

Report of the Head of Planning, Transportation and Regeneration

Address THE GRAND UNION OFFICE PARK PACKET BOAT LANE COWLEY

Development: Deed of Variation (DoV) to the S106 Legal Agreement for planning permission ref: 1197/APP/2015/4164 dated 13/12/16 (Demolition of Block C and end of Block B and erection of four 5-storey replacement buildings; extensions to Blocks A and B; car parking; landscaping; and associated development) to modify Schedule 3 (canal landscaping/improvement works), Schedule 5 (highway works) and Schedule 8 (car club).

LBH Ref Nos: 1197/APP/2018/1676

Drawing Nos: Application form

Date Plans Received: 22/05/2017

Date(s) of Amendment(s):

Date Application Valid: 22/05/2017

1. SUMMARY

Planning permission (ref: 1197/APP/2015/4164) was granted on 13/12/16 for the demolition of Block C and end of Block B and erection of four 5-storey replacement buildings; extensions to Blocks A and B; car parking; landscaping; and associated development, at the Grand Union Office Park in Cowley.

That planning permission was granted subject to a S106 Legal Agreement. This application seeks a Deed of Variation (DoV) to that legal agreement to modify Schedule 3, relating to ecological surveys, Schedule 5, relating to highway works, Schedule 7, relating to the Travel Plan, and to omit Schedule 8, relating to the provision of a car club. Whilst the proposals seek to delete Schedule 8 relating to Provision of a Car Club, the requirement is being moved to Schedule 7 to ensure that a Car Club is delivered on site at a later date.

No objections have been raised to the requested variations by either the Council's Planning Specialists Manager or the Council's Highway Engineer. The development would continue to appropriately comply with relevant Local Plan, London Plan and national planning policies and, accordingly, approval is recommended.

2. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC 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) Deletion of paragraphs 8, 9 and 10 of Schedule 3; Ecological Works;

(ii) Amend paragraph 1 of Schedule 5; Highway Works;

(iii) Amend Condition 7 to include Potential future provision of a Car Club; and

(iv) Deletion of Schedule 8

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. CONSIDERATIONS

3.1 Site and Locality

The Grand Union Office Park comprises an approximately 1.45 hectare site located on the northern side of Packet Boat Lane in Cowley. Formerly occupied by three 2-3 storey 1980s office buildings, works are currently underway to convert, extend and/or redevelop these to provide residential accommodation. The site is bounded to the north and east by residential properties; to the south by Packet Boat Lane, beyond which is the Tomo Industrial Estate; and to the west by the Grand Union Canal. The site falls within the 'developed area' as designated in the Hillingdon Local Plan. It is immediately abutted to the west by land falling within the Green Belt, Cowley Lock Conservation Area and the Colne Valley Regional Park. The canal also forms part of the blue ribbon network. Tree Preservation Orders cover the site immediately to the north.

3.2 Proposed Scheme

Planning permission (ref: 1197/APP/2015/4164) was granted on 13/12/16 for the following development:

"Demolition of Block C and end of Block B and erection of four replacement buildings of five-storeys in height; extensions to Blocks A and B to five-storeys; excavation of a basement for car parking; provision of landscaping and amenity space; and enhancement of site boundaries, including improved access to the Grand Union Canal, to provide 144 residential units (32 replacing those already approved under permitted development rights in existing loft space of Blocks A and B)."

That planning permission was granted subject to a S106 Legal Agreement.

Schedule 3, paragraphs 8, 9 and 10 of that agreement required the applicant to undertake an ecological assessment. This application seeks the deletion of this requirement on the basis that this is a duplicate of condition 10 which has been met.

Schedule 5 of that Agreement required that various highway works were undertaken. Schedule 5, paragraph 1 states that the owner agrees:

"Not to Occupy or permit or cause to be Occupied any part of the Development until the Highway Works have been completed to the satisfaction of the Council."

The applicant seeks to amend this wording as follows:

"Not to Occupy or permit or cause to be Occupied any part of the Development save for block A until the Highway Works have been completed to the satisfaction of the Council."

Schedule 7 of the Agreement requires the provision of a Travel Plan prior to the occupation of any part of the development. It should be noted that this has already been provided and agreed in compliance with this obligation.

