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| Item No. | Report of the Corporate Director of Residents Services |
| Address: | NORWICH UNION HOUSE, 1-3 BAKERS YARD, UXBRIDGE |
| Development: | REDEVELOPMENT OF NORWICH UNION HOUSE TO ERECT A 9 STOREY BUILDING COMPRISING RETIAL FLOORSPACE AT GROUND FLOOR LEVEL AND 8 STOREYS OF RESIDENTIAL UNITS (37 UNITS) WITH ASSOCIATED GYM, ACCESS AND PARKING ARRANGEMENTS. |
| LBH Ref Nos: | 8218/APP/2011/1853 |
| Drawing Nos: | AS PER ORIGINAL COMMITTEE REPORT |
| Date applications approved at Committee | Approved by Central and South Planning Committee 13 March 2013 |
| S106 Agreement | That the recommendation to amend the affordable housing schedule to allow the entire development to be delivered as affordable housing is approved. |

1.0 CONSULTATIONS

1.1 Internal Consultees

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| Planning Obligations Officer | Following the planning committee the owner has sold the site to a registered housing provider. The Registered Provider wishes to deliver the entire development as affordable housing thus requesting the removal of the financial payment in lieu of on site affordable housing delivery and replacing it with 100% of the scheme as affordable rent. It is considered that this is acceptable given that the council has a shortage of affordable housing under this tenure and the delivery of these units as affordable rent will assist with meeting our affordable housing targets and therefore it is requested that this tenure change is approved. |
| Housing Officer | There is a far higher demand for rented accommodation in the borough than there was last year. We are faced with a shortage of this type of tenure and as such are fully in support of this proposal as it will enable much needed affordable rented accommodation to be delivered to meet local housing needs. The registered provider has a limited window of time to justify their delivery programme to the GLA or they stand to loose their grant funding which would further reduce the ability of this |

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| | scheme to deliver the affordable housing units as originally proposed if this variation request is not approved. |
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2.0 RECOMMENDATION

- 1. That the Council enter into a deed of variation with the applicants under Section 106 of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:**
 - (i) The provision of 37 Affordable Rented units delivered at not more than 80% of Open Market Rent (inclusive of service charges).**
 - (ii) A financial contribution of £109,190 towards education facilities.**
 - (iii) A financial contribution of £14,716.23 towards health facilities.**
 - (iv) A financial contribution of £1,562.16 towards the expansion of the Borough's library programme.**
 - (v) A financial contribution of £29,074.85 towards construction training or an in-kind scheme delivered during the construction phase of the development.**
 - (vi) A financial contribution equal to 5% of the total cash contributions for project management and monitoring.**
 - (vii) A s278/38 agreement to be entered into to address any and all highways works as directed by the Council's highway's engineer.**
 - (viii) A Refuse Management Plan detailing how the refuse collection via a private operator is to occur.**
- 2. That the applicant meets the council's reasonable costs in the preparation of the deed of variation and any abortive work as a result of the deed not being completed.**
- 3. That Officers be authorised to negotiate and agree the amended terms for the Affordable Housing Schedule in the Deed of Variation.**

3.0 KEY PLANNING ISSUES

- 3.1** The current planning application was lodged on the 17th of November 2011 and reported to the Central and South Planning Committee on the 13th of March 2013.
- 3.2** The Committee determined to approve the application and the decision was released on the 12th of June 2013 after the s106 agreement had been signed also on the 12th of June 2013. The scheme was the subject of a financial viability assessment and the resulting affordable housing obligation was to be a financial contribution in the sum of £161,729.60. The owner has since sold the site to a Registered Provider who wishes to deliver 100% of the scheme as affordable housing on site, hence this deed of variation request.
- 3.3** This request has the approval of the housing department. Due to changes in market conditions and changes to the grants available for social housing, it has not been possible to achieve the 70/30 tenure mix of rented versus

intermediate (shared ownership/ discounted market) housing on a number of schemes. This has resulted in a very skewed delivery of affordable housing in favour of intermediate tenure, which impacts on the number of households in bed and breakfast accommodation. The housing department are trying to redress this balance of rented and intermediate affordable housing available in the borough and a change of tenure to Affordable rent housing units on this development would assist in this shift and reducing the burden placed upon the local authority.

- 3.4 The change will also secure a much greater benefit to the boroughs social housing stock than would have been achieved through the off-site financial contribution originally secured.
- 3.5 Approval to change the delivery of affordable housing from a financial contribution to that of on-site delivery as an affordable rent tenure is sought and is considered an appropriate course of action to enable the affordable housing on this site to be delivered, increasing the affordable housing stock delivered from this site and subject to the conditions imposed by the planning inspectorate in their decision of 13 November 2009.

