development.

## **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 4B.1 sets out a series of overarching design principles for development in London and policy 4B.2 seeks to promote world-class, high quality design and design-led change in key locations. In addition to Chapter 4B, London Plan policies relating to density (3A.3) and sustainable design and construction (4A.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 considered that the cumulative impact of the three blocks at 32-46 Pembroke Road, combined with a further two blocks at this adjoining site, by virtue of the cumulative impact of these buildings, would be detrimental to the character and appearance of the street scene. The proposal would result in a street frontage stretching over 160 metres of virtually uninterrupted flatted development, completely altering the character of this part of Pembroke Road, to a detrimental degree. This cumulative impact adds weight to concerns relating to the redevelopment of more than 10% of properties on a residential street which have already been addressed elsewhere in this report.

It should be noted that a recent appeal decision (51/53 Kings End) has seen an Inspector give significant weighting on the harm caused by cumulative impact. The Inspector determined that unacceptable harm was caused by cumulative impact from similar flatted developments on the established character of Kings End. A similar argument to that which resulted in the Kings End appeal being dismissed is considered to apply in Pembroke Road.

The Council's Urban Design Officer raises concerns in terms of scale, bulk as well as built form. In terms of siting, the proposed building line steps forward the office building to the

west, Given the height and bulk of the new buildings, they would be particularly conspicuous in views from the west along Pembroke Road. In addition, the bulk (up to 5 storeys) and depth (71 metres) of the larger building (Blocks B, C and D) would also be highly visible in views from the road across the car park and open area located adjacent to No. 1 Station Road, particularly as the trees in this area have recently been cut back. Given the position of the larger block close to the rear site boundary, it would appear quite cramped in this location and there would be no opportunity to include planting to create a setting for the building, or to provide screening to reduce its impact on the setting of the listed buildings.

With regard to the scale of the proposed buildings, these are between three and five storeys tall and have large footprints in comparison with the traditional houses on the street frontage. The new buildings would for the most part be taller than the adjacent modern blocks of flats to the east. These are predominately 3 storeys on the frontage, rising to 4 storeys adjacent to the site entrance. It is noted that to the rear these buildings rise to 4 storeys but are located away from the rear site boundary. By contrast, the proposed blocks are mainly 4 storeys to the front and the larger block would be taller at five storeys for much of its length. The Urban Design and Conservation Officer notes that both new buildings would be of an entirely different character and scale to the bungalows opposite. In addition, the new buildings would be seen in context with the existing large residential blocks and together their accumulative impact would create a group of uncharacteristically large buildings within the street scene, thus further eroding the areas traditional suburban scale and character.

The Urban Design and Conservation Officer also raises concerns over the design of the proposed buildings which incorporates bulky roof forms which in some parts, encompass two floors of accommodation and include large areas of flat roof. This would appear as highly conspicuous within the street scene and not reflect the traditional architecture of the street, which is much smaller in scale and includes a strong rhythm of simple roof forms. The buildings themselves are considered to be of a rather bland and repetitive design and lack any particular features or detailing that reflect the 1930s architecture that is characteristic of the road and also the adjacent conservation area.

In conclusion, it is considered that the proposed development, by reason of its overall scale, site coverage, design, layout and scale, represents an over-development of the site, that would result in a cramped, unduly intrusive, visually prominent and inappropriate form of development, out of keeping with the character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2011) and the Council's Supplementary Planning Document - Residential Layouts.

#### **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.

It is therefore considered that the proposal would not 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. Subject to conditions, 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 building 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 1,715m<sup>2</sup> of shared amenity space for 71 dwellings.

The current development proposal provides 2,107m<sup>2</sup>, including 546m<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.

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. The development is forecast to add 13 and additional two way trips during the am and pm peak hours respectively. This level of increase in peak hour traffic can be accommodated on Pembroke Road. The Highway Engineer therefore raises no objections on traffic generation grounds.

Parking

The application proposes a total of 61 parking spaces, including 10% of these spaces for people with a disability. This equates to 0.86 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 76 cycles, in the form of cycle lockers and cycle shelters. Details of this secure cycle storage provision can be secured by condition, in the event of an approval. Subject to compliance with this condition, the scheme would be in accordance with the Council's standards and Saved Policy AM9 of the UDP.

#### Access

In terms of the proposed vehicular access off Pembroke Road, the Highway Engineer observes that on-street parking takes place east of the proposed access and is congested, which would interfere with the sightlines at the proposed access. In addition, two street Maple trees fall within visibility splays required for the proposed access, one being very close to it, which is also considered to interfere with the sightlines. Parking on single yellow line during in the evenings, overnight and Sundays is permitted. Parking close to the access point, due to the existing and future demand would also interfere with the sightlines. The Highway Engineer considers that parking on both sides of the road in proximity to the access point, would result in awkward manoeuvres by vehicles entering and exiting the site, leading to situations detrimental to highway safety.

