

APPLICATION FOR: 76364/APP/2021/4604

NEYLAND COURT PEMBROKE ROAD RUISLIP

COMMITTEE: Minor Apps PC

DATE: 10th March 2022

I confirm:-

- All consultations have been completec
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address NEYLAND COURT PEMBROKE ROAD RUISLIP

Development: Construction of detached building to accommodate new management office accommodation above replacement parking spaces

LBH Ref Nos: 76364/APP/2021/4604

Drawing Nos: P.11 Rev. A
 B.10
 L.10
 P.10
 P.12
 P.13
 Planning Statement

Date Plans Recieved: 21/12/2021 **Date(s) of Amendment(s):** 21/12/2021

Date Application Valid: 21/12/2021

1. SUMMARY

The application proposes the erection of a detached building to accommodate a management office above replacement parking spaces. The revised proposed site plan shows the existing wall screening the communal amenity space from the adjoining car park would be demolished and replaced with a new boundary treatment comprising a brick wall with brick piers, metal railings and planting (refer to drawing number P.11 Rev. A). Also, the existing on-site car parking layout would be altered, including four parallel car parking bays (labelled 13 to 16) adjacent to the proposed boundary treatment.

The proposed office management building would cause significant harm to the living conditions of the neighbouring occupiers and their associated external amenity space, in terms of loss of outlook, overshadowing, overbearing impact and sense of enclosure. Furthermore, the proposed boundary treatment and the position of the car parking bays labelled 13 to 16, would severely compromise the quality, usability and functionality of the communal amenity space at Neyland Court. It would also give rise to a loss of outlook, loss of privacy and increased noise and disturbance for the ground floor flats at Neyland Court. The proposal therefore conflicts with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 130 part (f) of the NPPF (2021).

It is therefore recommended that the application be refused for the reasons set out in this Committee Report.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed office management building, by virtue of its proximity, size, scale, bulk, massing and elevated height, would cause significant harm to the living conditions of the neighbouring occupiers and their associated external amenity space, at Neyland Court,

number 19 Pembroke Road and numbers 4, 6, 6a and 8 Brickwall Lane, in terms of loss of outlook, overshadowing, overbearing impact, sense of enclosure and perceived loss of privacy. The proposal would therefore be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the National Planning Policy Framework (2021).

2 NON2 Non Standard reason for refusal

The proposed boundary treatment comprising brick wall, piers and metal railings, by virtue of its proximity, length, 1.8 metre height and design would cause significant harm to the residential amenities of the existing occupiers of the ground floor flats at Neyland Court, in terms of loss of outlook, overbearing impact and sense of enclosure. The proposal would therefore result in substandard forms of internal residential accommodation to the detriment of the amenity of the existing occupiers at Neyland Court. This would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the National Planning Policy Framework (2021).

3 NON2 Non Standard reason for refusal

The proposed development, by virtue of the proximity of the on-site car parking spaces labelled 13 to 16 and the inadequate provision of soft landscaping screening, would cause unacceptable noise, disturbance, overlooking and a loss of privacy (both real and perceived) for the existing occupiers of the ground floor flats at Neyland Court. The proposal would therefore result in substandard forms of internal residential accommodation to the detriment of the amenity of the existing occupiers at Neyland Court. This would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the National Planning Policy Framework (2021).

4 NON2 Non Standard reason for refusal

The proposed development, by virtue of the proximity of the on-site car parking spaces labelled 13 to 16 and the inadequate provision of soft landscaping screening, would severely undermine the quality, usability and functionality of the communal amenity space at Neyland Court. The proposal would therefore result in substandard forms of external residential accommodation to the detriment of the amenity of the existing occupiers at Neyland Court. This would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and the National Planning Policy Framework (2021).

INFORMATIVES

1 I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

a) We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

2 I52 Compulsory Informative (1)

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

3 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DME 3	Office Development
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 9	Management of Flood Risk
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 4	Conservation Areas
DMHB 5	Areas of Special Local Character
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMTC 1	Town Centre Development
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP E1	(2021) Offices
LPP G7	(2021) Trees and woodlands
LPP HC1	(2021) Heritage conservation and growth
LPP SD7	(2021) Town centres: development principles and Development Plan Documents
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T6	(2021) Car parking
LPP T6.2	(2021) Office parking

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located within the car park at the rear of Neyland Court, which is located on the northern side of Pembroke Road. Neyland Court is a purpose-built building with a mansard roof occupied by twelve flats. To the rear of the building is an area of soft landscaping which serves as communal amenity space for the occupiers at Neyland Court. Beyond this amenity space, lies a car park which includes a block of garages positioned along north-eastern site boundary. An unauthorised car port structure has

recently been constructed adjacent to the rear boundary of the application site which is currently being investigated by the Council's Enforcement Department.

The application site falls adjacent to two heritage assets, the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character (ASLC). The immediate surrounding area is predominately characterised by inter and post war properties. Number 19 Pembroke Road is a bungalow located directly to the east of the application site. Pembroke House is located to the west of the application site and is a former office building that has been converted into flats. To the rear of the site are the neighbouring properties at numbers 2b, 4, 6, 6a and 8 Brickwall Lane.

The site lies within Ruislip Town Centre as identified within the Hillingdon Local Plan Part 2 - Development Management Policies (2020).

3.2 Proposed Scheme

The application proposes the erection of a detached building to accommodate a management office above replacement parking spaces. The proposed site plan originally submitted indicated that the kerbs would be re-aligned. Following Officers' request for further clarification in respect to the proposed kerb realignment, a revised proposed site plan was submitted showing that the existing wall screening the communal amenity space from the adjoining car park would be demolished and replaced with a new boundary treatment comprising a brick wall with brick piers, metal railings and planting (refer to drawing number P.11 Rev. A). Also, the existing on-site car parking layout would be altered, including four parallel car parking bays (labelled 13 to 16) adjacent to the proposed boundary treatment.

This current application is a resubmission following the dismissed Appeal in respect to application reference 76364/APP/2021/156 (refer to the planning history section below for details).

