

<b>Item No.</b>	<b>Head of Planning, Trading Standards and Environmental Protection</b>
<b>Address:</b>	92-104 HIGH STREET, YIEWSLEY
<b>Development:</b>	ERECTION OF A FOUR STOREY BUILDING FOR A MIXED USE DEVELOPMENT COMPRISING RETAIL UNITS (CLASS A1) AT GROUND FLOOR AND 54 RESIDENTIAL UNITS ON THE UPPER FLOORS (CLASS C3) WITH BASEMENT PARKING (INVOLVING DEMOLITION OF EXISTING BUILDINGS).
<b>LBH Ref Nos:</b>	59189/APP/2005/3476
<b>Drawing Nos:</b>	AS PER ORIGINAL COMMITTEE REPORT.
<b>Date application approved at Committee</b>	24 August 2006
<b>S106 Agreement</b>	That the recommendation to enter into a Deed of Variation to the s106 dated 20 February 2007, as proposed below, is approved to enable an amendment to the tenure mix of the affordable housing units to be delivered on site.
<b>Reason for Urgency</b>	<b>The developer and the RSL will lose the grant funding to deliver the affordable housing for this scheme if the agreement is not completed by 30 June 2011. There is a need for the tenure of affordable housing to be secured and as such the matter warrants urgent attention.</b>

## 1.0 CONSULTATIONS

### 1.1 Internal Consultees

Planning Obligations Officer	The Deed of Variation is considered acceptable as it is proposed to amend the tenure mix, not reduce the level of affordable housing. The request for the change in tenure resulted from negotiations with the Councils Housing department to address housing need in the area. This variation will ensure that housing as needed in this area can be delivered.
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### Housing Officer

This scheme will now focus on the delivery of supported housing, which is a key strategic objective for the Borough as it will help to reduce the Borough's reliance on residential care. Currently Hillingdon has a high level of reliance on institutional forms of accommodation in comparison to similar boroughs. This is expensive to run and it has been identified that significant savings could be made to the councils medium term financial forecast (MTFF) by moving people into more independent forms of accommodation instead.

Proposals have been drawn up for a programme to deliver new supported housing. This will involve working with Registered Providers (RPs) to deliver units through Section 106 agreements or on disposed council land. The capacity of RPs to deliver units has been assessed along with the need for supported units. The shortfall between capacity and need represents the number of units that the council needs to supply. Hillingdon has an over reliance on institutional forms of accommodation such as residential care for people with care and support needs with a current annual spend of approximately £36m on residential and nursing care. This form of accommodation is expensive to run and is not always suitable for people who in many cases could live more independently.

The council's Medium Term Financial Forecast (MTFF) proposes that 450 supported homes be built over a period of three years to create real alternatives to the current situation and reduce the numbers of people living in residential care. This scheme will provide a number of units for people with learning difficulties whilst giving them independent living with either floating support or care available on site tailored to clients' needs. It will be less expensive to manage and the cost of providing care will be reduced. This deed of variation provides an excellent opportunity for the Council to meet a key strategic objective and make significant short and long term savings by getting people out of residential care into an independent and more cost effective type of living.

## **2.0 RECOMMENDATION**

- a) That the s106 agreement dated 20 February 2007 is varied as follows:**
- b) That the definition of Affordable Housing Mix be varied as follows:**

**““Affordable Housing Mix” means that the Affordable Housing Units shall comprise nineteen Social rented Units.”**
- c) That the owner meets the Council’s reasonable costs in the preparation of the Deed of Variation and any abortive work as a result of the agreement not being completed.**
- d) That if the Deed of Variation is not finalised within a period of 6 months from the date of this committee resolution, or any other period deemed appropriate by the Head of Planning, Trading Standards and Environmental Protection, then the application may be referred back to the Committee for determination.**
- e) That subject to the above, the application be deferred for determination by the Head of Planning, Trading Standards and Environmental Protection under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.**
- f) That if the application is approved, it be subject to the conditions and informatives agreed by the Central and South Planning Committee on 24 August 2006 (detailed in the Committee report and minutes) and attached to this report**

## **3.0 KEY PLANNING ISSUES**

- 3.1** The planning application was lodged on the 24<sup>th</sup> of January 2006, and was reported to the Central and South Planning Committee on the 24<sup>th</sup> of August 2006. Planning permission was granted on the 27<sup>th</sup> of February 2007 following completion of the required s106 Agreement. The report is attached as Appendix A and the minute of that meeting is attached as Appendix B.
- 3.2** The current wording in the s106 agreement requires the Affordable housing to be delivered in two tenures 70% as social rented ad 30% as shared ownership. This equated to 17 rented units and 2 shared ownership units.
- 3.3** It is proposed to amend the tenure mix to 100% rented units.
- 3.4** The Council approached the developer and the RSL on site as they saw an opportunity to provide much needed rented units for people with learning difficulties. This type of housing is required on a rented basis.

- 3.5 This amendment in tenure mix will also help free up residents from expensive residential care thus addressing one of the Boroughs top priorities.
- 3.6 The precise terms of the rewording have been agreed with the Council's legal team to ensure that the terms of the agreement are enforceable in the usual way for affordable housing units.
- 3.7 Accordingly, approval is recommended, subject to the conditions and informatives contained within the report heard by the Central and South Planning Committee on the 24<sup>th</sup> of August 2006.

## **OBSERVATIONS OF 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'.

## **OBSERVATIONS OF THE DIRECTOR OF FINANCE**

The report indicates that the costs of the development will be fully met by the developer, and the developer will make a Section 106 contribution to the Council towards associated public facilities. The developer will also meet the reasonable costs of the Council in the preparation of the Section 106 agreement and any

abortive work as a result of the agreement not being completed. Consequently, there are no financial implications for this Planning Committee or the Council.

