

Report of the Head of Planning, Transportation and Regeneration

Address FORMER TOMMY FLYNNS P.H. SUTTON COURT ROAD HILLINGDON

Development: Variation of S106 Agreement associated with planning permission Ref: 8396/APP/2016/777 dated 4/11/16 (Redevelopment of the site to provide a new three storey building containing 26 flats (Class C3) with associated parking, balconies, landscaping and rear communal amenity space) in order to remove Schedule 4 - Requirement for a Travel Plan

LBH Ref Nos: 8396/APP/2018/2110

Drawing Nos:

Date Plans Received: 01/06/2018 **Date(s) of Amendment(s):**

Date Application Valid: 01/06/2018

1. SUMMARY

Planning permission (ref. 8396/APP/2016/777) was granted on 4/11/16 for the 'Redevelopment of the site to provide a new three storey building containing 26 flats (Class C3) with associated parking, balconies, landscaping and rear communal amenity space'.

Planning permission was granted subject to a S106 Legal Agreement, which amongst other matters, secured a Travel Plan with a £20,000 bond. This application seeks a Deed of Variation (DoV) to that legal agreement to omit Schedule 4 (Requirement for a Travel Plan and associated £20,000 bond).

The requirement for a Travel Plan in this instance is not justified as the scheme did not require referral to the GLA/TfL, the scheme of 26 units does not exceed the London Plan/TfL guidance thresholds (80 units) for when travel plans are required and it is considered that the scheme also would not satisfy any of the specific circumstances for when developments below the thresholds may require travel plans.

No objections have been raised to the requested variation from the Council's Highway Engineer or S106 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. That the Council enter 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:

- 1. Highway Works: S278/S38 for required Highways Works subject to surrounding network adoption status and Highway Engineers Comments**
- 2. Construction Training: A financial contribution to the sum of: Training costs: £2500 per £1m build cost plus Coordinator Costs - £9,600 per phase or an in kind scheme to be provided.**

3. Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

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 Deed of Variation.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprised the site of the former two storey Tommy Flynn public house, located on the corner of Sutton Court Road and Snowden Avenue, but is now under construction to provide a part two, part three storey residential block. The block is nearing completion and appears to only require the installation of a number of windows and external fittings, together with interior works and landscaping.

The site forms part of the 'developed area' as identified within the Hillingdon Local Plan and is located within a Critical Drainage Area.

3.2 Proposed Scheme

Planning permission (ref. 8396/APP/2016/777) was granted on 4/11/16 for the 'Redevelopment of the site to provide a new three storey building containing 26 flats (Class C3) with associated parking, balconies, landscaping and rear communal amenity space'.

That planning permission was granted subject to a S106 Legal Agreement. This application seeks a Deed of Variation (DoV) to that legal agreement to omit Schedule 4 (Requirement for a Travel Plan and associated £20,000 bond).

The applicant argues that both the London Plan and TfL Guidance states that there is no general requirement for a Travel Plan on schemes below 80 units and the only exception on smaller schemes is where there are 'significant highway impacts'. Neither is the case with this site / approved scheme as it is for 26 units and the Transport Statement (February 2016) submitted in support of the planning application concluded that "the proposed development will have no material effect on the local highway network during the AM peak period and overall when the PM peak and the whole day is considered will be beneficial to local traffic flows.' This was concurred with in the officer's committee report which stated:-

"A trip generation assessment shows that the proposed development will generate a marginal

increase in trips in the morning peak over and above the existing use of the site, however this is not considered to have an unacceptable impact on the surrounding highway network

The scheme will generate fewer traffic movements during the afternoon peak and throughout the whole day compared to the previous use. This data has been reviewed by the Councils Highways Officer and on balance, the scheme is not considered to give rise to an unacceptable impact on the general highway conditions of the surrounding area."

Clearview Homes therefore seek to vary the s106 Agreement to remove the Schedule 4 obligation.