It should be noted that the submitted plans do not accurately reflect the site layout. The existing garage adjoins and follows the splayed site boundary shared with number 19 Pembroke Road, rather than running partially set-back and angled against the boundary. There is an existing refuse store which is located adjacent to the eastern boundary, which is missing from the existing plans. The position and number of existing car parking spaces at the site are incorrectly shown. An unauthorised car port has recently been constructed which is not shown on the existing plans. The red line boundary on the submitted site location does not include the private access road shared between Neyland Court and Pembroke House. The revised proposed site plan (drawing no. P.11 Rev. A) incorrectly labels No.19 Pembroke Road and number 21. Also, Nos.6a and 8 Brickwall Lane have been incorrectly labelled as Nos. 8 and 10a.

Issues about the accuracy of the submitted drawings were previously raised by Officers during the assessment of the previous application at Neyland Court under reference 76364/APP/2021/156. However, the applicant has failed to address these issues as part of this current application. Had this application been recommended for approval, Officers would have requested for the drawings to be updated to rectify the discrepancy issues.

3.3 Relevant Planning History

76364/APP/2021/1569 Neyland Court Pembroke Road Ruislip

Demolition of existing garage block and construction of detached building to accommodate new management office accommodation above replacement parking spaces

Decision: 28-07-2021 Not Determined **Appeal:** 14-12-2021 Dismissed

Comment on Relevant Planning History

The planning history attached to this site is referenced above. Planning application reference 76364/APP/2021/156 proposed the demolition of the existing garage block and construction of a detached building to accommodate new management office accommodation above replacement parking spaces. A non-determination appeal was lodged which was subsequently dismissed by the Inspector on 14th December 2021 (Appeal ref: APP/R5510/W/21/3279874). The Council presented the following putative reasons for refusal within their appeal statement:

1. The proposed development, by reason of its proximity, size, scale, bulk, height and massing, would cause significant harm to the living conditions of the neighbouring occupiers and their associated external amenity space, at Neyland Court, 19 Pembroke Road and numbers 6a and 8 Brickwall Lane, in terms of loss of light, loss of outlook, overshadowing and overbearing impact. The proposal would therefore be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

Whilst this current application shows the proposed office management building in a new location, it is considered that the putative ground for refusal for application reference 76364/APP/2021/156 has not been resolved. The proposed erection of a new boundary wall and railings and changes to parking layout raises new grounds for refusal as detailed in this report.

An unauthorised car port structure has recently been constructed adjacent to the rear boundary of the application site which is currently being investigated by the Council's Enforcement Department (Reference ENF/84/22).

4. Planning Policies and Standards

Development Plan:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

Material Considerations:

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

DME 3 Office Development

DMEI 14 Air Quality

DMEI 2 Reducing Carbon Emissions

DMEI 9 Management of Flood Risk

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 4 Conservation Areas

DMHB 5 Areas of Special Local Character

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

DMTC 1 Town Centre Development

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D4 (2021) Delivering good design

LPP D5 (2021) Inclusive design

LPP E1 (2021) Offices

LPP G7 (2021) Trees and woodlands

LPP HC1 (2021) Heritage conservation and growth

LPP SD7 (2021) Town centres: development principles and Development Plan Documents

LPP SI12 (2021) Flood risk management

LPP SI13 (2021) Sustainable drainage

LPP T6 (2021) Car parking

LPP T6.2 (2021) Office parking

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

43 neighbouring properties were consulted on 20th January 2022. Following the receipt of a revised

drawing, the same neighbouring properties were re-consulted on 16th February 2022. At the time that this committee report was completed, the consultation period had not yet expired. Any further comments will be reported to committee members in an addendum.

The matters raised in the representations received are summarised as follows:

- The proposed building at 5.6m high would be overwhelming
- Loss of light and overshadowing
- Overbearing
- Overlooking issues
- Overdevelopment
- Detrimental impact to the character and appearance of the area
- There are already two office buildings at Pembroke House
- Hard to believe there is justification for a third office building
- Reduction of communal garden area at Neyland Court and removal of trees and shrubs
- Noise/pollution for residents
- Unnecessary development in close proximity to the neighbouring houses and rear gardens of 4, 6 and 6a Brickwall Lane affecting their living conditions, in particular loss of light, outlook and privacy to the residents of Neyland Court
- Concerns about noise associated with the proposed office building
- Damage caused to the pavement from heavy duty vehicle mounting the pavement
- The re-location of the refuse store requires permissions from the Neyland Court Directors
- Uncertainty if the proposed car parking spaces would be exclusive to Neyland Court residents
- Numerous applications by the freeholder have been made in the past few years
- Submission of factually incorrect site plans, including a car port structure, the communal garden area and refuse area

PLANNING OFFICER RESPONSE: Material planning considerations raised are addressed in the following sections of this Committee Report. The concerns raised about potential damage to the pavement or whether permission has been received by the Directors of Neyland Court are not planning considerations. The discrepancies of the submitted drawings have been acknowledged in section 3.2 of the Committee Report.

A petition against the application with 24 signatories was received by the Council. The grounds for opposition are as follows:

"The proposed building due to its 5.6 m high and very close proximity to the neighbouring dwellings and rear gardens will effect the living conditions with particular regards to loss of light and outlook. The occupiers who will be the most effected are 6, 6a and 4 Brickwall Lane and residents of Neyland Court. Policy DMHB 11 of the Hillingdon Local Plan: Part 2- Development Management Policies (the DM) requires, amongst other matters, that new development incorporates the principles of good design and takes into account the effect on neighbouring open spaces and environment and "should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space".

This new proposal will also lead to a loss of privacy for Neyland Court residents. The front windows of the proposed building will effect the living conditions of residents who live on the ground floor in Neyland Court as cars will park closer to their windows.

The planning application proposes to add a new parking space by removing the bin area which has been omitted in the existing site layout. The proposal does not specify who will be using this additional parking space. As per the leasehold document parking spaces 14, 15 & 16 on the proposed site layout are for the exclusive use of Neyland Court residents so if the application is

approved it needs to be clarified who is entitled to this one additional parking space.

We would like to mention that the existing layout submitted by Anslip again does not represent the correct existing site layout.

- Refuse store is completely omitted in the existing site layout but surprisingly placed in the proposed site layout in the completely different location of where it's located currently;

- On the proposed site layout, the refuse store is located at the entrance. We would like to inform that the refuse area has already been constructed by Anslip in December 2021 without permission from directors of Neyland Court;

- The parking spaces 1, 2, 3, 4, 5 & 6 are incorrectly showed in the existing site layout. They should have been showed in one line next to each other in the similar way as it's in the proposed site layout;

- The total number of parking spaces is currently 17 including 3 which belongs to Neyland Court. According to the existing site layout there are 15 and per the proposed application is going to be 16 car spaces. It means that proposed application is reducing parking spaces by 1 and not increasing by 1 as it has been indicated in the planning application.