### **Reference Documents**

- (a) Central and South Planning Committee Agenda 24 August 2006. Report for application reference 59189/APP/2005/3476.
- (b) Central and South Planning Committee Agenda 24 August 2006. Minute for application reference 59189/APP/2006/3476.

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## **APPENDIX A**

<b>Item No. 3</b>	<b>Report of the Director of Planning and Transportation</b>	
<b>Address:</b>	92-104 HIGH STREET, YIEWSLEY	
<b>Development:</b>	ERECTION OF A FOUR STOREY BUILDING FOR A MIXED USE DEVELOPMENT COMPRISING RETAIL UNITS (CLASS A1) AT GROUND FLOOR AND 54 RESIDENTIAL UNITS ON THE UPPER FLOORS (CLASS C3) WITH BASEMENT PARKING (INVOLVING DEMOLITION OF EXISTING BUILDINGS)	
<b>LBH Ref Nos:</b>	59189/APP/2005/3476	
<b>Drawing Nos:</b>	Design Statement, Planning Overview Statement, Transport Assessment received 24/01/06, Baseline Noise Assessment received 01/03/06, 1028 DP00 Rev A, DP01 Rev A, DP02, DP03 Rev A, DP04 Rev A, DP05 Rev A, DP06 Rev A, DP07 Rev A, DP08 Rev A received 05/04/06	
<b>Date of receipt:</b>	24/01/06	<b>Date(s) of Amendment(s):</b> 05/04/06

## **1.0 SUMMARY**

- 1.1 This application seeks full planning permission for the redevelopment of this site by the erection of a four storey building for a mixed use development comprising retail units (Class A1) at ground floor and 54 residential units on the upper floors (Class C3) with basement parking.
- 1.2 The scheme would provide two modern retail units on the ground floor of the building which would strengthen the primary shopping area of Yiewsley Town Centre and also result in environmental improvements to the public domain at the front of the site. The scheme also includes affordable housing provision in accordance with adopted policy. Approval is therefore recommended subject to the applicant entering into an agreement with the Council under Section 106 of the Town and Country Planning Act 1990 to secure those items set out in the recommendation below.

**2.0 RECOMMENDATION:**

**2.1 That delegated power be given to the Director of Planning and Transportation to grant planning permission subject to the following:**

- a. That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**
  - (i) The provision of affordable housing equivalent to 35% of the total number of residential units on the site of which at least 70% are to be of social rented tenure.**
  - (ii) A contribution of £75,560 towards the provision of education facilities within the Borough.**
  - (iii) A contribution of £14,728 towards primary health care facilities within the Borough.**
  - (iv) A contribution of £57,226 towards open space improvements at Yiewsley Recreation Ground.**
  - (v) A contribution of £10,000 towards Town Centre enhancements.**
  - (vi) A contribution of £2,500 for every £1m worth of construction costs towards construction training and recruitment measures.**
- b. That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed.**
- c. That the officers be authorised to negotiate and agree detailed terms of the proposed agreement.**
- d. That the application is reported back to the Planning Committee, if the Section 106 agreement is not completed within a period of 6 months from the date of Committee consideration.**

**2.2 That if the application is approved, the following conditions be attached:**

<b>1. (T8) Time Limit - full planning application</b>	<b>1. (T8) Standard</b>
<b>2. (M1) Details/Samples to be submitted</b>	<b>2. (M1) Standard</b>
<b>3. (M5) Means of Enclosure - details</b>	<b>3. (M5) Standard</b>
<b>4. Development shall not begin until details of the screening of the proposed communal amenity areas at first and fourth floor levels have been submitted to, and approved by, the Local Planning Authority</b>	<b>4. To safeguard the privacy of the future occupiers of the proposed residential units and the occupiers of neighbouring residential properties in accordance with Policy H24 of the adopted Hillingdon Unitary</b>

and none of the residential units hereby approved shall be occupied until the approved screening has been erected and such screening shall thereafter be permanently retained.

5. The on-site refuse storage and recycling facilities shown on drawing no. 1028 DP01 Rev A shall be provided prior to occupation of the retail / residential units to which they relate and shall be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

6. Development shall not begin until a sound insulation scheme for protecting the proposed development from external noise has been submitted to, and approved by, the Local Planning Authority. The scheme shall be fully implemented before that part of the development to which it relates is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

7. (N11) Control of plant/machinery noise

8. (TL5) Landscaping Scheme - (full applications where details are reserved for future approval)

9. (TL6) Landscaping Scheme - implementation

10. (TL7) Maintenance of Landscaped Areas

11. (H10) Parking/Loading/Turning Arrangements - Commercial Developments

12. No development shall commence until details of the proposed cycle storage facilities on the site have been submitted to, and approved by, the Local Planning Authority, such details to comprise a

5. **(OM7) Standard**

6. To ensure that the amenity of the occupiers of the proposed development is not adversely affected by external noise in accordance with Policy OE5 of the Hillingdon Unitary Development Plan.

7. **(N11) Standard**

8. **(TL5) Standard**

9. **(TL6) Standard**

10. **(TL7) Standard**

11. **(H10) Standard**

12. To ensure that adequate cycle storage facilities are provided on site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan.