Furthermore, the proposed access is unsatisfactory for two cars to pass and also one car to pass when a vehicle is waiting at the give way. The Highway Engineer notes that the car swept paths submitted in the Transport Assessment are incorrectly drawn as they fail to consider the on-street parking to the east. It is also noted that commercial vans would be used by tradesman visiting the development, whilst it is reasonable to assume that some residents of the proposed development might also have commercial vans. No assessment has been submitted for commercial vans and delivery vehicles entering and exiting the site. The proposed access is therefore considered unsatisfactory for commercial vans and delivery vehicles.

The proposed refuse collection arrangement would require management intervention throughout the life of the development, which is not desirable. Refuse vehicles would have to park close to a vehicular and pedestrian access for a substantial development and wait for a longer period than existing on this busy road. Whilst this is not considered to be a reason for refusal in its own right, it adds weight to concerns relating to the vehicular access arrangements for the site and the consequences for highway safety and free flow of traffic on the adjoining highway.

In light of the above considerations, it is considered that both the vehicular access to the development is inadequate and as a result, it is likely that the development would give rise to conditions prejudicial to free flow of traffic and highway and pedestrian safety. The development is therefore contrary to 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 generally 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 7 of the units. Subject to a condition to ensure compliance, it is considered that had the scheme been acceptable in other respects, the proposed development would be in accord with the aims of Policies 3A.4, 4B.5 of the London Plan, 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. It establishes a strategic target of 50% of all additional housing in London to be affordable, including affordable housing from all sources and not just that through planning obligations. Within the overall 50% housing provision, a tenure split of 70% social housing and 30% intermediate housing is sought.

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 only 23% affordable housing can afford to be delivered as a result of this scheme. However, a legal agreement has not been completed to secure this provision.

### **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. PPS9 outlines the Government's commitment to sustainable development and in particular to conserving the natural heritage of the country for the benefit of this and future generations. 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.

An Ecological Impact Assessment submitted as part of this application. The report indicates that buildings will be demolished as a result of the proposed development and that further bat surveys are recommended. This is supported by both Natural England and the Council's Sustainability Officer.

Natural England recommend that further surveys are undertaken, but that these are completed before planning permission is granted. This is in line with Paragraph 98 of ODPM Circular 06/20051 which states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.

It is considered that the the submitted ecological assessment has failed to demonstrate that the proposed development could be completed without detriment to the recognised ecological value of this area. It is therefore considered that the ecological interests of the site and locality would not be protected, contrary to Policies EC1 of the Unitary Development Plan Saved Policies (September 2007), London Plan Policy 3D.14 and PPS9 (Biodiversity and Geological Conservation).

## 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.

There are about 50 trees on and close to the site. The most valuable trees are the two prominent roadside Maples all of which are off site. The other trees, many of which are small, fruiting and cypress varieties of poor form and low/very low value, formed a mass in the rear gardens of the existing properties. Most of these latter trees have recently been cleared. There are also hedges along the Pembroke Road frontage and the western boundary of the site.

Whilst the Tree and Landscape Officer raises no objection in principle to the loss of the low value trees, it is considered that the extensive rear gardens and the mass of trees in them contributed to the character of the area and provided a green vista and screen / buffer for the buildings to the east of the site and the railway and car park to the south.

Whilst the scheme has been designed to retain the best trees and hedges, the submitted Arboricultural Method Statement does not include sufficient information to show how the temporary and/or permanent crossover(s), with kerbs, will be constructed off-site to the necessary technical specification within the root protection area of the street Maple (T1) without affecting it. For this reason, the scheme does not make adequate provision for the

protection and long-term retention of one of the two roadside Maples, and does not therefore comply with Saved Policy BE38 of the UDP.

In addition, whilst the proposal includes a courtyard garden and a narrow belt of shrub and tree planting along the southern and eastern boundaries, it is considered that the application does not make adequate provision for landscaping, and screening of the building and car park, in particular, at the south-western corner of the site. It is considered that in landscaping terms the development would fail to maintain a green vista, or provide an adequate landscape screen and buffer in relation to the existing and proposed buildings, or preserve the character of the area, contrary to Saved Policies BE19 and BE38 of the UDP. It is recommended that the scheme be refused for these reasons.

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

Refuse is provided in two refuse stores at ground floor level in each of the buildings. In order to meet the necessary pulling distance and vehicle access requirements, the applicants have proposed that a management company will move the bins to predefined collection points at the front of the site and then return them after they have been emptied.

The Waste Manager is satisfied with this arrangement. In the event of an approval, a condition requiring further details of refuse collection facilities and management arrangements could be imposed, in order to ensure the proposed facilities comply with Council guidance.

