

Report of the Head of Planning, Transportation and Regeneration

Address 1-3 BAKERS ROAD UXBRIDGE

Development: Variation of S106 Agreement associated with planning permission ref. 8218/APP/2011/1853 dated 12/6/13: Redevelopment of Norwich Union House to erect a 9 storey building comprising retail floorspace at ground floor level and 8 storeys of residential units (37 units) with associated gym, access and parking arrangements, in order to refund the £161,729.60 affordable housing contribution as the scheme is now providing 100% affordable housing.

LBH Ref Nos: 8218/APP/2018/2405

Drawing Nos: 1:1250 Location Plan
Aerial Photograph
1222-121 Rev. L

Date Plans Received: 20/06/2018

Date(s) of Amendment(s):

Date Application Valid: 20/06/2018

1. SUMMARY

Planning permission (ref. 8218/APP/2011/1853) was granted on 12/6/13 for the 'Redevelopment of Norwich Union House to erect a 9 storey building comprising retail floorspace at ground floor level and 8 storeys of residential units (37 units) with associated gym, access and parking arrangements'.

Planning permission was granted subject to a S106 Legal Agreement, which amongst other matters, secured a £161,729.60 affordable housing contribution. This application seeks a Deed of Variation (DoV) to that legal agreement in order to refund the contribution as the scheme would now provide 100% affordable housing and there is therefore no longer a requirement for an in lieu payment.

No objections have been raised to the requested variation from the Council's Housing Officer 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:

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. 100% affordable housing

ii. An Education contribution in the sum of £109,190

iii. A Health Facilities contribution in the sum of £14,716.23

- iv. A Public Realm/ Recreation Open Space contribution in the sum of £50,000
- v. A Libraries contribution in the sum of £1,562.16
- vi. A Construction Training scheme delivered during the construction phase of the development or a financial contribution in the sum of £29,074.85
- vii. No parking permits to be granted to the residents of the development
- viii. A Project Management and Monitoring fee equal to 5% of the total cash contributions (at this time and inclusive of construction training £11,227.16)
- ix. A s278/38 agreement to be entered into to address any and all highways works are directed by the Council's highways engineer.
- x. 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 Deed of Variation.

3. CONSIDERATIONS

3.1 Site and Locality

The proposed scheme relates to the 9 storey building nearing completion on the north eastern side of Bakers Road in Uxbridge Town Centre. Bakers Road is a cul-de-sac which provides vehicular access to the Uxbridge Bus and Underground Stations.

The site is mainly surrounded by commercial development, with the Travelodge hotel adjoining the site to the south east and office buildings to the north west and at the rear of the site.

The site has a high PTAL of 6a and is within the Hillingdon Air Quality Management Area. The site lies between the two areas of the Old Uxbridge and Windsor Street Conservation Area and is also within an Archaeological Priority Area.

3.2 Proposed Scheme

Planning permission (ref. 8218/APP/2011/1853) was granted on 12/6/13 for the 'Redevelopment of Norwich Union House to erect a 9 storey building comprising retail floorspace at ground floor level and 8 storeys of residential units (37 units) with associated gym, access and parking arrangements'.

That planning permission was granted subject to a S106 Legal Agreement. This application seeks a Deed of Variation (DoV) to that legal agreement in order to refund the £161,729.60 affordable housing contribution.

The affordable housing contribution was made in lieu of providing affordable housing on site. The site is now owned by Inquilab Housing Association who are selling all 37 units on a shared ownership basis and therefore 100% affordable housing is being provided on site and the in lieu payment can be refunded.

3.3 Relevant Planning History

Comment on Relevant Planning History

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- 5 NPPF-5 2018 - Delivering a sufficient supply of homes

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

Housing Officer:

Originally approved as a 100% market housing scheme, the site is now owned by Inquilab Housing Association who are selling all 37 units on a shared ownership basis. The development is close to completion and this application seeks to vary the S106 Agreement and a refund of the Affordable Housing Contribution paid in lieu of on site affordable housing.

I support this application used to enable the delivery of 37 shared ownership units the £161,729.60 commuted sum represents excellent value. If retained the commuted sum would not cover the cost of building one shared ownership unit, or if used as grant offered to Registered Providers at the current GLA grant rate of £38,000 it would finance four shared ownership units.

The 37 shared ownership units at 1-3 Bakers Road will help meet the proven demand for intermediate housing and help local households get onto the property ladder. There are currently 520 applicants on the Hillingdon Shared Ownership Register.

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 upon 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**
Not applicable. No changes are proposed that would alter the highway impacts of this scheme.
- 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**
The site is now owned by a Housing Association who are selling all 37 units on a shared ownership basis and therefore 100% affordable housing is being provided on site. The original S106 Agreement secured a £161,729.60 affordable housing contribution in lieu of providing any affordable housing on site.

