

Report of the Head of Planning, Transportation and Regeneration

Address PHASE 3C, ST ANDREWS PARK HILLINGDON ROAD UXBRIDGE

Development: Modification of the s.106 obligation planning application reference 585/APP/2009/2752 Redevelopment of Former RAF Uxbridge to include the following amendments:(a) Definitions in Clause 1 (Interpretation) - Affordable Housing Provider and Registered Social Landlord (b) Effect of the Agreement - Clause 2.4.1; and (c)The mortgagee in possession clause -The Affordable Housing Schedule (Schedule 4 Paragraph 12.1 and 12.2) as previously varied.

LBH Ref Nos: 585/APP/2018/4168

Drawing Nos: 1012A

Date Plans Received: 23/11/2018

Date(s) of Amendment(s):

Date Application Valid: 07/12/2018

1. SUMMARY

Planning permission reference 585/APP/2009/2752 was granted on 18-01-12 for the redevelopment of the former RAF Uxbridge site to provide 1,296 residential units.

An application to amend the approved parameter plans for the outline consent was approved under planning permission reference 585/APP/2015/848. This permission supersedes the original outline permission reference 585/APP/2009/2752.

Planning permission was granted subject to a S106 Legal Agreement which secured on site affordable housing. The current application seeks a Deed of Variation (DoV) to that legal agreement to include the following amendments:(a) Definitions in Clause 1 (Interpretation) - Affordable Housing Provider and Registered Social Landlord (b) Effect of the Agreement - Clause 2.4.1; and (c)The mortgagee in possession clause -The Affordable Housing Schedule (Schedule 4 Paragraph 12.1 and 12.2) as previously varied. The changes sought only relate to Phase 3C of the wider St Andrew's Park development site.

No change is proposed to the overall quantum or delivery of on-site affordable housing. In essence the alterations sought are primarily administrative changes which have arisen as a result of updates to statutory regulations.

No objections have been raised to the requested variations by the Council's S106/CIL 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:

- (a) Definitions in Clause 1 (Interpretation) - Affordable Housing Provider and Registered Social Landlord
- (b) Effect of the Agreement - Clause 2.4.1; and
- (c) The mortgagee in possession clause - The Affordable Housing Schedule (Schedule 4 Paragraph 12.1 and 12.2) as previously varied.

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 in the Deed of Variation.

3. CONSIDERATIONS

3.1 Site and Locality

The application site (Phase 3C) forms part of St Andrews Park (the former RAF Uxbridge Site). Phase 3C is an area of land located in the western part of the site. The site is bounded by Hillingdon Road to the west, Phase 3B to the south, Phase 4 to the east and the future Town Centre Extension to the north. The Southern boundary of the site is occupied by a double line of mature horse chestnut trees which are to be retained, forming an important strategic landscape green link and frame to the future Parade Ground phase.

The development approved under reserved matters consent reference 585/APP/2016/3776 is substantially complete.

The site is situated within the 'developed area' as identified in the policies of the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

Planning permission reference 585/APP/2009/2752 was granted subject to a S106 Legal Agreement which secured on site affordable housing. The current application seeks a Deed of Variation (DoV) to that legal agreement to include the following amendments:(a) Definitions in Clause 1 (Interpretation) - Affordable Housing Provider and Registered Social Landlord (b) Effect of the Agreement - Clause 2.4.1; and (c) The mortgagee in possession clause - The Affordable Housing Schedule (Schedule 4 Paragraph 12.1 and 12.2) as previously varied. The changes sought only relate to Phase 3C of the wider St Andrew's Park development site.

3.3 Relevant Planning History

Comment on Relevant Planning History

Planning permission was approved on 18th January 2012 under application reference 585/APP/2009/2752 for the following:

1. Outline application (all matters reserved, except for access) including demolition of some existing buildings and:
 - a. Creation of up to 1,296 residential dwellings (Class C3) of between 2 to 6 residential storeys;
 - b. Creation of up to 77 one-bedroom assisted living retirement accommodation of between 3 to 4 storeys;
 - c. Creation of a three-form entry primary school of 2 storeys;

- d. Creation of a hotel (Class C1) of 5 storeys of up to 90 beds;
- e. Creation of a 1,200 seat theatre with ancillary cafe (Sui Generis); office (Class B1a) of up to 13,860 sq m; in buildings of between 4 to 6 storeys as well as a tower element associated with the theatre of up to 30m;
- f. Creation of a local centre to provide up to 150 sq m of retail (Class A1 and A2) and 225 sq m GP surgery (Class D1); means of access and improvements to pedestrian linkages to the Uxbridge Town Centre; car parking; provision of public open space including a district park; landscaping; sustainable infrastructure and servicing.

2. In addition to the above, full planning permission for:

- a. Creation of 28 residential dwellings (Class C3) to the north of Hillingdon House of between 2 to 3 storeys as well as associated amenity space and car parking;
- b. Change of use of Lawrence House (Building no. 109) to provide 4 dwellings (Class C3), associated amenity space and car parking including a separate freestanding garage;
- c. Change of use and alterations to the Carpenters building to provide 1 residential dwelling (Class C3);
- d. Change of use and alterations to the Sick Quarters (Building No. 91) to provide 4 dwellings (Class C3) as well as associated amenity space and car parking;
- e. Change of use of Mons barrack block (Building No. 146A) to provide 7 dwellings (Class C3) as well as associated amenity space and car parking;
- f. Change of use of the Grade II listed former cinema building to provide 600sqm Class D1/2 use (no building works proposed);
- g. Change of use and alterations to the Grade II listed Hillingdon House to provide 600 sq m for a restaurant (Class A3) on the ground floor and 1,500 sq m of office (Class B1) on the ground, first and second floors.