We would like to add that the planning application 76364/APP/2021/1569 which was submitted in March 2021 by Anslip Ltd had also some errors in the existing site layout which we had to address in our comments. We would like to ask Hillingdon Council to consider rejecting any applicants who constantly submit misleading and incorrect information in their planning applications.

PLANNING OFFICER RESPONSE: The reasons for submitting the petition are noted. Material planning considerations raised are addressed in the relevant sections of this Committee Report. As noted above, the discrepancies of the submitted drawings have been acknowledged in section 3.2 of the committee report.

Ward Councillor

A ward councillor objects to this planning application as it is believed this would be an over intensification of the commercial use of this site to the detriment of the residential amenity of residents in 6, 6a and 4 Brickwall Lane, at odds with Policy DMHB 11 of the Hillingdon Local Plan. This would also result in a loss of amenity space to residents of Neyland Court for a re-sited bin store. These residents would also be overlooked by the proposed new development.

PLANNING OFFICERS RESPONSE: These comments are noted and the principle of the development and impact on neighbouring amenity is addressed within sections 7.01 and 7.08 of this Committee Report.

Eastcote Residents' Association:

Existing situation:

The 'Existing Site Layout' P.10 submitted for this application is incorrect. I pointed out in my letter dated 14/06/21 with reference to plan Ref:763/APP/2021/1569 that the existing garage block is not at an angle to the boundary with 19 Pemboke Road and the bin stores were not on the plans. Please refer to a copy of the HM Land Registry Title Plan for 17B Neyland Court obtained on 16/06/2021 as shown below.

The Title Plan above shows:

1. The location of the garage block against the boundary with no 19 Pembroke Road.
2. The bin stores for Neyland Court highlighted with blue arrow.
3. The parking spaces in the orange ringed areas were re-located prior to the submission of plan

Ref:763/APP/2021/1569 to provide 9 parking spaces facing the rear boundary. The 'Existing Site Layout' P.10 is therefore out of date as the parking spaces numbered 1 - 6 were relocated to the rear boundary to make 7 spaces, in addition to 2 other spaces to the west to provide a total of 9. The old spaces were re-asphalted.

4. The three parking spaces for residents of Neyland Court are spaces 11, 12 and 13 only on the 'Existing Site Layout' P.10, north of their amenity space.

The proposal:

1. There will be 8 parking spaces along the north boundary with the rear of Brickwall Lane, instead of the existing 9.

2. An extra parking space is to be inserted south of the garage block along the eastern boundary with 19 Pembroke Road. As can be seen on the Title Plan above the extra parking space will be located where the original bin store area for Neyland Court is located! The precise location of this extra parking space is unclear as the 'Existing Site Layout' P.10 and 'Site Layout Proposed' P11 are incorrect. It seems that the existing bin store for Neyland Court will have to be demolished and some of the existing amenity space for Neyland Court reduced in size to provide access to the parking space.

3. A refuse store is shown on 'Site Layout Proposed' P11 by the vehicle entrance. Residents inform me that this store was constructed in December 2021 without permission from Neyland Court directors.

4. The proposed office building will be 5.6 m high and very close to the neighbouring dwellings and rear gardens of 4, 6 and 6A Brickwall Lane. It will tower up across almost the entire rear boundary of no 6 Brickwall Lane.

5. The front first floor windows of the proposed office building will not be obscure glazed but will face the rear habitable windows of Neyland Court.

Conclusion:

The RRA supports local residents in opposing these proposals.

1. Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (the DM) requires, amongst other matters, that new development incorporates the principles of good design and takes into account the effect on neighbouring open spaces and environment and "should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space".

The proposed 5.67 metre high building will present a blank and featureless brick wall to the rear elevations of the adjacent residential properties at 4, 6 and 6a Brickwall Lane. The building of significant width, near the neighbouring dwellings and rear gardens, would have an overbearing impact on the residents using their adjacent gardens and harm the outlook enjoyed by residents from the rear elevations of Nos 4, 6 and 6a Brickwall Lane. Therefore, the proposed development would harm the living conditions of the occupiers of 4, 6 and 6a Brickwall Lane, with regards to loss of light and outlook contrary to Policy DMHB 11 of the DM.

2. Loss of Privacy and Amenity Space

The proposed office building will be in close proximity to the rear windows of Neyland Court. The south facing (non obscure) windows in the offices will cause loss of privacy to existing and future occupiers of Neyland Court. Some of the amenity space to the east will be lost due to the demolition of the existing bin store to provide access to a new parking space. The proposals would be detrimental to the amenities of the occupiers at Neyland Court by reason of overdominance, visual intrusion, loss of outlook and reduction of amenity space contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11 and

DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

PLANNING OFFICER RESPONSE: The proposed development would cause unacceptable harm to the living conditions of neighbouring occupiers and their associated external amenity space. The proposal would therefore be contrary to the Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 part f) of the NPPF (2021). Refer to sections 2.0 and 7.08 of the Committee Report for further details.

3) No Accessibility Provision or Parking Plan Layout.

The planned office building is not "accessible or inclusive" for any employees or clients who have mobility issues as it can only be accessed by a central staircase to the first floor. There is no car park layout plan to indicate the location of the three allocated spaces for Neyland Court residents, extra disabled spaces (none seem to be planned) or electric charging points (none planned according to Section 17 of application form). There is no indication who is entitled to use the other 12 spaces. All surfaces appear to be asphalt with non-permeable surfaces.

PLANNING OFFICER RESPONSE: This is noted. The proposed office management building would be accessed via an internal staircase which would not be of an accessible and inclusive urban design. However, this access arrangement would be similar to the allowed scheme at Pembroke House. It is therefore considered a refusal on this ground would be difficult to sustain, in the event of an Appeal. The electric charging points would have been secured by condition, if this application had been recommended for approval. The existing rear car park is already covered in a non-permeable surface. Therefore the proposed development would not significantly increase the risk of surface water run-off at the site over and beyond the existing situation. It would therefore be unreasonable to refuse this application on this ground.