The Council's Housing Officer advises that this represents great value for money as the £161,729.60 commuted sum would not cover the cost of building one shared ownership unit, or if used as grant offered to Registered Providers at the current GLA grant rate of £38,000 it would finance just four shared ownership units as compared to the 37 units that would now be affordable.

On this basis, no objections are raised to the refunding of the £161,729.60 in lieu affordable housing contribution.
- 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 or air quality 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.

7.21 Expediency of enforcement action

There are no enforcement issues raised by this application.

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 detrimental impact on the approved scheme. Notably, the Council's Housing Officer is fully supportive of the reimbursement of the money, given that the scheme would now be 100% affordable.

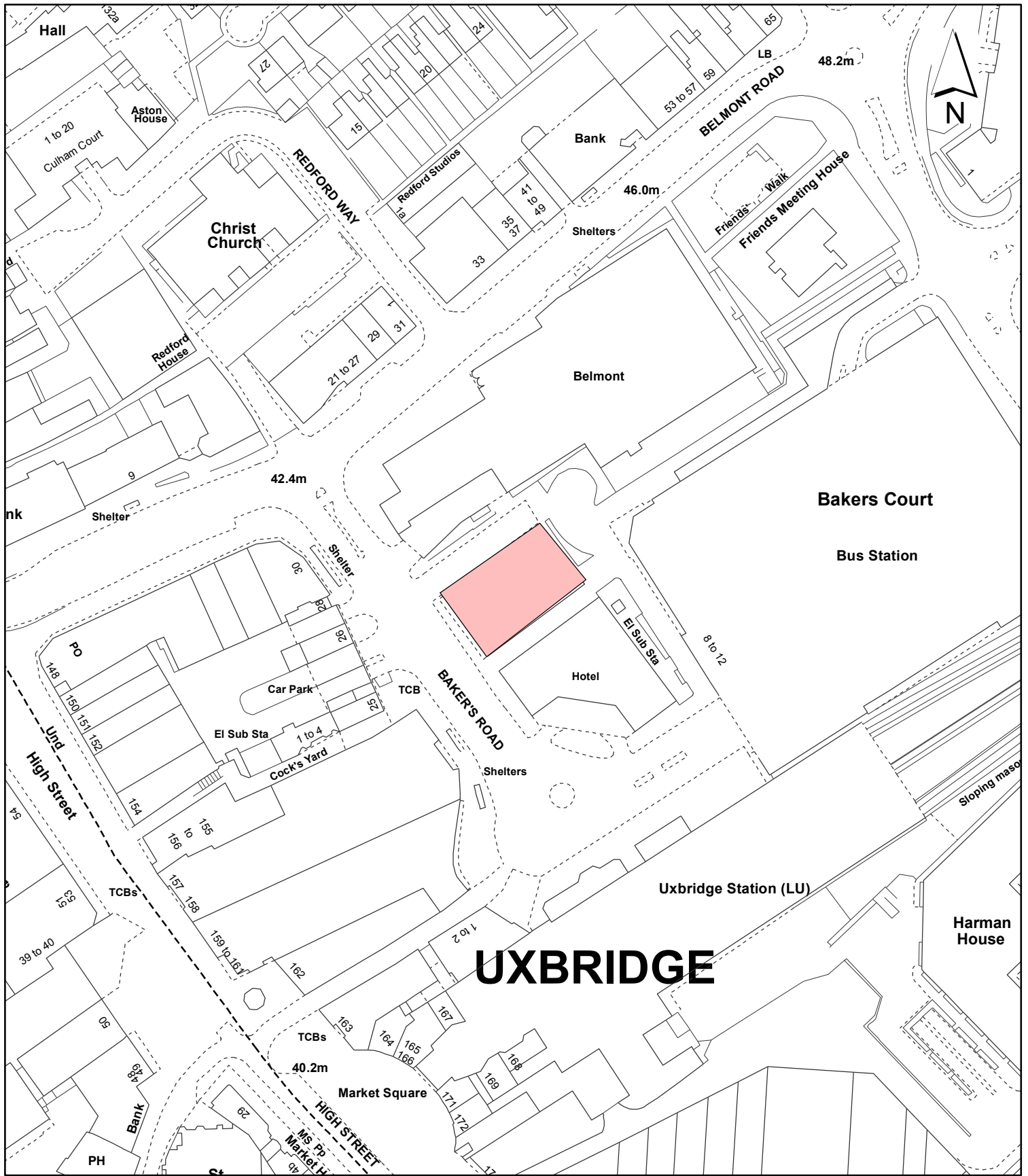
The development would continue to appropriately comply with relevant Local Plan, London Plan and national planning policies and accordingly, approval is recommended.

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 (March 2016)
National Planning Policy Framework (July 2018)
SPD 'Planning Obligations' July 2014

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UXBRIDGE

Notes:

 Site boundary

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Site Address:

**1-3 Bakers Road
 Uxbridge**

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

Planning Application Ref:
8218/APP/2018/2405

Scale:
1:1,250

Planning Committee:
Major

Date:
September 2018

