

Report of the Head of Planning, Transportation and Regeneration

Address ONSLOW MILLS TROUT ROAD YIEWSLEY

Development: Modification of S106 Planning Obligation relating to Planning Application 1724/APP/2016/3513 (Demolition of existing building and erection of new building comprising 24 apartments, amenity space and car parking) to amend schedule 1 to provide 100% Affordable Housing.

LBH Ref Nos: 1724/APP/2018/1695

Drawing Nos: Application Form

Date Plans Received: 04/05/2018

Date(s) of Amendment(s):

Date Application Valid: 23/05/2018

1. SUMMARY

Planning permission (reference 1724/APP/2016/3513) was granted on 28-03-18 for 'Demolition of existing building and erection of new building comprising 24 apartments, amenity space and car parking'.

Planning permission was granted subject to a S106 Legal Agreement which secured on site 7 affordable housing units. This application seeks a Deed of Variation (DoV) to that legal agreement to secure all 24 units as affordable housing units as defined in the 'Definitions and Interpretations'.

No objections have been raised to the requested variations by either the Council's S106/CIL Officer or the Council's Housing Officer. 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) Amendment of Schedule 1 to increase the number of affordable units from 7 to 24 units/100%.

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 site lies within the designated Trout Road Industrial and Business Area which is identified in paragraph 5.12 of the Local Plan Part 1 as part of the Trout Road IBA which is suitable for the managed release of industrial and warehousing land. Extant planning permissions for residential development surround the site.

The site is located on the south side of Trout Road just off West Drayton High Street. It is within walking distance of West Drayton Station and the town centre. The site is 0.14 hectares in size.

3.2 Proposed Scheme

Planning permission (reference 1724/APP/2016/3513) was granted on 28-03-18 for 'Demolition of existing building and erection of new building comprising 24 apartments, amenity space and car parking'.

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 1 of the agreement as set out by the applicant:

'RHP (Richmond Housing Partnership) wishes to extend the affordable housing obligation which is currently 7 units within the existing S106 to all 24 units affordable housing units as defined in the 'Definitions and Interpretations'.'

The following explanation for the amendment has been provided:

'We are modifying the affordable housing requirement within the S106 to deliver a 100% Affordable Housing (Shared Ownership) scheme in order to qualify for the CIL relief.'

3.3 Relevant Planning History

Comment on Relevant Planning History

In January 2014 a scheme with reference 38058/APP/2013/1756 seeking the re-development of the wider Rainbow and Kirby Industrial Estate was granted planning permission for a mixed use scheme providing housing, community facilities and affordable business units. This site directly adjoins the Onslow Mills application site.

As part of the recent application to which this request relates the applicant submitted evidence demonstrating that the amended proposed building relates sympathetically to the approved wider Rainbow and Kirby Industrial Estate re-development scheme.

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 (2016)

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:

Part 2 Policies:

LPP 3.11	(2016) Affordable housing targets
LPP 3.12	(2016) Negotiating affordable housing on individual private residential and mixed-use schemes
LPP 3.13	(2016) Affordable housing thresholds
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
NPPF	National Planning Policy Framework
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

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

HOUSING OFFICER

Thanks for the opportunity to comment on the above planning application to vary the affordable housing on the Onslow Mills site.

The site already has a valid consent for 24 residential units with just 7 shared ownership flats as the S106 affordable housing as determined by a Financial Viability Assessment.

This site is exceptional in that it could be developed in line with the existing consent and so there is limited scope to vary the either the size of the units or the tenure but Richmond Housing Partnership a Registered Housing Provider have secured GLA funding to acquire the site and increase the affordable housing to 100% shared ownership.

This will help to meet the proven demand for intermediate housing in Hillingdon and this increase in affordable housing is supported as it will help local working households on the property ladder. The site is immediately adjacent to Caxton House a 100% affordable housing development of 44 rented flats so a higher ratio of shared ownership units in this location is acceptable.

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

Not applicable. No changes are proposed which would impact on traffic, parking or pedestrian safety.

7.11 Urban design, access and security

Not applicable. No changes are proposed which would impact on urban design, access and security.

7.12 Disabled access

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

7.13 Provision of affordable & special needs housing

Planning Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states:

'Housing provision is expected to include a range of housing to meet the needs of all types of households and the Council will seek to maximise the delivery of affordable housing from all sites over the period of the Hillingdon Local Plan: Part 1- Strategic Policies. For sites with a capacity of 10 or more units the Council will seek to ensure that the affordable housing mix reflects housing needs in the borough, particularly the need for larger family units.'

The supporting text to Policy H2 states:

Subject to viability and if appropriate in all the circumstances, the Economic Viability Assessment indicates that 35% of all new units in the borough should be delivered as affordable housing, with an indicative tenure mix of 70% housing for social rent and 30% intermediate housing. Housing market conditions in Hillingdon are complex and a one size fits all approach to tenure provision will not be suitable for all areas in the borough. Subject to the provision of robust evidence, the Council will adopt a degree of flexibility in its application of Policy H2 to take account of tenure needs in different parts of the borough.

London Plan (March 2016) policies 3.10, 3.11, 3.12 and 3.13 relate to affordable housing provision. In particular Policy 3.12 states that the maximum reasonable amount of affordable housing should be sought, having regard to (amongst others) current and future requirements for affordable housing at local and regional levels, the size and type of affordable housing needed in particular locations and the specific circumstances of individual sites.

The proposed Deed of Variation to the s106 proposes to increase the level of affordable

housing from 7 units to all 24 units with all units being shared ownership rather than complying with the indicative tenure mix of 70% housing for social rent and 30% intermediate housing as detailed within Policy H2 supporting text set out above.

