

Item No.	Report of the Head of Planning, Green Spaces & Culture
Address:	RAINBOW AND KIRBY INDUSTRIAL ESTATES TROUT ROAD
Development:	Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sqm light industrial floorspace comprising 17 business units (B1c) and 611.30sqm of restaurant/cafe (A3) floorspace associated open space, car parking and landscaping. (Outline Application)
LBH Ref Nos:	38058/APP/2013/1756
Drawing Nos:	AS PER ORIGINAL COMMITTEE REPORT with drawings AA1832/2.1/021R.A and AA1832/2.1/23R.A replaced by drawings AA1832/2.1/021R.B and AA1832/2.1/23R.B
Date applications approved at Committee	Approved by Central and South Planning Committee 22nd January 2014

1.0 SUMMARY & CONSULTATIONS

Summary

The application originally received a resolution to grant on the 22nd January 2014 subject to conditions and a legal agreement. However, since this time it has become apparent that the corner of the care home on the originally consented layout plan slightly encroached into an area safeguarded for road widening.

An amended layout plan which removes this encroachment has been provided. All other aspects of the scheme remain unchanged and the final design and appearance of the building in question are to be dealt with under subsequent reserved matters submissions.

Accordingly, the proposal would ensure the safeguarded land was free of building and would not raise any issues not previously considered. Approval is recommended, subject to the original conditions and legal agreement, amended to incorporate the amended plans.

Internal Consultees

Highways Engineer	No objection, the proposal would ensure that there is no encroachment on the safeguarded land and remains acceptable in all other regards.
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2.0 RECOMMENDATION

A. That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:

i) A s278 shall be entered into to secure the following highways works:

- pedestrian footway widen and redesign improvement schemes and schemes to mitigate other deficiencies highlighted in the PERS Audit.
- Improvements of the Uxbridge to Heathrow Cycle Route and the upgrade of the cycle route along the Grand Union Canal
- Measures for improving pedestrian safety mainly by enhancing pedestrian visibility when crossing adjacent site junctions.

ii) Affordable Housing: Deliver the Extra Care Home as affordable housing component (32%).

iii) Health: a contribution in the sum of £46,022.87.

iv) Public Realm: a contribution of £75,000.

v) Community facilities: a contribution of £40,000.

vi) Libraries: a contribution in the sum of £4,885.43.

vii) Construction Training: a contribution equal £2500 per £1m build cost and a financial contribution of £66,747.34 for the work place coordinator.

viii) Education: a payment in the sum of £299,083

ix) Employment Strategy: the Employment Strategy will need to demonstrate how the employment aspect of the development will be effectively marketed so as to endeavour to secure long terms B1 employment on the site.

x) Project Management and Monitoring Fee: Financial contribution equal to 5% of all financial contributions.

xi) Future residents of the scheme will not be entitled to parking permits

xii) Travel Plan

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and 278 Agreements and any abortive work as a result of the agreement not being completed.

C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised by the 18th July that delegated

authority be granted to the Head of Planning, Green Spaces and Culture, to refuse the application for the following reason:

'The applicant has failed to provide contributions towards the improvement of services and the environment as a consequence of demands created by the proposed development (in respect of highways and pedestrian/cyclist facilities, affordable housing, health, community facilities, education, employment training, parking mitigation or sustainable). The proposal therefore conflicts with Policy R17 of the adopted Local Plan and the Council's Planning Obligations SPD.'

E) That subject to the above, the application be deferred for determination by the Head of Planning, Green Spaces and Culture 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, the conditions contained within the be imposed subject to all references to drawings AA1832/2.1/021R.A and AA1832/2.1/23R.A being replaces with drawings AA1832/2.1/021R.B and AA1832/2.1/23R.B and any changes negotiated by the Head of Planning, Planning, Green Spaces and Culture prior to issuing the decision:

3.0 KEY PLANNING ISSUES

The application seeks outline planning permission for the Demolition of existing premises and erection of 99 residential units (C3), 50 unit extra care/dementia sheltered housing scheme (C3), 1,529.4sqm light industrial floorspace comprising 17 business units (B1c) and 611.30sqm of restaurant/cafe (A3) floorspace associated open space, car parking and landscaping. Details of access, layout and scale are for determination at this stage, while details of appearance and landscaping are reserved for later determination.

The application originally received a resolution to grant on the 22nd January 2014 subject to conditions and a legal agreement. However, since this time it has become apparent that the corner of the care home on the originally consented layout plan slightly encroached into an area safeguarded for road widening.

In order to address this issue the applicant has provided an amended plan which amended the layout and scale of the building in question to remove the aforementioned encroachment. The access remains unchanged and all other matters (appearance and landscaping) are reserved for later determination.

Accordingly, the proposal would ensure the safeguarded land was free of buildings and would not raise any issues which were not previously considered by the Major Applications Planning Committee on the 22nd January 2014. It is therefore recommended that the application be approved, subject to the original conditions and legal agreement being altered to incorporate the amended plans.