**minimum of 54 spaces for the proposed residential units and 13 spaces for the proposed retail units. The approved facilities shall be provided before the development is occupied and shall thereafter be permanently retained.**

<p><b>13. The development shall not be occupied until the proposed car parking provision for wheelchair disabled people shown on drawing no. 1028 DP01 Rev A has been provided and thereafter these facilities shall be permanently retained.</b></p> <p><b>14. Not less than 10% of the residential units hereby approved shall be designed to (or be capable of easy adaption to) full wheelchair standard.</b></p> <p><b>15. Provision shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.</b></p> <p><b>16. Any construction operations which cause noise audible at the site boundary, are only to be carried out between 8am and 6pm Monday to Friday and 8am and 1pm Saturday. No work is permitted on Sundays and Public Holidays. This is inclusive of all deliveries to and from the site.</b></p> <p><b>17. Development shall not begin until a working plan has been submitted to, and approved by, the Local Planning Authority detailing the measures that will be taken to minimise dust, emissions from vehicles and</b></p>	<p><b>13. (DIS3) Standard</b></p> <p><b>14. To ensure that sufficient housing stock is provided to meet the needs of people with disabilities in accordance with Policy H9 of the Hillingdon Unitary Development Plan and Policy 3A.4 of the London Plan.</b></p> <p><b>15. To ensure that the development does not cause danger and inconvenience to users of the adjoining highway.</b></p> <p><b>16. To safeguard the amenity of surrounding areas.</b></p> <p><b>17. In the interests of the amenities of the occupiers of neighbouring properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan.</b></p>
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plant, noise and vibration arising from the development process. The term 'development process' includes the demolition of buildings and structures, groundworks and any other works necessary to complete the development.

18. (DRC6) Contaminated Land - 18. (DRC6) Standard survey and remedial works

## INFORMATIVES

1. (15) Control of Environmental Nuisance from Construction Work
2. (34) Access to Buildings and facilities for Persons with Disabilities
3. (3) Building Regulations - Demolition and Building Works
4. (11) The Construction (Design and Management) Regulations 1994
5. (12) Notifications to Building Contractors
6. (24) Works affecting the Public Highway - General
7. To promote the development of sustainable building design, you are encouraged to investigate the use of renewable energy sources which do not produce any extra carbon dioxide (CO<sub>2</sub>) emissions, such as solar, geothermal and fuel cell systems.
8. The decision to grant planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including the Human Rights Act 1998 (HRA 1998) which makes it unlawful for the Council to act incompatibly with convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
9. The decision to grant planning permission has been taken having regard to the policies and proposals in the Unitary Development Plan, namely Policies BE13, BE18, BE19, BE20, BE21, BE23, BE24, BE26, BE38, OE5, OE12, OE13, H4, H8, H9, H11, S1, S3, S11, R17, AM2, AM7, AM14, AM15.
10. In reaching this decision, the London Borough of Hillingdon's Central & South Planning Committee were mindful of the particular circumstances of the application, namely the impact of the development on the character, appearance and vitality of Yiewsley and West Drayton Town Centre; the quality of the environment created for future occupiers of the development; the impact on the amenities of the occupiers of neighbouring residential properties; the contribution of the proposal to the provision of affordable housing and other public benefits and the impact on local highway conditions.

## **3.0 CONSIDERATIONS**

### **Site and Locality**

- 3.1 The site has an area of approximately 0.24ha and is located on the east side of Yiewsley High Street immediately to the south of its junction with Fairfield Road. The site forms part of the Primary Shopping Area of Yiewsley and West Drayton Town Centre. It comprises a terrace of two storey buildings of varying ages and designs incorporating retail units at ground floor with residential accommodation above. There is a service yard at the rear of the site with access via a service road from the High Street. On the opposite side of the High Street facing the site is St Matthew's Church.
- 3.2 The site has a Public Transport Accessibility Level (PTAL) of 3, within a range of 1 to 6, (6 being the most accessible).

### **Scheme**

- 3.3 Full planning permission is sought for the redevelopment of the site by the erection of a four storey building for a mixed use development comprising 2 retail units on the ground floor, with floor areas of 662 and 617 sq metres respectively, and 54 residential units on the upper floors comprising 27 one bedroom and 27 two bedroom flats. Communal gardens areas are proposed at first floor level and on the roof of the proposed building. A car parking area for 64 vehicles would be provided at basement level with access via a ramp from Fairfield Road. The servicing of the retail units would take place at the rear of the building via the existing service road from the High Street. The scheme has been amended during the course of the application from a five storey building incorporating 2 retail units, 60 residential units and 64 car parking spaces.
- 3.4 The applicant has submitted various technical papers that describe the development and assess the impact of the proposal. These are briefly described below:
  - Design Statement

This statement provides an analysis of the architectural aspects of the scheme. It concludes that it would result in a number of planning benefits including the regeneration of an under-utilised site in the Town Centre; the provision of new 'open plan' retail space which could be let as either one or two units; the provision of 54 residential units including 19 affordable units; on-site basement car parking and private amenity space; a modern contemporary design; and improvements to the pedestrian area of the High Street including an increase in the public realm and enhancements to the streetscape.

- Planning Overview Statement

This statement considers the scheme against relevant planning policy criteria. It concludes that it fully accords with National Planning Policy Guidance, the London Plan, UDP and Supplementary Planning Guidance and that the design and massing of the scheme is appropriate for the site in its High Street context and within the surrounding environment.

- Transport Assessment

This report provides an assessment of the existing accessibility of the site, the proposed trip generation from the development and its traffic impact. It concludes that the site is located in a sustainable area being accessible by buses and trains therefore providing opportunities to use modes of transport other than the private car. As such the scheme is considered to comply with the advice in Planning Policy Guidance Notes 3 and 13 and would not have any significant impact on the capacity or operation of the local highway network.

- Baseline Noise Assessment

This report provides a noise assessment of the site to determine its suitability for residential development. It concludes that the site lies in Noise Exposure Category C for the purposes of Planning Policy Guidance Note 24 where conditions should be imposed to ensure an appropriate level of protection against noise for the future residents and makes detailed recommendations in respect of the level of sound attenuation to the building.