However it is considered that this site is exceptional in that it could be developed in line with the existing consent and so there is limited scope to vary either the size of the units or the tenure. However Richmond Housing Partnership (a Registered Housing Provider) have secured GLA funding to acquire the site and increase the affordable housing to 100% shared ownership.

The Council's Housing Officer has reviewed the proposal and raised no objections. They note that the proposal would help to meet the proven demand for intermediate housing in Hillingdon and this increase in affordable housing is supported as it will help local working households on the property ladder. The site is immediately adjacent to Caxton House a 100% affordable housing development of 44 rented flats so a higher ratio of shared ownership units in this location is acceptable.

Given the above the proposed provision of 100% affordable housing as shared ownership, rather than complying with the indicative tenure mix of 70% housing for social rent and 30% intermediate housing, is considered to accord with Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and London Plan (March 2016) policies 3.10, 3.11, 3.12 and 3.13.

7.14 Trees, landscaping and Ecology

Not applicable. No changes are proposed which would impact on trees, landscaping and ecology.

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 which would impact on renewable energy / sustainability.

7.17 Flooding or Drainage Issues

Not applicable. No changes are proposed which would impact on flooding or drainage issues.

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 Probity in Planning, 2009.

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

None

10. CONCLUSION

It is considered that the requested Deed of Variation to the S106 agreement would not have any significant detrimental impact on the approved scheme. Notably, no objections have been raised by either the Council's S106/CIL Officer or the Council's Housing Officer.

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)

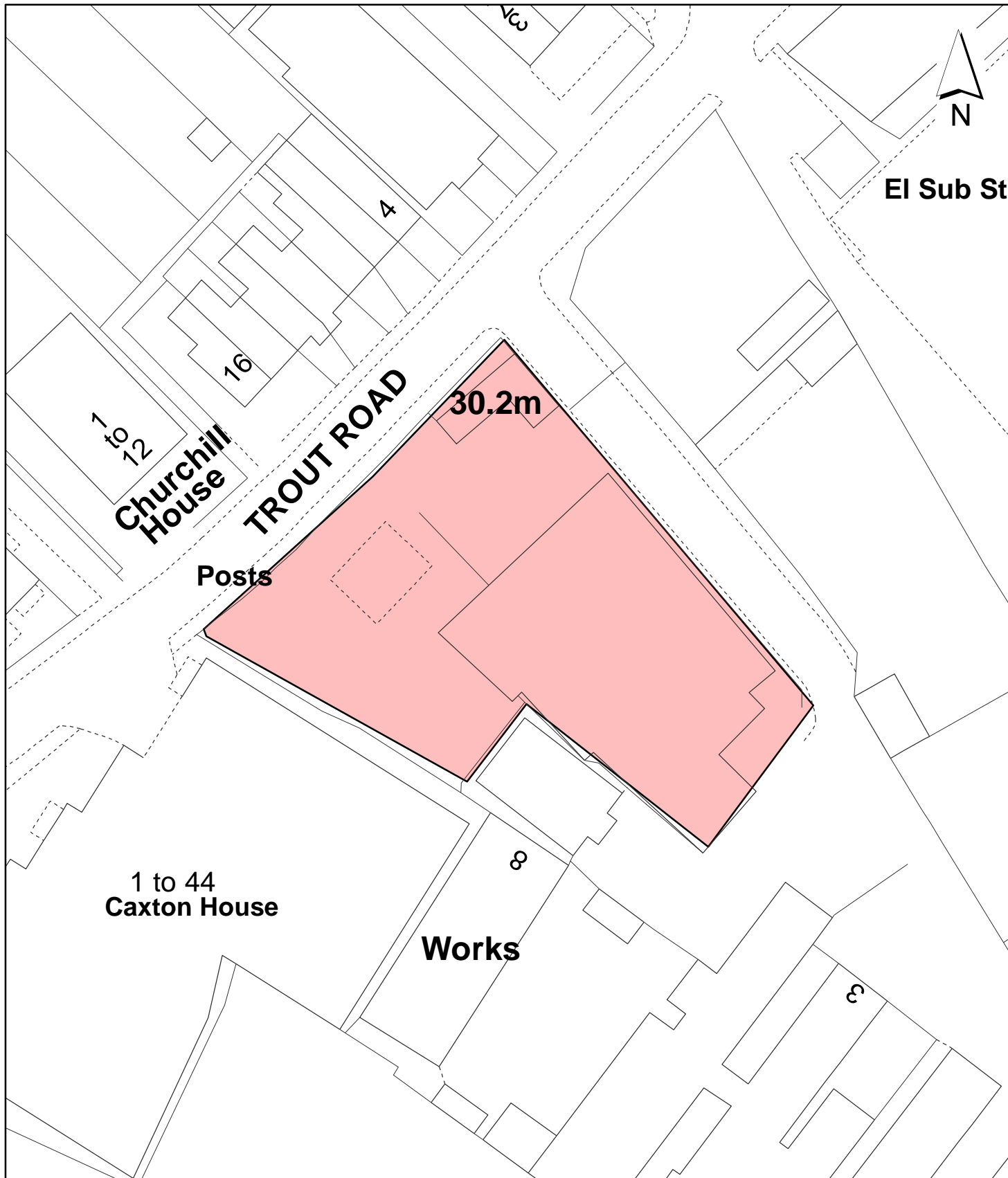
London Plan (2016)

National Planning Policy Framework

Hillingdon Supplementary Planning Document - Planning Obligations

Contact Officer: Ed Laughton

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p>Onslow Mills</p> <p>Planning Application Ref: 1724/APP/2018/1695</p> <p>Planning Committee Major Application</p>	<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p> <p> HILLINGDON LONDON</p>
	<p>Scale 1:500</p>	
	<p>Date June 2018</p>	