4.0 OBSERVATIONS OF 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.

5.0 OBSERVATIONS OF THE DIRECTOR OF FINANCE

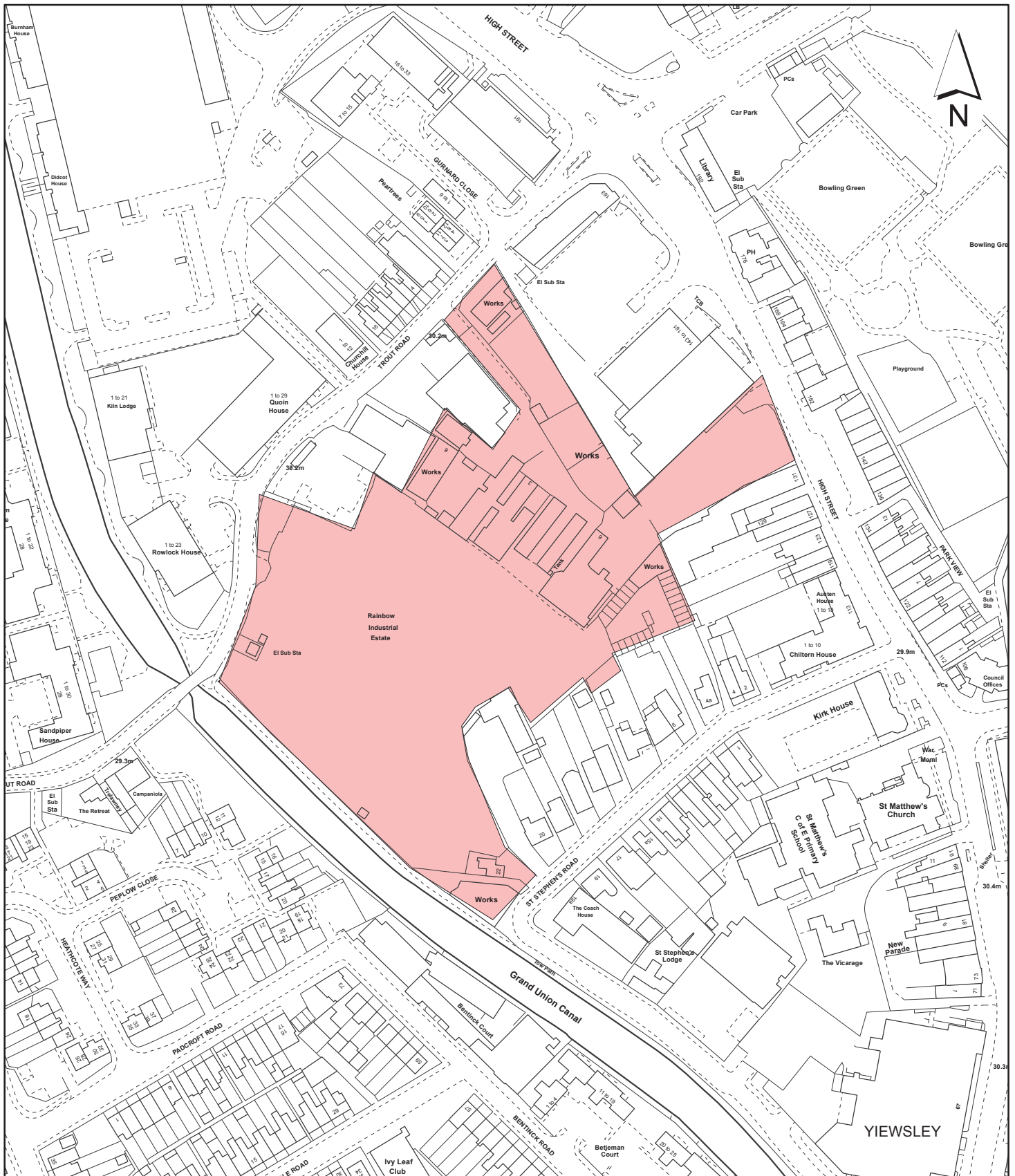
The report indicates that the costs of the development will be fully met by the developer, and the developer will make a Section 106 contribution to the Council towards associated public facilities. The developer will also meet the reasonable costs of the Council in the preparation of the Section 106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

6.0 CONCLUSION

Having regard to the circumstances of the case the amendments are necessary to ensure safeguarding for the potential road widening and raise no other issues of material concern. It is therefore recommended that the application be approved, subject to the original conditions and legal agreement being altered to incorporate the amended plans.

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Notes

 Site boundary

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Site Address

**Rainbow & Kirby Industrial Estate
 Trout Road
 Yiewsley**

**LONDON BOROUGH
 OF HILLINGDON**
**Residents Services
 Planning Section**

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

Planning Application Ref:
38058/APP/2013/1756

Scale
1:2,000

Planning Committee
Major

Date
July 2014



HILLINGDON
 LONDON