## **Planning History**

3.5 The site has no relevant planning history.

## **Planning Policies and Standards**

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 6 (Planning for Town Centres)

Planning Policy Guidance Note 3 (Housing)

Planning Policy Guidance Note 13 (Transport)

Planning Policy Guidance Note 24 (Planning and Noise)

Supplementary Planning Guidance - Residential Layouts and House Design

Supplementary Planning Guidance - Community Safety by Design

Council's Revised Parking Standards (December 2001)

The London Plan

## **UDP Designation:**

Yiewsley/West Drayton Major Town Centre

The following UDP polices are considered relevant to the application:-

## **Planning Policies and Standards**

Part 1 Policies:

1.10, 1.16, 1.17, 1.18, Pt 1.39

Part 2 Policies:

### **Built Environment**

- BE13 Layout and appearance of new development
- BE18 Design considerations - pedestrian security and safety
- BE19 New development within residential areas - complementing and improving amenity and character of the area
- BE20 Daylight and sunlight considerations
- BE21 Siting, bulk and proximity of new buildings/extensions
- BE23 External amenity space and new residential development
- BE24 Design of new buildings - protection of privacy
- BE26 Town centres - design, layout and landscaping of new buildings
- BE38 Retention of topographical and landscape features, and provision of new planting and landscaping in development proposals

### **Other Environmental Considerations**

- OE5 Siting of noise sensitive developments
- OE12 Energy conservation and new development
- OE13 Recycling facilities in major developments and other appropriate sites

### **Housing**

- H4 Mix of housing units
- H9 Provision for people with disabilities in new residential developments
- H11 Provision of affordable housing

### **Shopping**

- S1 New retail development within the shopping hierarchy
- S3 Increasing the attractiveness of town centres
- S11 Service uses in Primary Shopping Areas

### **Planning Obligations**

- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

### **Accessibility and Highways**

- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments
- AM14 New development and car parking standards
- AM15 Provision of reserved parking spaces for disabled persons

## **CONSULTATIONS**

### **External Consultees**

The application was advertised as major development under Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 and 90 neighbours were consulted including the Yiewsley & West Drayton Town Centre Action Group, Community Centre & Community Forum.

13 replies were received on the original scheme comprising a five storey building incorporating 2 retail units, 60 residential units and 64 car parking spaces. 12 of these objected on the grounds that the proposed development would:

1. Be of excessive size and out of proportion with its surroundings.
2. Be completely out of character with the existing High Street buildings.
3. Destroy an important part of the area's local history and heritage due to the demolition of existing buildings of existing buildings of architectural worth.
4. Result in the loss of the existing retailers on the site.
5. Offer inadequate housing at too high a density in units that are far too small with insufficient amenity space.
6. Result in an over concentration of small units.
7. Cause increased traffic, pollution and danger to pedestrians in an already congested road.
8. Lead to further parking problems in an area where parking is already inadequate.
9. Adversely affect natural light to, and result in overlooking of, St Matthew's Church.
10. Result in overlooking of the access and playgrounds to St. Matthew's Primary School.

The remaining reply supported the proposal in principle providing the current retailers on the site are not lost; there is no drain on the existing water/sewerage services; no social housing is provided on the site and traffic congestion in the High Street is not worsened.

In addition, three petitions were received on the original scheme. One of these was signed by 82 persons and objected to the proposal on points 1-6 above.

The second was submitted on behalf of the Governing Body of St. Matthew's Primary School and signed by 40 persons objecting to the proposal on the following grounds:

1. The height of the building would make it possible for residents to overlook the playground areas of the school. In particular they would overlook the playgrounds where young children will be involved in outdoor activities throughout the school day.

2. The new residential properties would inevitably result in additional traffic and therefore pollution/congestion. There are two pedestrian crossings in the High Street which have unfortunately not prevented fatalities in recent years. It is considered that any additional traffic would increase the risk to children and parents/guardians' safety when going to and from school. Without these new homes it is already a concern.

The other was signed by 166 persons and supported the proposal for the following reasons:

1. There is no history or heritage in the present shoddy High Street buildings and the proposed development would provide a much needed 'statement' or focal point that would put some life back into the town. The comprehensive redevelopment of this parade will significantly improve the character and appearance of the High Street and surrounding area.
2. Large development has been allowed throughout the Borough, some to the detriment of this small High Street. It is necessary to invest and develop in Yiewsley or it will soon become a ghost town.
3. A generous 35% of the flats will be much needed affordable housing. There is basement car parking together with a wider pavement area, tree planting and High Street landscaping. All these are desperately needed for the future of the High Street.
4. It is strongly felt that it would be better to have a bold modern building rather than the alternative of more derelict shops, take-aways and a ghost town.

Following receipt of the amended scheme for a four storey building incorporating 2 retail units, 54 residential units and 64 car parking spaces, all those persons notified of the original scheme were re-notified of the amended scheme. 2 further replies have been received reiterating concerns that the proposal would worsen traffic conditions in the area and result in the destruction of the one of the best parts of the High Street and its replacement with an inappropriate new building.

Yiewsley & West Drayton Town Centre Action Group	No objection in principle to the proposal. Overall it will go some way to enhancing the High Street, particularly if the style is sympathetic to the area. There is some concern about the density of the development and the possible permanent loss of Woolworths and other retail units. It is also felt that the development could be enhanced if there was a gable style roof instead of the flat roof proposed.
Yiewsley Community Involvement Group	Supports the proposal as it is considered to be a sensitive and appropriately sized development that would assist in the renewal of the Town Centre. The setting back of the development behind a tree line concourse particularly meets with public approval.