Schedule 8 requires that, prior to occupation of the development, a scheme for the operation of a Car Club is submitted to and approved in writing by the Local Planning Authority.

The applicant has provided information to demonstrate that, whilst several car club providers have been approached, none are willing to provide a car club in this location, at this time. The applicant therefore seeks the omission of Schedule 8 but also the modification of Schedule 7 to include for the ongoing review of this situation and potential future provision of a car club within the Travel Plan.

3.3 Relevant Planning History

1197/APP/2015/4164 The Grand Union Office Park Packet Boat Lane Cowley

Demolition of Block C and end of Block B and erection of four replacement buildings of five-storeys in height. Extensions to Blocks A and B to five-storeys. Excavation of basement for car parking; provision of landscaping and amenity space; enhancement of site boundaries including improved access to Grand Union Canal. Total provision of 144 residential units (32 replacing those already approved under permitted development rights in existing loft space of Blocks A and B), comprising 12 x studio, 51 x 1-bed, 53 x 2-bed, 28 x 3-bed; car parking provision of 251 spaces and cycle parking provision of 273 spaces.

Decision: 09-02-2016 Approved

1197/APP/2016/3898 The Grand Union Office Park Packet Boat Lane Cowley

Demolition of former brick built office buildings known as Block C and northern end of Block B (Application for prior notification of proposed demolition)

Decision: 17-11-2016 Approved

1197/APP/2017/2539 The Grand Union Office Park Packet Boat Lane Cowley

Partial discharge of condition 24 (materials) (Blocks B, C, D, E & F) of planning permission ref: 1197/APP/2015/4164 dated 13/12/2016 (Demolition of Block C and end of Block B and erection of four replacement buildings of five-storeys in height. Extensions to Blocks A and B to five storeys. Excavation of basement for car parking; provision of landscaping and amenity space; enhancement of site boundaries including improved access to Grand Union Canal. Total provision of 144 residential units (32 replacing those already approved under permitted development rights in existing loft space of Blocks A and B), comprising 12 x studio, 51 x 1-bed, 53 x 2-bed, 28 x 3-bed; car parking provision of 251 spaces and cycle parking provision of 273 spaces).

Decision: 14-02-2018 Approved

1197/APP/2017/4079 The Grand Union Office Park Packet Boat Lane Cowley

Details pursuant to the discharge of conditions 8 (Bird Hazard Management Plan), 12 (Lighting and CCTV Schemes), 19 (Ramp Control Signal), and 26 (Parking Allocation) and partial discharge of condition 21 (Internal Water Usage Standards for Block A only) as attached to planning permission ref. 1197/APP/2015/4164 dated 13-12-2016:

Demolition of Block C and end of Block B and erection of four replacement buildings of five-storeys in height. Extensions to Blocks A and B to five-storeys. Excavation of basement for car parking; provision of landscaping and amenity space; enhancement of site boundaries including improved access to Grand Union Canal. Total provision of 144 residential units (32 replacing those already approved under permitted development rights in existing loft space of Blocks A and B), comprising 12 x studio, 51 x 1-bed, 53 x 2-bed, 28 x 3-bed; car parking provision of 251 spaces and cycle parking provision of 273 spaces.

Decision: 08-03-2018 Approved

1197/APP/2017/5 The Grand Union Office Park Packet Boat Lane Cowley

Details pursuant to conditions 4 (Construction Management Plan), 5 (Waterway Risk Assessment), 9 (Contamination) (parts (i) and (ii) only), 11 (Energy), 13 (Water Management), 14 (Noise Insulation), 15 (Archaeology) and 25 (Piling) of planning permission ref. 1197/APP/2015/4164 dated 13-12-2016 (Demolition of Block C and end of Block B and erection of four replacement buildings of five-storeys in height. Extensions to Blocks A and B to five storeys. Excavation of basement for car parking; provision of landscaping and amenity space; enhancement of site boundaries including improved access to Grand Union Canal. Total provision of 144 residential units (32 replacing those already approved under permitted development rights in existing loft space of Blocks A and B), comprising 12 x studio, 51 x 1-bed, 53 x 2-bed, 28 x 3-bed; car parking provision of 251 spaces and cycle parking provision of 273 spaces)