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

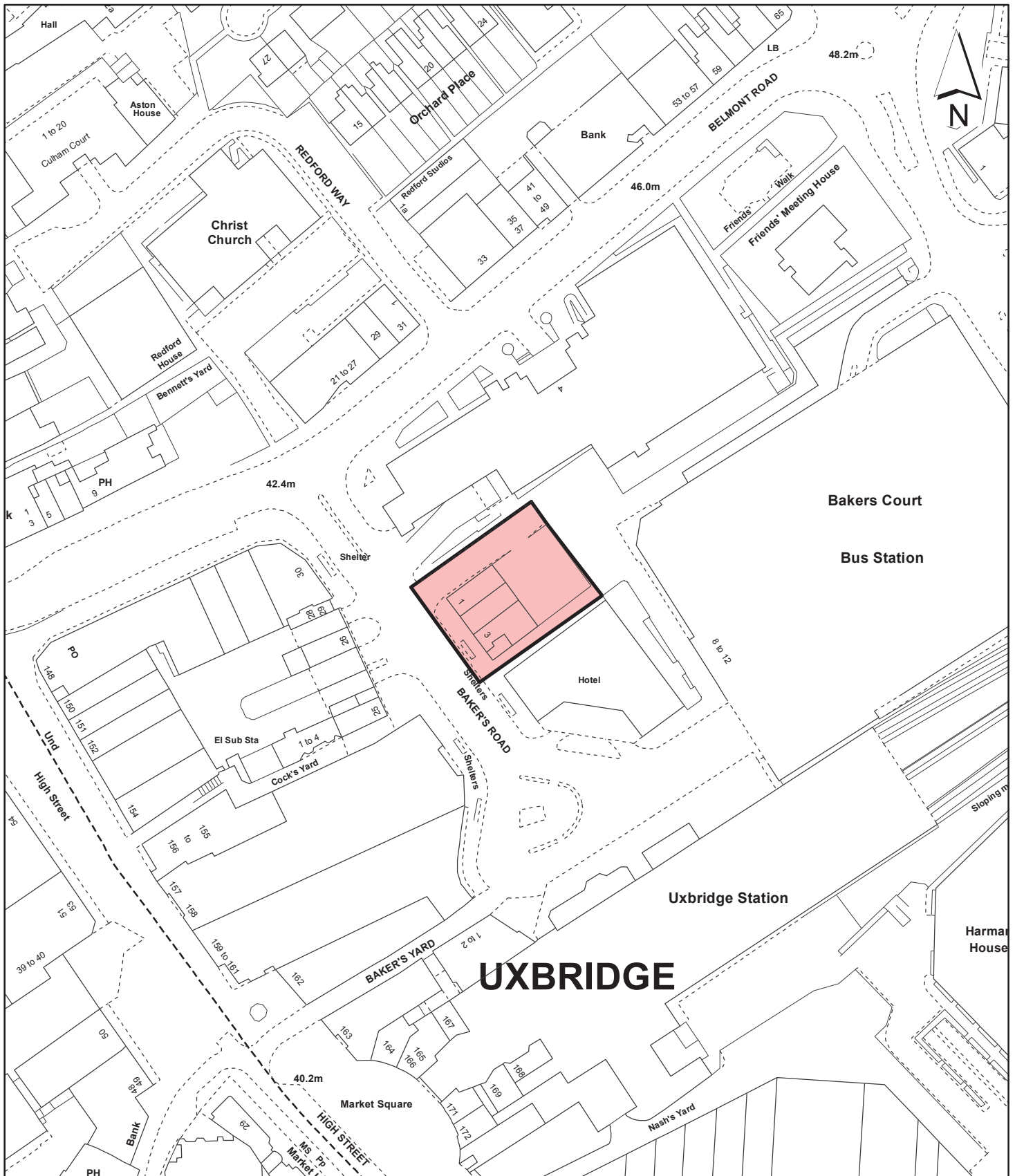
The report indicates that the costs of the development will be fully met by the developer, and the developer will make a Section 106 contribution to the Council towards associated public facilities. The developer will also meet the reasonable costs of the Council in the preparation of the Section 106 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 13 March 2013. Report for application reference 8218/APP/2011/1853.
- (b) Central and South Planning Committee Minutes 13 March 2013 resolution for application reference 8218/APP/2011/1853.


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UXBRIDGE

Notes

 Site boundary

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| Site Address | |
| Norwich Union House 1 - 3 Bakers Road Uxbridge | |
| Planning Application Ref: | Scale |
| 8218/APP/2011/1853 | 1:1,250 |
| Planning Committee | Date |
| Major Applications | July 2013 |

**LONDON BOROUGH
OF HILLINGDON**

Residents Services

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HILLINGDON
LONDON