Hillingdon Chamber of Commerce Hillingdon PCT	<p>Overall the development would contribute to the sustainability of the Town as a retail centre with a unique character.</p>
	<p>Fully supports the application as it would assist in the regeneration of the High Street.</p> <p>Under the provisions of the Council's Supplementary Guidance on Health Facilities the proposed development is required to make a contribution of £14,728. This would be used for the re-provision of the primary health care centre serving Yiewsley and would enable the 3 GP practices serving Yiewsley and West Drayton to expand the number of GPs and other healthcare professionals that would be needed for the growth in population arising from this and other developments.</p>

### **Internal Consultees**

Policy and Environmental Planning Team	<p>The principle of a mixed-use housing-led retail development on the site is acceptable. In particular, the London Plan refers to the need to maximise the intensification of mixed use sites and states in Policy 4B.3 that Boroughs should ensure that development proposals achieve the highest possible intensity of use compatible with the local context. The Plan seeks a density range on urban sites with a PTAL score of 3 of between 100-150 units per hectare (upha) or 300-400 habitable rooms per hectare (hrpa). The proposal would result in a density of 185 upha or 462 hrpa. Whilst this is marginally above the density range envisaged by the London Plan, as long as the quality of the design and layout of the scheme and its compatibility with the local context is acceptable, there is no planning policy objection to the proposal. It is considered that the proposed redevelopment of the site would provide an opportunity to enhance Yiewsley and West Drayton Town Centre and is supported in planning policy terms.</p> <p>No objection.</p>
Urban Design and Conservation Officer Trees and Landscape Officer	<p>The scheme has been amended by a reduction in the number of residential units from 60 to 54. The current scheme continues to provide street tree planting along the High Street frontage with further tree planting to the rear, off Fairfield Road. A communal garden/roof terrace is proposed at first floor level. The amended scheme also provides an additional 600 sq metre roof garden/amenity area on</p>

	the fourth floor. For an urban housing scheme in a High Street location, the provision of roof gardens is an imaginative way of enhancing the visual quality of the living environment and in accordance with UDP Policy BE38. However, the aesthetic quality and use of these spaces by the residents will pose particular technical issues and require high quality landscape design, specification, implementation and maintenance. No objection is raised to the proposal subject to appropriate landscaping conditions.
Highways Engineer	No objection subject to the imposition of conditions to ensure the provision of a minimum of 10% of car parking spaces for people with disabilities and the provision of on-site cycle storage facilities.
Environmental Protection Unit	No objection subject to the imposition of conditions to protect future residents of the development from noise and the possibility of soil contamination and to mitigate the impact of construction operations on neighbouring occupiers.
Waste Services Education Directorate	No objection.
Social Services & Housing Development Group	The development falls within an area experiencing pressure for both primary and secondary school places. Under the provisions of the Council's Supplementary Planning Guidance on Education Facilities, the proposed development is required to make a contribution of £75,560. This would comprise £40,342 towards primary facilities and £35,218 towards secondary facilities.

### **Main Planning Issues**

3.6 The main planning issues are considered to be:

- (i) Principle of the proposed development
- (ii) Residential density
- (iii) Impact on the character and appearance of the area
- (iv) Amenities created for the future occupiers
- (v) Impact on the amenities of the occupiers of neighbouring residential properties
- (vi) Provision of affordable and special needs housing
- (vii) Traffic impact and car/cycle parking
- (viii) Planning obligations

(i) Principle of the proposed development

3.7 The site is located within Yiewsley / West Drayton Major Town Centre as identified on the Proposals Map of the Unitary Development Plan. Furthermore, the site does not fall within a Conservation Area or Area of Special Local Character and the existing buildings are not of any special architectural or historic merit. As such, there is no objection in principle to their demolition and the redevelopment of the site for retail / residential purposes at a higher density than currently existing.

3.8 Policy S1 of the Unitary Development Plan only seeks to permit new retail development which is appropriate in type and scale to the function of its location within the shopping hierarchy. Whilst the proposed development would see a marginal reduction in the amount of retail floor space on the site from 1360 to 1279 sq metres in a primary shopping frontage, it is considered that the two modern purpose units proposed would both be appropriate in scale and type to their location and would enhance the quality of retail units in the Yiewsley and West Drayton Shopping Centre and would not be likely to damage the general pattern of local shops. No objection is therefore raised to the principle of the development.

(ii) Residential density

3.9 The proposed scheme would have a density of approximately 185 units per hectare (upha) or 462 habitable rooms per hectare (hrpha). Whilst this is marginally above the density range envisaged by the London Plan for an urban site with a PTAL score of 3 (100-150 upha of 300-450 hrpha), it is considered that the scheme would be of a high standard of design and site layout which would be compatible with the local context. No objection is therefore raised to the density of development proposed.

(iii) Impact on the character and appearance of the area

3.10 The proposed building would be of a contemporary design with a four storey section fronting the High Street and 2 three storey wings to the rear fronting Fairfield Road and the service road from the High Street respectively. The reduction in height of the building from five to four stories is considered to have satisfactorily addressed previous concerns raised by the Officers in respect of the excessive bulk and scale of the building and its impact on the street scene in the High Street. The three storey elements to the rear are considered appropriate having regard to the more domestic scale of development in Fairfield Road. The building would incorporate a number of design features in order to break down its mass and scale including the provision of lightweight balconies and screens. It would be finished in a mixture of facing brickwork, rendered masonry, wall cladding, glazed curtain walling and man-made slate roof tiles. Full details of the materials to be used can be secured by condition in the event of planning permission being granted. Overall, it is considered that the bulk, scale and design of the building would be appropriate having regard to its location in the High Street

and its relationship with neighbouring buildings including St. Matthew's Church facing the site.

3.11 At ground floor level the façade of the building would be set back approximately 4.5 metres further from the High Street than the present buildings on the site. This would enable tree planting and the extension of the public realm area in front of the building. It is considered that this would significantly enhance the street frontage in this part of the Town Centre.

(iv) Amenities created for the future occupiers

3.12 The proposed residential units would have floor areas ranging between 44 and 64 sq metres. Whilst the smallest units would be below the guideline in the adopted Hillingdon Design and Accessibility Statement Supplementary Planning Document for a 1 bedroom flat (50 sq metres), all of the units would have a satisfactory internal layout and outlook and receive adequate levels of natural light. In relation to the provision of outdoor amenity space, two communal garden areas are proposed at first floor level and on the roof of the proposed building. It is considered that these would provide two significant areas of useable amenity space for the future occupiers. In addition private balconies are proposed for each of the flats. The overall amount of amenity space provided would be 1339 sq metres. This is in excess of the guidelines contained in the Hillingdon Design and Accessibility Statement for the number and type of units proposed (1215 sq metres). Accordingly it is considered that a satisfactory standard of residential amenity would be created for the future occupiers.