An application for a non-material amendment to vary the Phasing Plan was approved in January 2015 (Application Ref. 585/APP/2014/4023). An application to amend the approved parameter plans for the outline consent was approved under planning permission reference 585/APP/2015/848. This permission supersedes the original outline permission reference 585/APP/2009/2752.

Various applications for Reserved Matters have been approved and development has commenced on site.

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

S106/CIL OFFICER

The proposals include interpretation of various definitions changes, mortgagee provision changes, this is due to the update of regulations. Accordingly there are no objections to the DOV and proposed amendments.

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.

Planning permission reference 585/APP/2009/2752 was granted subject to a S106 Legal Agreement which secured on site affordable housing which remains unchanged as a result of this application. The current application seeks a Deed of Variation (DoV) to that legal agreement to include the following amendments:(a) Definitions in Clause 1 (Interpretation) - Affordable Housing Provider and Registered Social Landlord (b) Effect of the Agreement - Clause 2.4.1; and (c) The mortgagee in possession clause -The Affordable Housing Schedule (Schedule 4 Paragraph 12.1 and 12.2) as previously varied.

No objections have been raised to the requested variations by the Council's S106/CIL Officer. The development would continue to appropriately comply with relevant Local Plan, London Plan and national planning policies in relation to the approved affordable housing offer.

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 Probit 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 the Council's S106/CIL Officer.

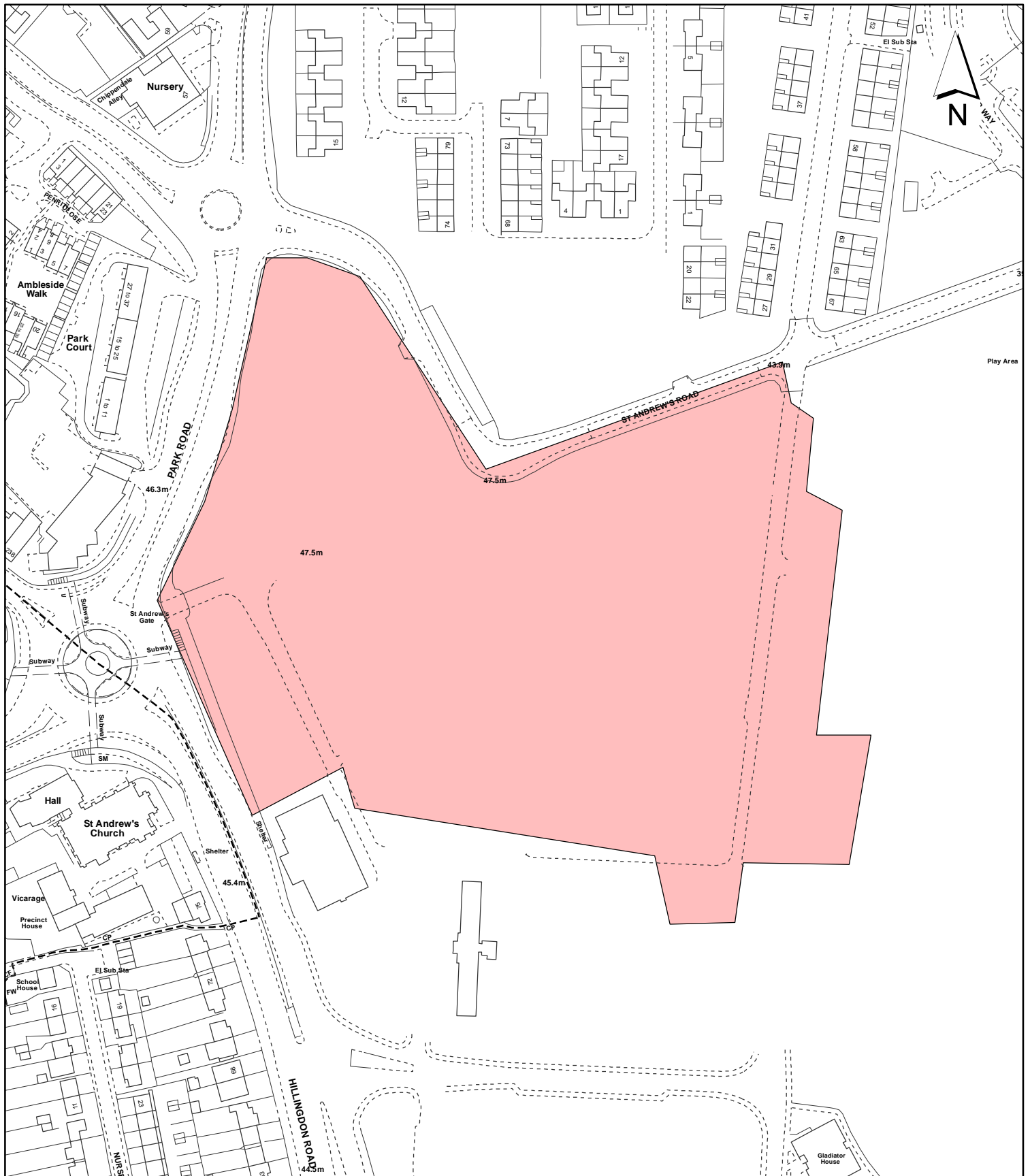
The development would continue to appropriately comply with relevant Local Plan, London Plan and national planning policies and, accordingly, approval is recommended.

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

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Notes:

 Site boundary

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Site Address:

Phase 3C St Andrews

Planning Application Ref:

585/APP/2018/4168

Planning Committee:

Major

Scale:

1:2,000

Date:

June 2019

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section

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HILLINGDON
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