Decision: 23-08-2017 Approved

1197/APP/2017/617 The Grand Union Office Park Packet Boat Lane Cowley

Part details (brick, roof and balcony for Block A only) pursuant to condition 24 (materials) of planning permission ref: 1197/APP/2015/4164 dated 13/12/16 (Demolition of Block C and end of Block B and erection of four replacement buildings of five-storeys in height. Extensions to Blocks A and B to five storeys. Excavation of basement for car parking; provision of landscaping and amenity space; enhancement of site boundaries including improved access to Grand Union Canal. Total provision of 144 residential units (32 replacing those already approved under permitted development rights in existing loft space of Blocks A and B), comprising 12 x studio, 51 x 1-bed, 53 x 2-bed, 28 x 3-bed; car parking provision of 251 spaces and cycle parking provision of 273 spaces)

Decision: 16-05-2017 Approved

1197/APP/2017/830 The Grand Union Office Park Packet Boat Lane Cowley

Details pursuant to conditions 6 (tree protection), 7 (landscaping), 10 (ecological enhancement scheme), 22 (measures to prevent overlooking) and 27 (defensible space) of planning permission ref: 1197/APP/2015/4164 dated 13/12/2016 (Demolition of Block C and end of Block B and erection of four replacement buildings of five-storeys in height. Extensions to Blocks A and B to five storeys. Excavation of basement for car parking; provision of landscaping and amenity space; enhancement of site boundaries including improved access to Grand Union Canal. Total provision of 144 residential units (32 replacing those already approved under permitted development rights in existing loft space of Blocks A and B), comprising 12 x studio, 51 x 1-bed, 53 x 2-bed, 28 x 3-bed; car parking provision of 251 spaces and cycle parking provision of 273 spaces).

Decision: 18-10-2017 Approved

1197/APP/2018/1508 The Grand Union Office Park Packet Boat Lane Cowley

Details pursuant to condition 22 (privacy screening) of planning ref: 1197/APP/2015/4164 (13-12-2016) for 'demolition of Block C and end of Block B and erection of four replacement buildings of five storeys in height. Extensions to Blocks A and B to five-storeys. Excavation of basement for car parking; provision of landscaping and amenity space; enhancement of site boundaries including improved access to Grand Union Canal. Total provision of 144 residential units (32 replacing those already approved under permitted development rights in existing loft space of Blocks A and B), comprising 12 x studio, 51 x 1-bed, 53 x 2-bed, 28 x 3-bed; car parking provision of 251 spaces and cycle parking provision of 273 spaces'.

Decision:

Comment on Relevant Planning History

The site has a long planning history. That most relevant to this application is summarised above.

4. Planning Policies and Standards

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (2015)
National Planning Policy Framework
Hillingdon Supplementary Planning Document - Planning Obligations

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.EM7 (2012) Biodiversity and Geological Conservation

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

LPP 6.11 (2016) Smoothing Traffic Flow and Tackling Congestion

LPP 7.19 (2016) Biodiversity and access to nature

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Not applicable.

Internal Consultees

PLANNING SPECIALISTS MANAGER

Adequate Ecology Surveys have already been carried out and necessary mitigation measures are sufficiently addressed by way of condition. No objection.

HIGHWAY ENGINEER

Whilst the outcome has been unsuccessful, I am satisfied that the developer has made all reasonable efforts to set up a Car Club. Schedule 8 of the S106 can be amended/deleted as appropriate. To take matters forward, the establishment of a Car Club should be a target in the Travel Plan.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Not applicable. The principle of development has been accepted through the granting of planning permission for the scheme.

7.02 Density of the proposed development

Not applicable. No changes are proposed which would impact on the density of the approved development.

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

Not applicable. No changes are proposed which would impact on heritage assets.

7.04 Airport safeguarding

Not applicable. No alterations are proposed which would impact on safeguarding criteria.

7.05 Impact on the green belt

Not applicable. No changes are proposed which would impact on the green belt.