(v) Impact on the amenities of the occupiers of neighbouring residential Properties

3.13 Adequate separation distances in excess of the guidelines in the Hillingdon Design and Accessibility Statement would be provided between habitable room windows in the proposed building and neighbouring residential properties in High Street, Fairfield Road and Albert Road. In the event of planning permission being granted, a condition is recommended requiring details of the screening of the proposed communal gardens at first floor level and on the roof of the proposed building to be agreed with the Local Planning Authority to ensure acceptable levels of privacy for the future occupiers of the development and the occupiers of the neighbouring residential properties. The proposed building would not result in any undue loss of light to, or outlook from, neighbouring properties.

(vi) Provision of affordable and special needs housing

3.14 The application proposes a total of 19 affordable housing units within the scheme which would comprise 35% of the total number of residential units. Of these, 13 (70%) would comprise social rented units and 6 (30%) intermediate units. The level of provision therefore accords with the adopted UDP target at the time of the application of a 35% affordable housing proportion comprising

25% social rented and 10% intermediate housing (a tenure split of 70% social rented and 30% intermediate) and is considered acceptable, subject to the completion of the necessary legal agreement.

3.15 In accordance with Policy H9 of the Unitary Development Plan and Policy 3A.4 of the London Plan, 10% of the total number of units have been indicated to be designed to full (or capable of easy adaption to) wheelchair standard. This provision can be secured by way of a condition in the event of planning permission being granted. The applicant has also indicated that the remainder of the units would be built to 'Lifetime Homes' standards.

(vii) Traffic impact and car/cycle parking

3.16 The Council's Highway Engineer raises no objection to the development in terms of the traffic generated on the highway network. The on-site servicing arrangements for the proposed retail units involving the use of the existing service road from the High Street are also considered acceptable. The proposed car parking provision of 64 spaces comprising 1 space per residential unit and 10 spaces for the retail units accords with the UDP Revised Parking Standards and the more recent London Plan Standards and is considered acceptable given the site's location along a public transport corridor and within a major town centre. The provision of spaces for people with disabilities and on-site cycle parking facilities can be secured by appropriate planning conditions.

(viii) Planning obligations

3.17 Policy R17 of the Unitary Development Plan states that: 'The Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and educational facilities through planning obligations in conjunction with other development proposals'.

3.18 The application proposes a scheme of 54 one/two bed flats in an area experiencing pressure for both primary and secondary school places. Under the provisions of the Council's Supplementary Planning Guidance on Education Facilities, the proposed development is required to make a contribution of £75,560. This would comprise £40,342 towards primary facilities and £35,218 towards secondary facilities. The applicant has agreed to provide this sum.

3.19 The Hillingdon Primary Care Trust has advised that the existing local health network has insufficient space to accommodate new patients from this development. As such, a contribution of £14,728 is sought for the provision of additional health facilities in accordance with the Council's Supplementary Planning Guidance on Health Facilities. The applicant has agreed to provide this sum.

3.20 The applicant has also agreed to provide contributions of £57,226 towards improvements to open space / recreational facilities at Yiewsley Recreation Ground; £10,000 towards Town Centre enhancements; and £2,500 for every £1m worth of construction costs towards construction training and recruitment measures in accordance with the Council's Supplementary Planning Guidance on Community Facilities, Town Centres and Economic Development, Training and Employment. All of the contributions will be secured by way of a Section 106 agreement and are considered acceptable.

### **Comments on Public Consultations**

3.21 The majority of issues raised are dealt with in the main body of the report.

3.22 In relation to the concern raised in respect of an over concentration of small units, Policy H4 of the UDP requires where possible a mix of housing units, particularly units of one or two bedrooms, to reflect the changing housing demands of the Borough. It states that within town centres predominantly one and two bedroom development will be preferable. The scheme accords with the aims of this Policy.

3.23 In relation to the impact of the development on St. Matthew's Church and Primary School, it is not considered that this would be significant in planning terms given that both sites are located on the opposite side of the High Street to the application site and consequently there would be no undue loss of light or privacy to these properties.

### **4.0 Observations of the Borough Solicitor**

4.1 When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance and circulars and also, the provisions of the Human Rights Act 1998. Further, Members must make their decision on the basis of relevant planning considerations and must not take any irrelevant considerations into account.

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 of 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 those rights protected under these articles 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 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'.

## **5.0 Observations of the Director of Finance**

5.1 The report indicates that the costs of the development will be fully met by the applicant, and the applicant will make a contribution to the Council towards associated public facilities. The developer will also meet all reasonable costs of the Council in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed. Consequently, there are no financial implications for this Planning Committee or the Council.

## **6.0 CONCLUSION**

6.1 The scheme would provide two modern retail units and environmental improvements within the primary shopping area of Yiewsley Town Centre which it is considered would enhance its viability and vitality. It also includes the provision of affordable housing accommodation in accordance with adopted policy. Approval is therefore recommended subject to the applicant entering into an agreement with the Council under Section 106 of the Town and Country Planning Act 1990 to secure those items set out in the recommendation.