4) Waste and Recycling Provision

Question 28 of the application form gives no detail regarding arrangements for waste and recycling provision for the office building. It seems that the existing bin store area for Neyland Court will be removed to provide a new parking space. A new refuse store is shown on 'Site Layout Proposed' P11 by the vehicle entrance and seems to have already been constructed. This planning application should not be approved until a feasible plan has been submitted with appropriate details.

PLANNING OFFICER RESPONSE: There is no objection, in principle, to the location of the proposed bin store as it would allow for convenient access for the existing occupants of Neyland Court and for the crew members of the refuse collection team. However, full details of the refuse/recycling provision for the existing occupiers at Neyland Court and the proposed office management building would have been secured by condition, in the event of an approval.

5) Drainage and Sewage

Question 19 of the application form suggests drainage will be via a soakaway. Is this acceptable within a critical drainage area?

With regards to sewage management question 22 of the application form answers "unknown". Should more information be provided?

PLANNING OFFICER RESPONSE: The site lies within a Critical Drainage Area and the western site boundary partially falls within a Surface Water Flood Zone. However, given the position and footprint of the proposed office management building, it is considered that the proposal is unlikely to significantly exacerbate the risk of surface water flooding at the site over and beyond the existing circumstances. In the event of an approval, an informative would be secured to advise the applicant the site lies in a Critical Drainage Area, and that water run off should be directed to a soakaway where possible. It should be noted that no conditions requiring the installation of sustainable

drainage systems were imposed on the office management building to the rear of Pembroke House (application refs: 38324/APP/2018/2678 & 38324/APP/2019/4066).

6) The proposals will result in an incongruous addition that would have a detrimental impact on the character and appearance of the site and surrounding area and loss of amenity for residents in Brickwall Lane and at Neyland Court and should be refused.

PLANNING OFFICER RESPONSE: Having regard to the allowed Appeal Decision at Pembroke House (ref: APP/R5510/W/18/3218019), it is considered that the proposal would not unduly impact on the character and appearance of the area and the wider setting of the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character. Refer to Section 7.07 of this Committee Report for further details. A response in respect to neighbouring residential amenity has already been provided in the preceding paragraphs.

Internal Consultees

COUNCIL'S ACCESS OFFICER:

No accessibility objection is raised at this stage, however, the following informative should be attached to any grant of planning permission: The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to achieve appropriate accessibility access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

COUNCIL'S TREES AND LANDSCAPE OFFICER:

This site is occupied by a four car garage situated in the north-east corner of a residents' car park located to the rear of Neyland Court, a three-storey block on the north side of Pembroke Road. There are no TPO's affecting the site. It is adjacent to, but not within the Ruislip Village Conservation Area (to the west) and the Midcroft Area of Special Local Character which is directly north of the site.

This submission follows the dismissal at appeal of application ref. 65364/APP/2021/1569 for non-determination of a similar proposal. The main issue identified by the planning inspector was the detrimental effect caused by the loss of light and outlook to the occupiers of 6a and 8a Brickwall Lane and 19 Pembroke Road. Similar considerations are applicable to the current proposal, which will have a negative impact on the outlook from 4-6 Brickwall Lane and the residents of Neyland Court.

The current proposal to build a second storey office above four parking spaces along the rear boundary behind Neyland Court will add to the built infrastructure in a back garden location, which is already severely compromised for the occupiers of Neyland Court by the hard landscape character of the car park. There is minimal green/living communal amenity space for residents of Neyland Court. The current proposal offers no environmental or visual amenity benefit, merely more grey infrastructure.

The application fails to satisfy policies DMH6, DMHB11, DMHB14 and DMHB18 - and should be refused.

COUNCIL'S HIGHWAYS OFFICER:

Site Characteristics & Background:

This site is located on the edge of Ruislip Town Centre in proximity of Ruislip LU station and a generous local bus service provision. The local road network is extensively covered by parking controls and given the relatively good access to rail and bus services, the public transport accessibility level (PTAL) is rated at a level of 4 which therefore reduces dependency on the use of private motor transport.

The application site comprises of a block of 12 flatted residential units fronting Pembroke Road with parking to the rear with some 15 on-plot residential parking spaces. The proposal intends to create a new small office building (E(g)(i) (formally B1a) - GIFA 61.5m²) located on the northern flank of the site envelope positioned above 5 existing parking spaces 4 of which are to be retained equating to a loss of 1 space.

Adjacent to this plot lies Pembroke House which also contains existing parking provisions to the rear and vehicular access shared with Neyland Court. In 2018, a previous application for a similar proposal (38324/APP/2018/2678) for Pembroke House was refused, partly on insufficient on-plot parking grounds (non-standard refusal reason 3) as 2 on-plot parking spaces would be lost as a consequence of the scheme. The determination was subsequently subject to appeal and in 2019 the Planning Inspectorate did not support the highway related refusal resulting in the appeal being upheld. In March 2020, Pembroke House attained planning permission (38324/APP/2019/4066) for a proposal consisting of office accommodation located above existing parking spaces located to the north and rear of that building.

A more recent application for a comparable scheme at Neyland Court itself (76364/APP/2021/1569) but with an alternative positioning of the office block was appealed on non-determination grounds (September 2021). The Inspectorate dismissed the appeal on grounds related to the harmful impact the offices would have on adjacent residential properties. There was no specific issue raised on highway/parking related grounds.

Parking Provision:

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

Given its small scale (GIFA - 61.5m²), the new unit would demand up to a single space provision under the parking standard. An additional space is not proposed and in fact a space would be lost as a result of the proposal. However, the Inspectorate's decision in 2019 for Pembroke House located next door (38324/APP/2018/2678) considered that "the loss of two spaces would not cause significant harm to highway safety or lead to any on-street or traffic flow issues off-site".

As Neyland Court lies in proximity to Pembroke House, it is considered that the Inspectorate's decision set a form of precedent which is also applicable to this current application. Hence there is no demand for an additional space to be provided (or replaced) which is further supported by the de minimis scale of office accommodation and the control of on-plot parking provisions via an established site management regime whereby permits are issued to qualifying residents of both Neyland Court and Pembroke House. As a result, it is not expected that any measurable impact or detriment would result in terms of any competing and minimal parking demands generated by the proposal.