3.3 Relevant Planning History

Comment on Relevant Planning History

The original planning permission for the re-development of the former Tommy Flynn public house to provide a three storey residential block was granted on 4/11/16 (ref. 8396/APP/2016/777).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

NPPF National Planning Policy Framework

LPP 8.2 (2016) Planning obligations

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

Highway Engineer:

There are no highway, traffic or transport concerns regarding the removal of the obligation to produce and implement a Travel Plan.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development has already been accepted by virtue of the grant of the original planning permission.

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 that would impact upon 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 that would affect the Green Belt.

7.06 Environmental Impact

Not applicable. There would be no material environmental impacts as a result of the proposed change.

7.07 Impact on the character & appearance of the area

Not applicable. No physical changes are proposed to the approved scheme.

7.08 Impact on neighbours

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

7.09 Living conditions for future occupiers

Not applicable. No changes are proposed that would impact upon the living conditions of the units.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

TfL's guidance for Travel Plans advises that all large scale developments and applications referred to the GLA must submit a full travel plan, as well as other large scale developments on which TfL has been consulted. The original scheme did not require referral to the GLA or consultation with the TfL.

In terms of residential development, TfL policy guidance states that a full travel plan is required for schemes equal to or have more than 80 units and for those between 50 and 80 units, a travel plan statement should be submitted. Neither would apply to the original scheme with 26 units.

The guidance also goes on to advise that "travel plans may be required in specific circumstances for developments below the thresholds shown. For example:

- Where the proposed development has the potential for significant traffic impact which requires mitigation, or has accessibility issues to be addressed. This may apply particularly to mixed-use developments where each individual land use may not reach these thresholds but in combination will have a significant impact, or to developments that may generate a lot of visitor trips
- For phased developments where the initial phasing may not reach the specified threshold but future phases will reach/exceed the threshold
- For applications for extensions or other proposals, where the proposal itself does not reach the threshold but where the combined existing and proposed development meets or exceeds the threshold"

The officer's report to committee on the approved scheme did not provide any specific justification for the need for a Travel Plan. As regards trip generation, the officer advised that the scheme on balance, is not considered to give rise to an unacceptable impact on the general highway conditions of the surrounding area.

The approved parking provision of 1 car parking space for each of the 1 and 2 bed units previously approved would not change, neither would the cycle parking provision of 1 space per unit.

The Council's Highway Engineer has reviewed this application and advises that there are no highway, traffic or transport concerns regarding the removal of the obligation to produce and implement a Travel Plan.

There is therefore no reason as to why the standard threshold of 80 units should not apply to this scheme and therefore, the requirement to provide a Travel Plan on this 26 unit scheme can be removed.

7.11 Urban design, access and security

Not applicable. No changes are proposed which would impact urban design, access and/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 that would have any impact upon the affordable housing provision or any special needs housing.

7.14 Trees, landscaping and Ecology

Not applicable. No changes are proposed to the external environment.

7.15 Sustainable waste management

Not applicable. No alterations are proposed to refuse provision.

7.16 Renewable energy / Sustainability

Not applicable. No changes are proposed which would impact on renewable energy / sustainability issues.

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 that would impact upon noise considerations.

7.19 Comments on Public Consultations

Not applicable.

7.20 Planning obligations

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

7.21 Expediency of enforcement action

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

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 Highway Engineer.