### **Reference Documents:**

- (a) Planning Policy Statement 1 (Delivering Sustainable Development)
- (b) Planning Policy Statement 6 (Planning for Town Centres)
- (c) Planning Policy Guidance Note 3 (Housing)
- (d) Planning Policy Guidance Note 13 (Transport)
- (e) Planning Policy Guidance Note 24 (Planning and Noise)
- (f) Unitary Development Plan (Adopted September 1998)
- (g) Unitary Development Plan Revised Parking Policies and Standards (2001)
- (h) Supplementary Planning Guidance - Residential Layouts and House Design
- (i) Supplementary Planning Guidance - Community Safety by Design
- (j) The London Plan

**Contact Officer:** MARK SMITH

**Telephone No:** 01895 250840

## **APPENDIX B**

Item No.	Address	Ward	Proposal	Application No.
3.	92-104 High Street Yiewsley	Yiewsley	Erection of a four storey building for a mixed use development comprising retail units (Class A1) at ground floor and 54 residential units on the upper floors (Class C3) with basement parking (Involving demolition of existing buildings)	59189/APP/2005/3476

Two petition representatives spoke in support of the development.

**RESOLVED**

1. **That delegated power be given to the Director of Planning and Transportation to grant planning permission subject to the following:**
  - a) **That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**
    - (i) **The provision of affordable housing equivalent to 35% of the total number of residential units on the site of which at least 70% are to be of social rented tenure.**
    - (ii) **A contribution of £75,560 towards the provision of education facilities within the Borough.**
    - (iii) **A contribution of £14,728 towards primary health care facilities within the Borough.**
    - (iv) **A contribution of £57,226 towards open space improvements at Yiewsley Recreation Ground.**
    - (v) **A contribution of £10,000 towards Town Centre enhancements.**
    - (vi) **A contribution of £2,500 for every £1m worth of construction costs towards construction training and recruitment measures.**
  - b) **That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed.**
  - c) **That the officers be authorised to negotiate and agree detailed terms of**
  - d) **That the application is reported back to the Planning Committee, if the Section 106 agreement is not completed within a period of 6 months from the date of Committee consideration.**
2. **That if the application is approved, the conditions and informatives in the Officer's report be attached.**
3. **The following additional condition was imposed:**

Condition	Reason
<b>19. Development shall not begin until details of screens for the proposed balconies have been submitted to, and approved in writing by, the Local Planning Authority and none of the residential units hereby approved shall be occupied until the approved screening has been erected.</b>	<b>In the interest of “ visual amenity”.</b>

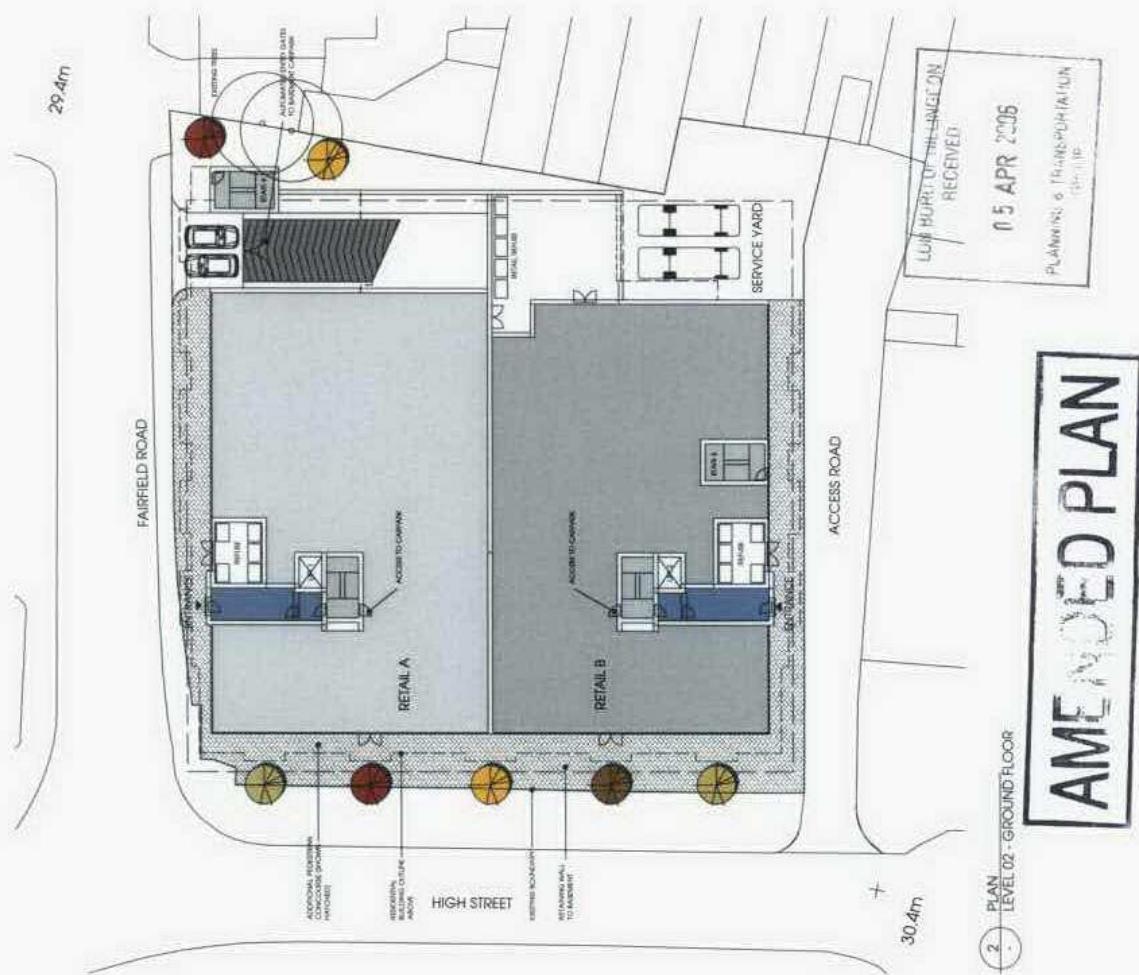
Item No.	Address	Ward	Proposal	Application No.
4.	Armstrong House & Middlesex House The Pavilions High Street Uxbridge	Uxbridge South	Change of use of 2 existing five storey office blocks above ground / mezzanine floor shopping centre and erection of a new upper floor on each building to provide a mixed use comprising ground / mezzanine floor shopping centre and 160 residential units, relocation of entrance to block 5 (Armstrong House) and re-use of entrance to block 6 (Middlesex House)	43742/APP/2006/252

A petition representative addressed the meeting to express concerns about the development. The Committee was then addressed by a petition representative who spoke in support of the application.