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

London Plan (February 2008) policies 4A.4 and 4A.7 require the submission of an energy demand assessment based on sustainable design and construction; a demonstration of how heating and cooling systems have been selected in accordance with the Mayor's energy hierarchy; and how the development would minimise carbon dioxide emissions, maximize energy efficiencies, prioritise decentralised energy supply, and incorporate renewable energy technologies, with a target of 20% carbon reductions from on-site renewable energy.

The applicant has submitted a renewable energy assessment as part of the application. The report addresses how to reduce carbon emissions and sets out the most suitable and viable forms of renewable energy generators for the scheme. 92sq.m of solar PV are proposed. This is the preferred technology to deliver the renewables target for the scheme.

However, the Council's Sustainability Officer has raised objections to the proposed development as insufficient information has been provided to demonstrate that the proposed development will achieve a 20% CO<sub>2</sub> reduction from renewable energy. The information provided does not sufficiently outline the baseline energy demand. The supporting text refers to 2006 Building Regulations and provides a baseline assessment in the appendices. However, these figures do not appear to be to 2010 Part L. London Plan Policy 4A.7 requires a 20% reduction of CO<sub>2</sub> from renewable energy which is taken from the baseline (less any further savings made through reducing energy demand). As a consequence it is not possible to accurately determine the baseline and therefore the amount of renewable energy required to achieve the 20% reduction.

Furthermore, the London Plan requires the energy assessment to consider the whole energy use of the development which includes unregulated energy. The energy report acknowledges that it is not possible to achieve this with PV, due to the amount of roof space available. In addition, the elevations plan for block B includes PVs that are likely to

be shadowed as they are at a lower level adjoining block. The development is therefore contrary to London Plan Policies 4A.1, 4A.3 and Policy 4A.7

#### **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.

#### **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. These UDP policies are supported by more specific supplementary planning guidance. As the application is being recommended for refusal, no negotiations have been entered into with the developer in respect of these contributions. However, if the application were to be considered for approval, the following broad Section 106 Heads of Terms would be pursued by the Council at that time:

Education contributions: The application proposes a scheme of 71 flats in an area under pressure for primary, secondary and post 16 school places. Under the Council's Supplementary Planning Guidance for Education Facilities and following an assessment by Education Services, the proposed development is required to make a contribution of £33,160 (£3,099 for nursery provision), £10,816 for secondary provision and £19,246 for post 16 provision), in order to cater for the increased demand placed on existing school places by the proposed development. No legal agreement to address this issue has been offered and it is recommended the application should be refused on this basis.

Affordable and Key Worker Housing: The application proposes 23% affordable housing. This level of provision is considered acceptable, given the conclusions of the Financial Viability Appraisal submitted with the application. However, the applicants have not offered a legal agreement to address this issue and it is recommended the planning application should also be refused on this basis.

Town centre/Public Realm: £25,000 to be used towards town centre improvements in Ruislip/ Ruislip Manor.

Libraries Contribution: in line with the SPD, a libraries contribution in the sum of £2558.52 will be sought. This this is equal to £23 for each person equating to £1,666.81.

Health: In line with the supplementary planning document for Health a contribution in the In line with the SPD for Health, a contribution in the region of £17,892.61 - £24,102.37 (£216.67 per person) is sought.

In line with supplementary planning guidance, a contribution equal to £2,500 for every £1m build cost is sought for construction training in the Borough.

Recreational Open Space: Given that a children's play area is proposed on site. A contribution towards public open space will therefore not be sought.

No contributions have been secured by way of a Unilateral Undertaking or S106 Agreement in relation to the above mentioned planning benefits associated with the proposal. It is therefore considered that planning permission should also be refused for this reason.

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

There are no enforcement issues associated with this site.

#### **7.22 Other Issues**

There are no other issues relating to this application.

### **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

The principle of residential development on this site is not supported, as the proposal would result in the loss of garden land and will result in more than 10% of properties in Pembroke Road being redeveloped for flatted development. The cumulative impact of this and the adjoining flatted development would further erode the area's traditional suburban scale and character. Given the scale and massing of the proposed blocks, the development could not be achieved without adversely affecting the visual amenities of the street scene or surrounding area.

In addition, whilst parking provision is considered adequate, the access arrangements and would be unacceptable, to the detriment of the free flow of traffic and highway safety. Furthermore, the application has failed to demonstrate that the proposed development could be completed without detriment to the recognised ecological value of this area, whilst the requirement for a 20% reduction in CO2 emissions has not been satisfactorily addressed.