The aforementioned 2021 'Neyland Court' appeal for non-determination further supports the above

conclusion given the Inspectorate did not identify any specific highway/parking related issues. It is highlighted that the 4 out of the 5 existing spaces also subject of this application would be replaced as part of the office build thereby broadly retaining the on-site parking status quo hence there are no specific observations on this aspect other than specifying the provision of Electric Vehicle Charging Points as outlined below.

It is also noted that the applicant has submitted revisions related to the reconfiguration of parking spaces 13,14,15 & 16 (as denoted on plan No.P.11 A) and this is considered acceptable as proposed given that their repositioning would not impede vehicular access into and out of the parking bays in the immediate vicinity i.e. spaces 7 & 8.

Electric Vehicle Charging Points (EVCP's):

In line with the London Plan (2021), there is a requirement to provide infrastructure for EVCP's. In this case, a single space should be made 'active' in order to future proof for anticipated demand with the remaining 3 spaces designated as 'passive'. This aspect should be secured by way of planning condition.

Vehicular Trip Generation:

Local Plan: Part 2 Policies DMT 1 and DMT 2 require the council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

As a consequence of the small unit scale, vehicular trip generation uplift is predicted to be negligible and therefore does not raise any specific highway concerns or objection.

Operational Refuse/Servicing Requirements:

As there is an existing office use to the rear of the car park serving Pembroke House next door, refuse arrangements and collection would continue via the shared access road and be organised by way of a private contractor hence this will require a separate conversation with the appropriate private waste collection service. There are no further observations.

Conclusion:

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies T4 and T6 of the London Plan (2021).

PLANNING OFFICERS RESPONSE: The comments received from internal consultees have been noted and addressed within the relevant sections of this Committee Report.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 87 of the NPPF (2021) states that "Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered." Appendix 2, Glossary of the NPPF (2021) includes offices within its definition of 'main town centre uses'.

Policy SD7 of the London Plan (2021) states that when considering development proposals, boroughs should take a town centres first approach, discouraging out-of-centre development of main town centre uses in accordance with Parts A1 - A3, with limited exceptions for existing viable office locations in outer London.

Policy DMTC 1 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states that proposals for 'main town centre uses' in out of centre locations will only be permitted where there is no harm to residential amenity: The Council will:

- i) Expect proposals for 'main town centre uses' to demonstrate that there are no available or suitable sites in a town centre where an edge of centre or out of centre location is proposed, using a sequential approach; and
- ii) Consider the effect of the proposal, either individually or cumulatively on the vitality and viability of existing town centres. Development proposals in out of centre and edge of centre locations, which exceed 200 sqm of gross retail floorspace, or 1,000 sqm of combined main town centres uses, will require an impact assessment.

Policy DME 3 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states that proposals for offices outside town centres, preferred office growth locations, and Locally Significant Employment Locations will be required to demonstrate that no other sequentially preferable locations are available.

In this case, the proposal seeks to introduce an office use at the site. The proposed office use would constitute as a 'main town centre use', and as such, the above policies are considered to be applicable. Given that the application site is located within Ruislip Town Centre, there is no requirement for a sequential test assessment based on the wording of Policies DMTC 1 and DME 3 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020).

It is also noted that the proposed building is understood to accommodate site management offices, rather than standalone office uses.

A similar scheme to that currently being proposed was allowed at Appeal to the rear of Pembroke House (Appeal ref: APP/R5510/W/18/3218019). It is worth highlighting that no objection to the principle of office use within the rear car park of Pembroke House was raised. This appeal decision is of material consideration and carries a degree of weight.

It is therefore considered that refusing the current application at Neyland Court based on the principle of the proposed office use would be difficult to sustain, in the event of an Appeal. However, this is notwithstanding, the other planning considerations which will be assessed in the following sections of the Committee Report.

7.02 Density of the proposed development

Not applicable to this application.

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

Refer to the section of the report titled 'Impact on the character & appearance of the area'.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policies D1, D3 and D4 of the London Plan (2021) require development proposals to be of

a high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness. Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Policy DMHB 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area.

Policy DMHB 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that within Areas of Special Local Character, new development should reflect the character of the area and its original layout.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping.

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

As previously mentioned, an application for the erection of a detached building to accommodate office accommodation above existing parking spaces within the rear car park of Pembroke House was allowed at Appeal (ref: APP/R5510/W/18/3218019). The Inspector of the allowed Appeal Decision states the following, in regard to the impact on the character and appearance of the area:

"4. The appeal site is located within the car park at the rear of Pembroke House. It is adjacent to, but not within the CA and ASLC. The CA was first designated in 1969, and the medieval village, based around Manor Farm, St.Martin's Church and the surrounding buildings form the core of the CA. Ruislip has a distinct identity that reflects its historical development.

5. Whilst the appeal site lies within the setting of the CA and ASLC, the car park itself is private, and public use is restricted. The design of the building, brick built with a mansard roof and hanging tiles would be very similar to the existing office building in the car park and would be considerably smaller than many of the existing buildings, including Pembroke House, that surround it.

6. Due to the private nature of its location to the rear of Pembroke House, it would not be conspicuous within the street scene setting of Pembroke Road. Furthermore, and owing to the position and scale of the development, I am satisfied that the development would not interfere with important views into or out of the CA or have a detrimental impact on its setting. Consequently, I do not consider that the development would look out of place in the locality or cause significant harm to the character and appearance of the area.

7. With regard to the ASLC, it is the rear gardens of the Brickwall Lane properties that set

the context. These generally incorporate high vegetation screening along the boundary. There is no evidence to suggest that any of that screening would be affected by the proposals. The proposals are a significant distance from those properties, and as there are no windows proposed at the rear, privacy to the amenity spaces of the Brickwall Lane properties would not be compromised by the appeal proposals. In this context, I do not consider that any significant harm would be caused to the ASLC.

For the reasons outlined above, I conclude that the development would not result in any material harm to the setting of the CA or to the ASLC, and as such would not be in conflict with policies BE1 and HE1 of the London Borough of Hillingdon Local Plan Part One Strategic Policies (2012) (the LP) and Policies BE4, BE5, BE13, and BE19 of the London Borough of Hillingdon Local Plan Saved Unitary Development Plan Policies 2012 (the UDP), which, amongst other matters, seek to promote good design that harmonises with its surroundings and protect designated and locally registered heritage assets. Policy BE15 of the UDP is not directly relevant to this main issue in that it is concerned with extensions and alterations to existing buildings."