With the consent of the Chairman, a Ward Councillor from a neighbouring ward addressed the meeting, to express initial concerns about queries relating to the nature of the units, access for construction vehicles and the part of the S106 Agreement, where the Education Directorate had advised that in respect of primary school facilities, this contribution would be used to provide increased classroom capacity and ancillary space at Whitehall Infant and Junior school, which he pointed out was currently a four form entry school. He indicated that having read the amendment sheet, and heard the updates from Officers, he was pleased to be informed that the developers were meeting to discuss the issue of access with local residents.

The Legal Advisor commented that with regard to that part of the S106 Agreement for Education Contribution, there was no restriction that the money should be spent only on Whitehall Infant and Junior School. Education contribution has to be expended directly on places for children flowing from the development.

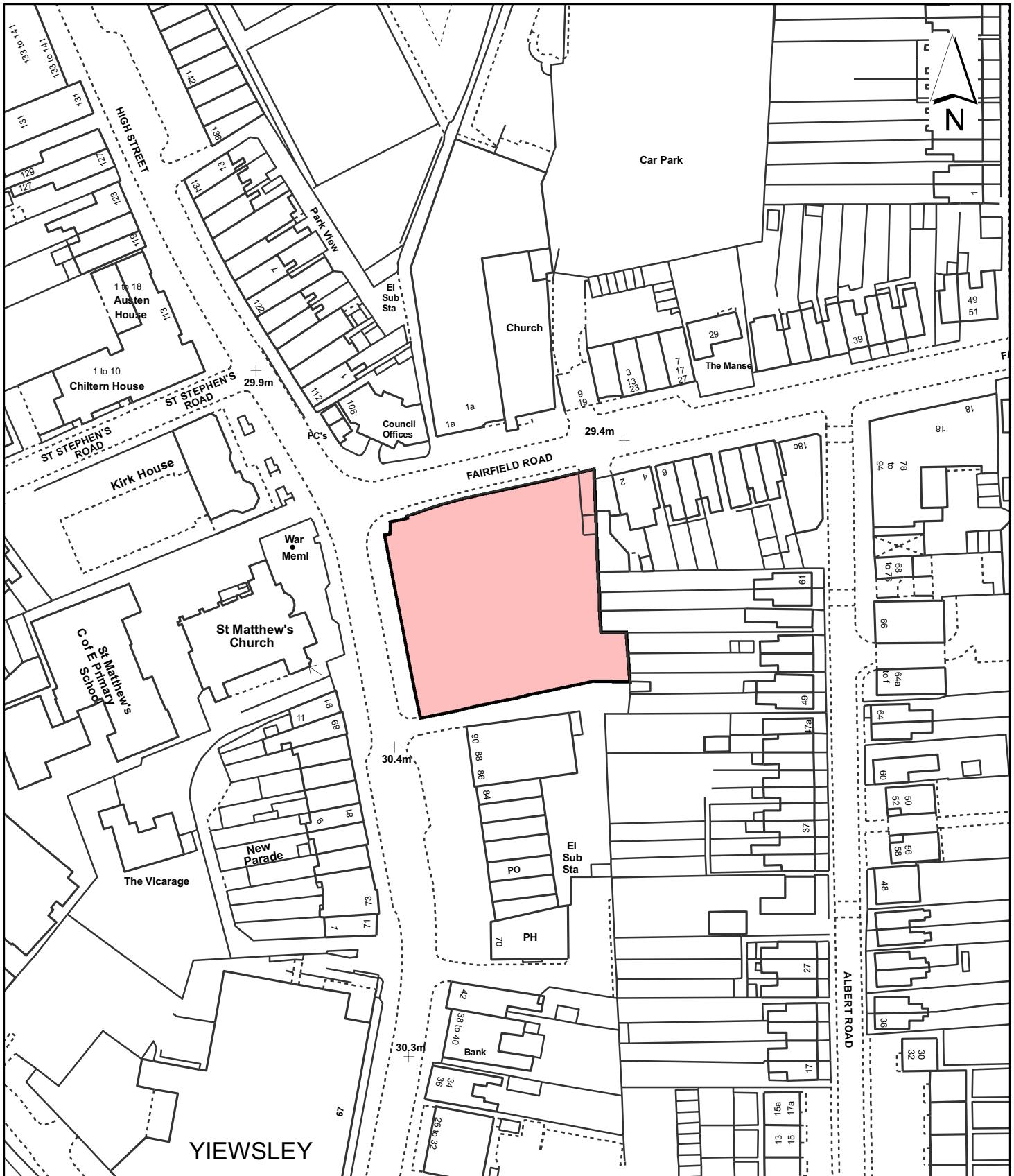
Members noted that no parking provision was proposed for the residential units and expressed concerns about social housing being offered to people who may need to



St John Spencer Estates and Developments Ltd

St John Spencer Estates and Developments Ltd

ANSWER  
TO  
THE  
QUESTION  
"WHY  
DO  
I  
FEEL  
SO  
EXHAUSTED?"



#### Notes

 Site boundary

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#### Site Address

**92 - 104 High Street  
Yiewsley**

**LONDON BOROUGH  
OF HILLINGDON**

**Planning,  
Environment, Education  
& Community Services**

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

Planning Application Ref:  
**59189/APP/2005/3476**

Scale

**1:1,250**

Planning Committee

Date

**Central and South**

**June 2011**



**HILLINGDON**  
LONDON