7.06 Environmental Impact

Not applicable. There are no direct significant environmental impacts as a result of the changes proposed.

7.07 Impact on the character & appearance of the area

Not applicable. No changes are proposed which would impact on the character or appearance of the area.

7.08 Impact on neighbours

Not applicable. No changes are proposed which would impact on residential amenity.

7.09 Living conditions for future occupiers

Not applicable. No changes are proposed which would impact on residential amenity.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Condition 4 of the approved planning permission sought the submission of a Construction Management Plan. In accordance with the requirements of that condition this was submitted to and agreed by the Council under application ref: 1197/APP/2017/5. The approved Construction Management Plan included a phasing plan which allowed for the occupation of Block A ahead of the remainder of the development and demonstrated how segregated access would be provided for occupants of Block A and construction vehicles to ensure safety.

The modification proposed to Schedule 5 is considered to be consistent with phasing plans already agreed through that planning condition and to which the highway engineer raised no objections to at the time. Accordingly, the requested change is considered to be reasonable in this instance and it is not considered its refusal could be justified.

The applicant has provided evidence to demonstrate that best endeavours have been made to secure a car club but that, at this time, no providers are interested. One of the providers

approached stated:

"...our membership base has not grown sufficiently to suggest that a vehicle will be commercially viable in the area. We would typically require 20-40 existing members in the area and as the below snapshot shows we are unfortunately quite some distance away from this trigger point.....We have launched our Heathrow product, so I would imagine our membership base will increase in the area, however at this stage we will not be able to provide a vehicle on-site."

The applicant has advised that this is typical of the responses received to their enquiries. In light of this, the Council's Highway Engineer has raised no objections to the omission of Schedule 8 and the modification of Schedule 7 to require that this is reviewed on a regular basis via the travel plan and provided in the future should circumstances change. Accordingly, the requested amendment to Schedule 7 and the deletion of Schedule 8 is considered to be acceptable in this instance.

7.11 Urban design, access and security

Not applicable. No alterations are proposed to the development which would impact design, access or security.

7.12 Disabled access

Not applicable. No changes are proposed which would impact on accessibility.

7.13 Provision of affordable & special needs housing

Not applicable. No changes are proposed to the affordable housing provision.

7.14 Trees, landscaping and Ecology

An Ecological Assessment was submitted in support of the original planning permission for the scheme. Condition 10 of the planning permission required the applicant to submit an ecological enhancement scheme. Details have been submitted and agreed in accordance with the conditional requirements (application ref: 1197/APP/2017/830).

The Council's Planning Specialists Manager has advised that the requirements of paragraphs 8, 9 and 10 are unnecessary as they merely request a duplication of information which has already been submitted either at original application stage or in accordance with approved conditions. Notably, condition 10 sought the submission of an ecological enhancement scheme and was discharged on 18/10/17 (application ref: 1197/APP/2017/830).

Accordingly, no objections are raised to the requested omission of the requirement for ecological surveys from Schedule 8 of the legal agreement.

7.15 Sustainable waste management

Not applicable. No changes are proposed which would impact on refuse provision.

7.16 Renewable energy / Sustainability

Not applicable. No changes are proposed to the approved energy/sustainability measures.

7.17 Flooding or Drainage Issues

Not applicable. No changes are proposed to the agreed drainage strategy.

7.18 Noise or Air Quality Issues

Not applicable. No changes are proposed which would impact on noise or air quality.

7.19 Comments on Public Consultations

Not applicable.

7.20 Planning obligations

The alterations proposed to the agreed planning obligations have been discussed throughout this report and are considered to be acceptable for the reasons discussed in parts 7.10 and 7.14.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None.

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 Probitry 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

It is not considered that the requested Deed of Variation to the S106 agreement would have any significant detrimental impact on ecology or on the local highway network. Notably, no objections have been raised by either the Council's Planning Specialists Manager or the Council's Highway Engineer.