Subsequent to the above appeal decision, planning permission was granted at Pembroke House for a revised scheme involving the erection of a detached office building on 13th March 2020 (ref. 38324/APP/2019/4066).

It is noted that the recently constructed office building in the rear car park of Pembroke House is currently under investigation by Planning Enforcement for allegedly not being constructed in accordance with the approved plans referred to above. However this is considered to be a separate matter to the consideration of this planning application.

Turning back to the application scheme, Neyland Court also lies adjacent to, but not within the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character (ASLC). The proposed office management building would be located in the rear car park of Neyland Court, adjacent to the mutual boundaries shared with Nos. 4, 6 and 6a Brickwall Lane.

The proposed office management building would measure approximately 12.1 metres wide, 6.1 metres deep and 5.6 metres high (5.8 metres high including the roof lights). It would be designed with an undercroft to provide four car parking spaces at ground floor. Office accommodation would be provided at first floor level. The dimensions, design and external finish of the proposed building would be comparable to the approved scheme at Pembroke House (ref. 38324/APP/2019/4066). As such, it is considered that the proposed development would not appear out of character with the rear car park setting of the site.

Given its two-storey scale, partial views of the proposed building would be visible between the bungalows at numbers 6a and 8 Brickwall Lane. However, the limited views of the proposed building from Brickwall Lane would be read in the context of the surrounding built environment, which includes long views of Neyland Court and Pembroke House. Furthermore, there is mature vegetation along the mutual boundary between Neyland Court and the adjoining properties on Brickwall Lane. It is therefore considered that the proposed development would not impact the street scene on Brickwall Lane to such a significant extent to justify a ground for refusal on this basis.

The existing wall with brick piers screening the communal amenity space from the adjoining car park would be demolished and replaced with a new boundary treatment comprising a brick wall with brick piers, metal railings and planting. The proposed

boundary treatment would have a height of 1.8 metres and extend across the full width of the building at Neyland Court. Due to its position, the proposed boundary treatment would not be visible from the street scene on Pembroke Road. As such, there would be no adverse impact to the character and appearance of the street scene. When viewed against the immediate context of the site, it is considered that the height, scale and design of the proposed boundary treatment would not cause harm to the character and appearance of the site, or the adjacent Conservation Area or Area of Special Local Character. However, this does not outweigh the unacceptable harm that would be caused to the residential amenities of the existing occupiers at Neyland Court, in respect to loss of outlook. Refer to the following section of this report for further details.

Had this application been recommended for approval, full details in respect to the external materials and finishes of the proposed office management building and boundary treatment would have been secured by condition. Also, a condition would have been secured requiring full hard and soft landscaping details (including the species and density of the planting adjacent to the proposed brick wall and metal railings) to be submitted to the Council for consideration.

Officers have not given any weight to the car port that has recently been constructed at the site because it is an unauthorised structure that is currently subject to an enforcement investigation.

The objections received from neighbouring residents have been duly noted. However, having regard to the above and in particular the allowed Appeal Decision at Pembroke House, it is considered that the proposal would not unduly impact on the character and appearance of the area and the wider setting of the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character.

7.08 Impact on neighbours

DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The putative ground for refusal of the previous application (reference 76364/APP/2021/156) for the proposed erection of an office management building was based on the harm that would be caused to the living conditions of neighbouring residential occupiers. The Inspector upheld the Council's putative ground for refusal as evidenced by the following extracts from the dismissed Appeal Decision (reference APP/R5510/W/21/3279874):

" 7. The appeal scheme would replace the garage block with a two-storey building occupying a similar footprint and location to include car parking to the ground floor and office accommodation to the first floor. The first floor presents a blank and featureless brick wall to the side and rear elevations facing the adjacent residential properties.

8. As a result of the featureless elevation situated at some height and being of notable width, the proposed building situated in close proximity to the neighbouring dwellings and rear gardens, it is my planning judgement that the appeal scheme would have an overbearing impact on the residents using the adjacent gardens and harm the outlook enjoyed by the residents from the rear elevation of No.19 and Nos. 8 and 6a.

9. Therefore, I find that the appeal scheme would harm the living conditions of the occupiers of 19 Pembroke Road, 6a and 8 Brickwall Lane, with particular regard to loss of

light and outlook contrary to Policy DMHB 11 of the DM."

In respect to this current application, it is acknowledged that the position of the proposed office management building would now be positioned along the rear boundary of the site. However, this amendment by itself fails to sufficiently address the concerns raised by the Inspector in the dismissed Appeal Decision for the previous application (ref 76364/APP/2021/156).

The proposed office management building would be two-storeys in scale and have a ridge height of 5.6 metres. It would sit flush against the mutual boundaries shared with the neighbouring residential properties at Nos. 4 and 6 Brickwall Lane. Given this relationship, together with the scale, size, massing, bulk and height of the proposed office building, it is considered that the development would be oppressive and overwhelming such that it would lead to an unacceptable loss of outlook, overshadowing and a sense of enclosure upon the neighbouring occupiers at Nos. 4, 6 and 6a Brickwall Lane and their associated private amenity spaces.

For similar reasons noted above, it is considered that the proposed office building would result in a loss of outlook and overbearing impact for the occupiers at Nos. 8 Brickwall Lane and 19 Pembroke Road when viewed from their rear elevation windows and private amenity space. It is considered that the separation distance from the proposed development would not be sufficient to mitigate this identified harm given the substantial size and height of the proposed office building.

Notwithstanding the separation distance of some 14.5 metres (at the closest point), the overall scale of the proposed office building in terms of width, height and elevated position, in relation to the rear elevation windows and external amenity space at Neyland Court would be overbearing and unduly dominant. This would lead to a significant material loss of outlook for the occupiers at Neyland Court. Furthermore, the first floor windows fitted in the front elevation of the proposed building would give rise to a perceived loss of privacy and overlooking for the occupiers, despite its proposed office use.