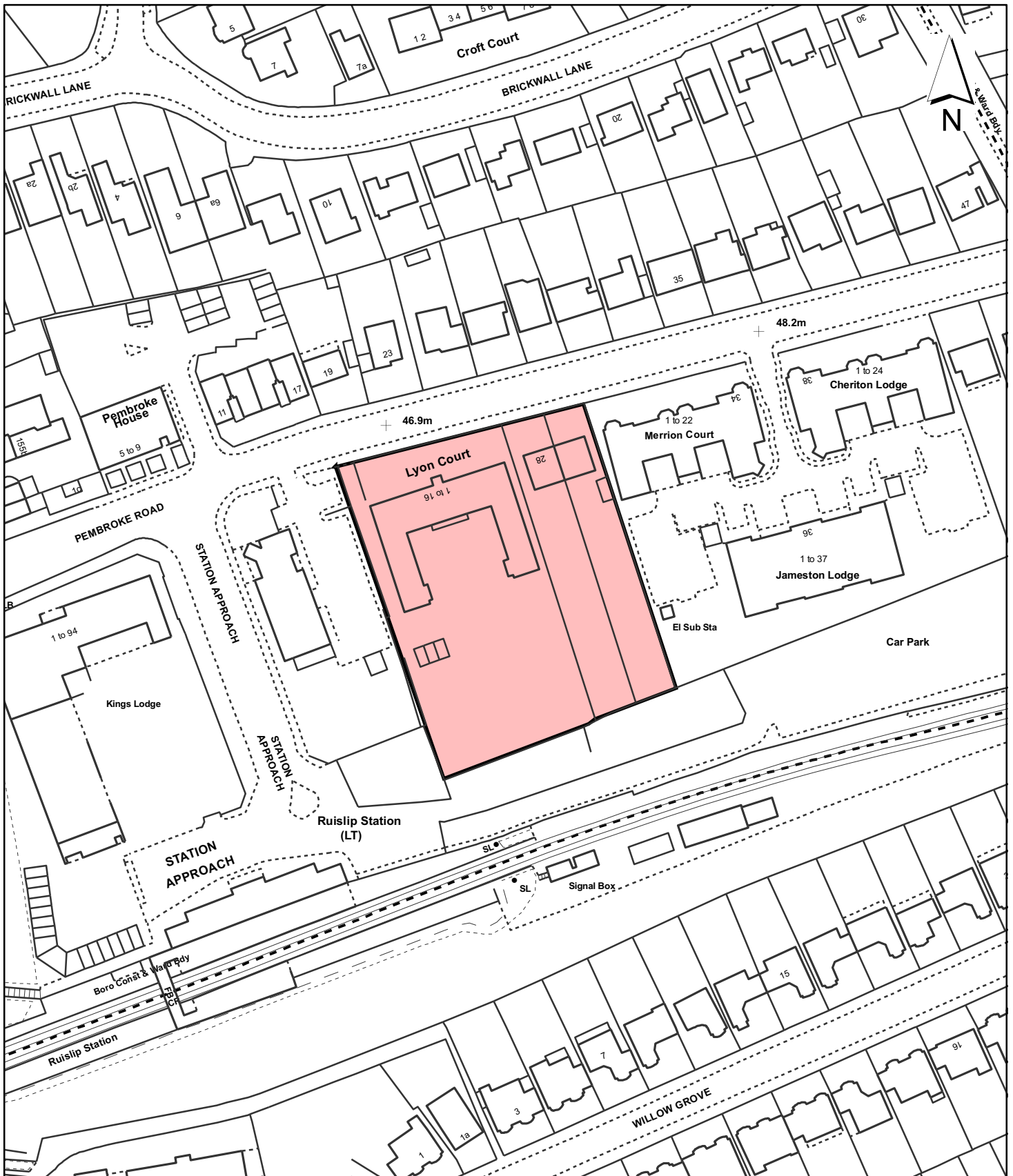
The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development in respect of education, town centre improvements, libraries, public realm and health improvements. Affordable housing provision has also not been addressed by an appropriate legal agreement. Refusal is recommended accordingly.

## 11. Reference Documents

Planning Policy Statement 1 (Delivering Sustainable Development)  
Planning Policy Statement 3 (Housing)  
Planning Policy Statement 9 (Biodiversity and Geological Conservation)  
Planning Policy Guidance Note 15 (Planning and the Historic Environment)  
Planning Policy Guidance Note 13 (Transport)  
Planning Policy Guidance Note 24 (Planning and Noise)  
The London Plan  
Representations

**Contact Officer:** Karl Dafe

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**Notes**

 Site boundary

For identification purposes only.

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Site Address

**Lyon Court and  
28 - 30 Pembroke Road  
Ruislip**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
Environment, Education  
& Community Services

Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:  
**66985/APP/2010/2894**

Scale  
**1:1,250**

Planning Committee  
**North**

Date  
**April 2011**



**HILLINGDON**  
LONDON