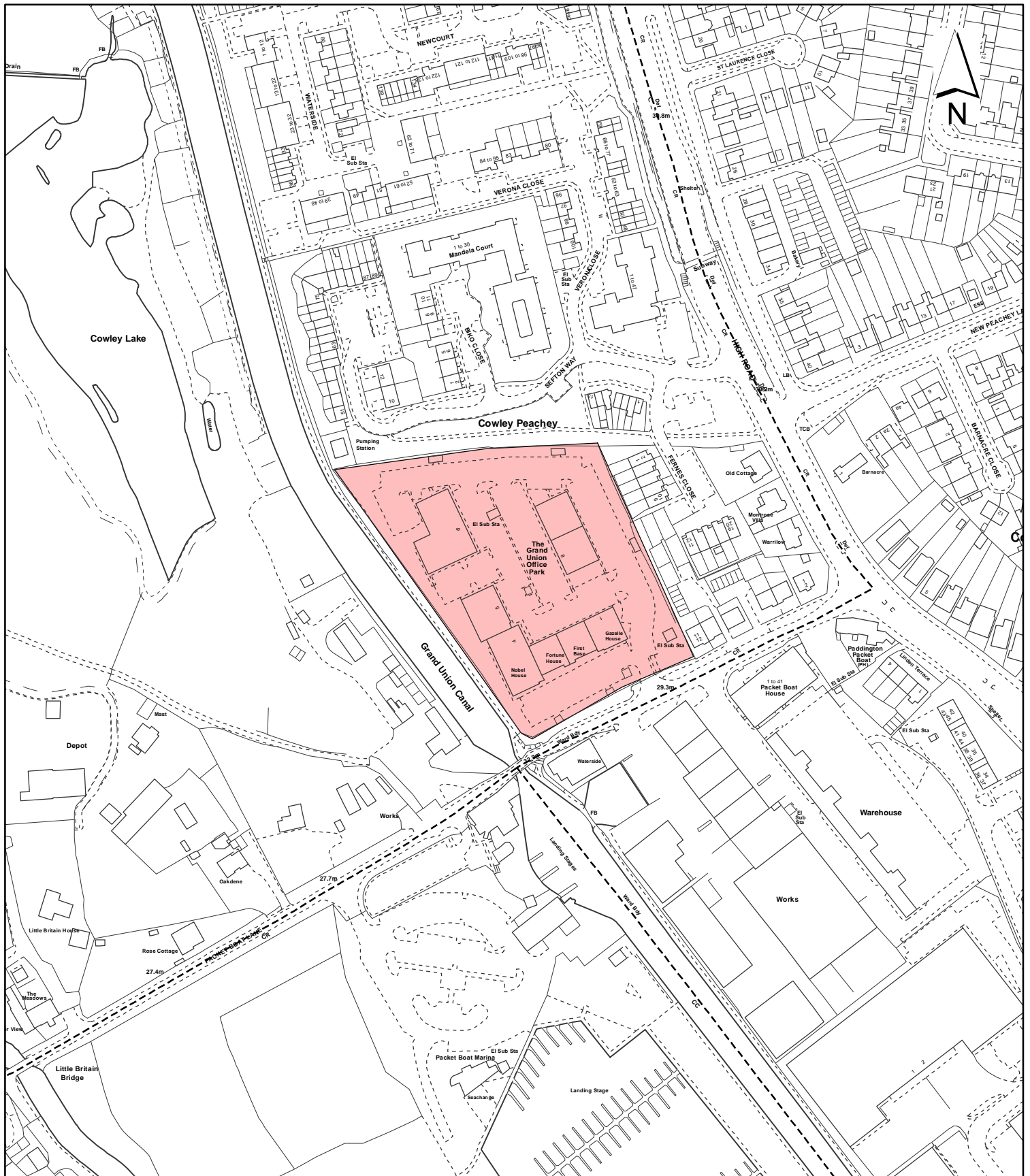
The development would continue to appropriately comply with relevant Local Plan, London Plan and national planning policies and, accordingly, approval is recommended.

11. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (2015)
National Planning Policy Framework
Hillingdon Supplementary Planning Document - Planning Obligations

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Notes:

 Site boundary

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Site Address:

Grand Union Office Park

Planning Application Ref:

1197/APP/2018/1676

Planning Committee:

Major

Scale:

1:2,500

Date:

May 2018

LONDON BOROUGH OF HILLINGDON
Residents Services Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
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