As previously stated, the existing wall screening the communal amenity space at Neyland Court from the adjoining car park would be demolished and replaced with new boundary treatment in the form of a brick wall and railings. The proposed 1.8 metre high boundary treatment would be positioned closer to the rear elevation windows of the ground floor flats at Neyland Court. With a limited separation gap of approximately 4 metres (at the closest point), between the proposed boundary treatment and the ground floor rear windows, it is considered that this aspect of the proposed development would significantly compromise the outlook and result in a sense of enclosure for the occupiers of the ground floor flats at Neyland Court.

The proposed planting would require time to mature, which means that the proposed brick wall and metal railings would be ineffective at screening the proposed new car parking bays at numbers 13 to 16. It is considered that cars using these proposed parking bays would have a harmful impact on the living conditions of the ground floor flats at Neyland Court, in terms of increased noise and disturbance and loss of privacy. For similar reasons, it is considered that the quality, useability and functionality of the communal amenity space serving the occupiers at Neyland Court would be severely undermined by the proposed boundary treatment and changes to the site layout. This is notwithstanding the 12.6 square metre net gain of communal amenity space shown on the proposed site layout plan.

As previously stated, the car port structure that has recently been erected at the site is unauthorised and is currently being investigated by the Council's Enforcement Department. This unlawful structure cannot therefore be used as justification for the proposed development which would adversely impact on the residential amenities of neighbouring occupiers.

It is noted that the Inspector for the detached office accommodation building at Pembroke House raised no concerns in respect to the privacy of neighbouring dwellings (Appeal ref: APP/R5510/W/18/3218019). However, the separation distances between this allowed office building and the residential properties at Pembroke House was approximately 16.5 metres. This is a greater separation distance than the proposed office management building being considered under this current application and the neighbouring dwellings at Neyland Court. The allowed Appeal Decision is not directly comparable, in respect to neighbouring residential amenity. It should therefore not be used to justify a scheme, such as being proposed, which would cause significant harm to the residential amenities of neighbouring occupiers.

In light of the above, it is considered that the proposed development would cause unacceptable harm to the living conditions of neighbouring occupiers and their associated external amenity space. The proposed development would therefore be contrary to the Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and paragraph 130 part f) of the NPPF (2021).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway, junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

According to the existing site layout plan, there are 13 existing car parking spaces to the rear of Neyland Court. However, it is acknowledged that this plan does not accurately reflect the actual car parking layout at the site. The representation received from a neighbouring resident stating that there are currently 17 car parking spaces at Neyland Court has also been noted. The proposed site layout plan (drawing number P.11 Rev. A) shows that 14 spaces would be provided in the rear car park of Neyland Court. Four of which would be provided on the ground floor level of the proposed office management building.

It is noted that the red line boundary includes two of the spaces from the recently constructed office building at Pembroke House. However, these spaces have been discounted as they are shown as forming part of the curtilage of Pembroke House, and were assessed as such, under application references 38324/APP/2019/4066 and 38324/APP/2018/2678 (allowed at Appeal).

The proposed office accommodation would have a gross internal floor area of

approximately 61.6 square metres. As such, it would require one car parking space to comply with the minimum car parking standards set out in Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). It is acknowledged that the proposed site layout would result in the potential loss of up to three on-site car parking spaces. However, this would not be dissimilar to the loss of the two on-site car parking spaces at Pembroke House where the Inspector's Appeal Decision considered that the "the loss of two spaces would not cause significant harm to highway safety or lead to any on-street or traffic flow issues off-site" (Appeal ref: APP/R5510/W/18/3218019). The following extracts are from the Pembroke House Appeal Decision APP/R5510/W/18/3218019:

"13. The existing parking provision is a private car park for residents. Based on the evidence provided, there are 21 existing spaces for 19 residents and the existing office building.

14. The proposed building would include car parking space within the construction footprint. I concur with the Highway Authority in that the proposals would effectively remove two spaces, in that space 18 would be unusable for a normal vehicle, and space 17 would be very close to the entrance to the new building. However, and acknowledging that, I find that space 17 would nonetheless still be usable. Furthermore, space 18 could well be utilised for motorbikes or cycles. I also agree with the Highway Authority that the surrounding area is covered by parking controls, and that there is good access to public transport. I note that the Highway Authority have not raised an objection to the proposals.

15. Notwithstanding the above, the Council have raised concerns regarding the overall amount of car parking that would be provided on the site. I understand from the evidence provided that 15 car parking permits are currently issued, and this is controlled by the owners of the building. This is below the 1:1 car parking standard set out within policy AM14, however it is reasonable to assume that the car park is not currently at capacity, and that it would remain under the control of the owners of the building. In addition, I am not in receipt of any evidence to suggest that there is an ongoing problem with car parking on the site. The car park is not available to be used by the public, and I am satisfied that the revised capacity would be sufficient to be able to control the private parking demand. I consider that the loss of two spaces would not cause significant harm to highway safety or lead to any on-street parking issues or traffic flow issues off site.

16. For the collective reasons outlined above, I conclude that the proposal would accord with policies AM7 and AM14 of the UDP which collectively state that, amongst other matters, that proposals should not cause significant harm to the conditions of highway and pedestrian safety and that the number of car parking spaces on the site would be sufficient for all land uses."

The Council's Highways Officer has commented that:

"As Neyland Court lies in proximity to Pembroke House, it is considered that the Inspectorate's decision set a form of precedent which is also applicable to this current application. Hence there is no demand for an additional space to be provided (or replaced) which is further supported by the de minimis scale of office accommodation and the control of on-plot parking provisions via an established site management regime whereby permits are issued to qualifying residents of both Neyland Court and Pembroke House. As a result, it is not expected that any measurable impact or detriment would result in terms of any competing and minimal parking demands generated by the

proposal.

The aforementioned 2021 'Neyland Court' appeal for non-determination further supports the above conclusion given the Inspectorate did not identify any specific highway/parking related issues. It is highlighted that the 4 out of the 5 existing spaces also subject of this application would be replaced as part of the office build thereby broadly retaining the on-site parking status quo hence there are no specific observations on this aspect other than specifying the provision of Electric Vehicle Charging Points as outlined below.

It is also noted that the applicant has submitted revisions related to the reconfiguration of parking spaces 13,14,15 & 16 (as denoted on plan No.P.11 A) and this is considered acceptable as proposed given that their repositioning would not impede vehicular access into and out of the parking bays in the immediate vicinity i.e. spaces 7 & 8."