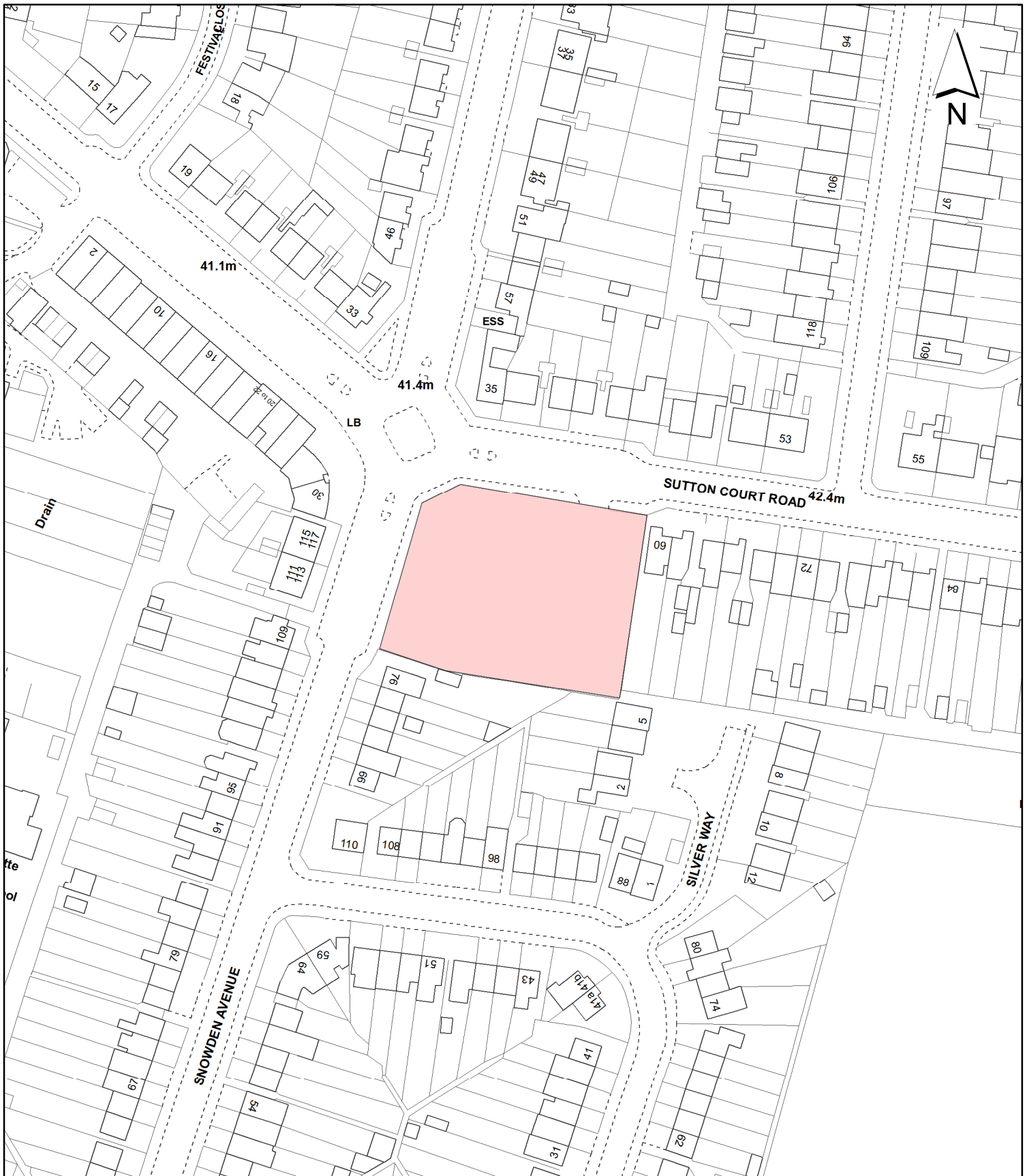
The development would continue to appropriately comply with relevant Local Plan, London Plan and national planning policies and accordingly, approval is recommended.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
HDAS: Residential Layouts
The London Plan 2015
The Mayor's London Housing Supplementary Planning Document
HDAS: Accessible Hillingdon
National Planning Policy Framework
SPD 'Planning Obligations' July 2014

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Notes:

 Site boundary

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 Sutton Court Road
 Hillingdon**

**LONDON BOROUGH
 OF HILLINGDON**
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 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
8396/APP/2018/2110

Scale:
1:1,250

Planning Committee:
Major

Date:
July 2018



HILLINGDON
 LONDON