Policy T6.2 of the London Plan (2021) requires appropriate provision for electric or other ultra-low emission vehicles to be made. In this case, the Council's Highways Officer has requested for 1 'active' and 3 'passive' electric charging point spaces to be provided. If this application had been recommended for approval, this would have been secured by way of a condition.

It would be the responsibility of the applicant to organise a private contractor to service the proposed building, in terms of refuse collection. The Council's Highways Officer has raised no objection, in this respect, given that the refuse arrangements and collection would continue via the shared access road between Pembroke House and Neyland Court.

Given the aforementioned factors, it is considered that the proposal is unlikely to significantly exacerbate the demand for parking or prejudice highway safety, in accordance with policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

BICYCLE PROVISION:

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network.

Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires 1 cycle space per 250 square metres of office floor space. For the proposed development, this would equate to 1 cycle space. Although no cycle details have been indicated on the submitted plans, this could have readily been resolved by the imposition of a planning condition requiring details of the cycle store provision to be submitted to the Council for consideration. Subject to such a condition, it is considered that the proposal would provide secure and accessible cycle space provision for the users of the proposed office management building in compliance with Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy T5 of the London Plan (2021).

7.11 Urban design, access and security

This has been covered in other sections of the Committee Report.

7.12 Disabled access

The proposed office management building would be accessed via an internal staircase

which would not be of an accessible and inclusive urban design. This access arrangement would put disabled people at a disadvantage, contrary to Policy D5 of the London Plan (2021). However, this access arrangement would be similar to the allowed scheme at Pembroke House. It is therefore considered a refusal on this ground would be difficult to sustain, in the event of an Appeal.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Policy DMHB 14 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states that planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

There are trees at and adjoining the application site; however, none of them are protected by a Tree Preservation Order (TPO). Whilst the submitted site layout indicates the approximate position of some of the trees, it is noted that the trees positioned along the mutual boundary shared with 6 and 6a Brickwall Lane are not shown to their full extent. These neighbouring trees are most likely to be impacted as the proposed office management building would be located within their root protection zone. If planning permission were to be granted, conditions would be secured requiring details of tree protection measures to be submitted to the Council for consideration.

7.15 Sustainable waste management

Policy DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states that development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

A new bin store would be located to the west of the site, adjacent to the proposed brick wall, piers and metal railings. There is no objection, in principle, to the location of the proposed bin store as it would allow for convenient access for the existing occupants of Neyland Court and for the crew members of the refuse collection team. However, full details of the refuse and recycling facilities for Neyland Court and the proposed office management building would have been secured by condition, in the event of an approval.

Subject to the above condition, it is considered that the proposed development would be able to provide a convenient location for the reuse and recycling facilities in accordance with Policy DMHB11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.16 Renewable energy / Sustainability

Policy SI 2 of the London Plan (2021) states that non-residential development should achieve a minimum on site reduction of 15 per cent beyond Building Regulation 2013.

Policy DMEI 2 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) requires all developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets.

An Energy Statement detailing the energy reduction measures that would be incorporated as part of the development has not been submitted with the application. However, this matter could be addressed by way of a planning condition, if planning permission were to be granted.

7.17 Flooding or Drainage Issues

Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy DMEI 9 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused. Policy DMEI 10 states that development within areas identified at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water runoff rates will be refused.

The site lies within Flood Zone 1 of the Environment Agency's Flood Risk Map. This means the site is classified as being at low risk and defined as having a less than 1 in 1,000 probability of fluvial and tidal flooding. As such, there are no restrictions on development, including office uses (i.e. a less vulnerable use according to the PPG flood risk vulnerability classification), in this location, in terms of fluvial and tidal flood risk.

According to the Council's GIS, the site lies within a Critical Drainage Area and the western site boundary partially falls within a Surface Water Flood Zone. Given the position and footprint of the proposed office management building, it is considered that the proposal is unlikely to significantly exacerbate the risk of surface water flooding at the site over and beyond the existing circumstances. Notwithstanding this, an informative would be secured, in the event of an approval, to advise the applicant the site lies in a Critical Drainage Area, and that water run off should be directed to a soakaway where possible.

It is worth highlighting that no conditions requiring the installation of sustainable drainage systems were imposed on the office management building to the rear of Pembroke House (application refs: 38324/APP/2018/2678 & 38324/APP/2019/4066).

7.18 Noise or Air Quality Issues

NOISE:

Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and non-aviation development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

The Inspector for the allowed Appeal Decision (Ref: APP/R5510/W/18/3218019) relating to the erection of a detached office building to the rear of Pembroke House raised no concerns about the impact on living conditions of neighbouring occupiers, in regard to noise generated by the introduction of a commercial use at the site. It is therefore considered that a refusal on this ground in regard to the current application at Neyland Court would be difficult to sustain, in relation to the lodged Appeal.

Use Class E of the Use Classes Order 1987 (as amended) covers the former use classes

of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure). In the interest of protecting neighbouring residential amenity, a condition would have been secured to ensure that the proposed building is only used for office purposes and no other uses falling within Use Class E- if this application had been recommended for approval. Also, a condition would have been recommended to remove permitted development rights from the proposed building.

It is noted that Section 32 of the application form states that the proposed opening hours are unknown. However, clarification about the operating hours of the proposed office would have been sought, if this application had been recommended for approval. Also, conditions would be secured to control the hours of operation of the proposed office and the hours delivery vehicles would be able to service the building.

AIR QUALITY:

The site is not located within an Air Quality Management Area and the proposal does not relate to a major development. As such, there is no requirement for an Air Quality Assessment. Due the nature and scale of the proposed use, it is considered that the proposal would not pose any significant air quality issues over and beyond the existing circumstances. The proposal would therefore accord with Policy DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.19 Comments on Public Consultations

Covered in Section 6 of this Committee Report.

7.20 Planning obligations

COMMUNITY INFRASTRUCTURE LEVY:

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for office developments is £35 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per square metre. The proposed office building would not have a gross internal floor space of 100 square metres or more. It would therefore not be CIL liable.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

Not applicable to this application.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

For the reasons set out in this report, it is considered that the proposed development

would conflict with national, regional and local planning policies and guidance. It is therefore recommended that the application be refused on the grounds set out in section 2 of this Committee Report.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
The London Plan (March 2021)
Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document
(September 2017)
National Planning Policy Framework (July 2021)

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