

Report of the Head of Planning, Transportation and Regeneration

Address LAND TO THE REAR OF 2-24 HORTON ROAD YIEWSLEY

Development: Deed of Variation to Section 106 Schedule 1 (Affordable Housing) associated with planning permission ref: 71582/APP/2016/4582, dated 31-08-17 (as varied under DoV ref: 71582/APP/2018/2871 dated 17/7/19) (Demolition of existing buildings and redevelopment to provide 86 residential units in three buildings of 4-6 storeys with private balconies together with one three-bed dwelling, Class A1/A2 or A3 unit, associated car parking at basement and surface level, cycle parking, communal amenity areas, landscaping, improved access and relocated sub-station) to change the tenure of the approved dwellings to a 100% affordable development.

LBH Ref Nos: 71582/APP/2019/2584

Drawing Nos: 15344-VT50C Affordable Housing Plan
15.214/D01 Rev A Location Plan

Date Plans Received: 02/08/2019 **Date(s) of Amendment(s):**
Date Application Valid: 30/08/2019

1. SUMMARY

The proposal is for a Deed of Variation to Schedule 1 (Affordable Housing) of the Section 106 associated with planning permission ref: 71582/APP/2016/4582, dated 31-08-17, for the demolition of existing buildings and redevelopment to provide 86 residential units in three buildings of 4-6 storeys with private balconies together with one three-bed dwelling, Class A1/A2 or A3 unit, associated car parking at basement and surface level, cycle parking, communal amenity areas, landscaping, improved access and relocated sub-station. The approved development secured 87 units in total.

The Affordable Housing provision within the development would be increased from eight Shared Ownership units and one Affordable Rented house to 22 Affordable Rented units and 65 Shared Ownership units, providing a 100% Affordable Housing development.

The proposed change in Affordable Housing provision from 10% to 100% of the approved 87 residential unit development is acceptable and complies with Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy 3.12 of the London Plan (2016).

Therefore the proposed Deed of Variation to Schedule 1 (Affordable Housing) of the Section 106 associated with planning permission ref: 71582/APP/2016/4582, dated 31-08-17 (as varied under planning ref: 71582/APP/2018/2871 dated 17/7/19), is recommended for approval.

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:

(i) Amendment of Schedule 1 to increase the number of affordable units from 9 to 86 units (100%) comprising the following mix:

- Block A

20 x one-bed Affordable Rented

1 x two-bed Affordable Rented

- Block B

20 x one-bed Shared Ownership

16 x two-bed Shared Ownership

- Block C

17 x one-bed Shared Ownership

12 x two-bed Shared Ownership

- Block D

1 three-bed house Affordable Rented

And any variation required to the legal agreement which accompanied the S73 consent ref: 71582/APP/2018/2871 dated 17/7/19.

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 application site currently contains industrial buildings and associated hard standing and car parking and is surrounded by a combination of residential and industrial buildings.

45-50 Otter Way is located north-east of the site with 15-44 Otter Way to the east. To the south, the site fronts the Grand Union Canal, a site of Metropolitan Importance for Nature Conservation, with the mainline railway on the other side.

Vehicular and pedestrian access to the site is provided via the Bignell House/Horton Parade access which is mainly commercial. The site has a PTAL rating of 3. West Drayton Station is planned as a stop on the Crossrail route development. It is anticipated that this will improve the site's current PTAL rating from a 3 to a 4.

The site is located within the Yiewsley/West Drayton Major Town Centre, as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), but outside both the primary and secondary shopping areas. The site does not fall within an Archaeological Priority Area and there are no Conservation Areas or Listed Buildings within the vicinity.

3.2 Proposed Scheme

Planning permission ref: 71582/APP/2016/4582 was approved in August 2017 for the demolition of existing buildings and redevelopment to provide 86 residential units in three

buildings of 4-6 storeys with private balconies together with one three-bed dwelling, Class A1/A2 or A3 unit, associated car parking at basement and surface level, cycle parking, communal amenity areas, landscaping, improved access and relocated sub-station. The approved development secured 87 units in total.

This proposal is for a Deed of Variation to Schedule 1 (Affordable Housing) of the Section 106 associated with the planning permission.

Schedule 1 of the S106 Legal Agreement required nine units (14% of habitable rooms) to be provided as Affordable Housing, comprising of:

- Eight two-bed Shared Ownership flats; and
- The three-bed house as Affordable Rented

The applicant seeks to change the tenure of all the approved 86 dwellings to provide a 100% affordable development.

The proposed Affordable Housing mix comprises of:

- Block A
20 x one-bed Affordable Rented
1 x two-bed Affordable Rented
- Block B
20 x one-bed Shared Ownership
16 x two-bed Shared Ownership
- Block C
17 x one-bed Shared Ownership
12 x two-bed Shared Ownership
- Block D
1 three-bed house Affordable Rented

The proposal would therefore result in 22 Affordable Rented units and 65 Shared Ownership units, a total of 87 Affordable Housing units (100% of the development).

It should be noted that the original planning permission was varied under planning ref: 71582/APP/2018/2871 dated 17/7/19, but the affordable housing schedule was secured under the original legal agreement, therefore this application seeks only to amend the secured affordable housing.

3.3 Relevant Planning History

71582/APP/2016/4582 Land Rear Of 2-24 Horton Road Yiewsley

Demolition of existing buildings and redevelopment to provide 86 residential units in three buildings of 4-6 storeys with private balconies together with one three-bed dwelling, Class A1/A2 or A3 unit, associated car parking at basement and surface level, cycle parking, communal amenity areas, landscaping, improved access and relocated sub-station.

Decision: 10-05-2017 Approved

71582/APP/2018/2871 Land Rear Of 2-24 Horton Road Yiewsley

Variation of Condition 2 (approved plans) of planning permission ref: 71582/APP/2016/4582, da 31/08/2017 (Demolition of existing buildings and redevelopment to provide 86 residential units in three buildings of 4-6 storeys with private balconies together with one three-bed dwelling, Class A1/A2 or A3 unit, associated car parking at basement and surface level, cycle parking, communal amenity areas, landscaping, improved access and relocated sub-station) for improved fire safety circulation and ventilation, alterations to sub-station and cycle store, revised feature brick work and increase in building height.

Decision: 14-11-2018 Approved

Comment on Planning History

4. Planning Policies and Standards

Development Plan

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Saved UDP Policies (2012)

The London Plan - Consolidated With Alterations (2016)

1.3 The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

1.4 Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Consolidated with Changes July 2019)

1.5 The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor

on 8th October.

1.6 The Mayor is currently considering the Panel report and recommendations and is preparing an 'Intend to Publish' version of the London Plan, which will be sent to the Secretary of State alongside with a schedule of the panel's recommendation and the Mayor's response to them. It is envisaged the Intend to 'Publish version' of the Plan will be sent to the Secretary of State by the end of the year.

1.7 Until the stages outlined above are passed, it seems that in general terms only limited weight can and should be attached to the new London Plan. Some greater weight at this stage can be attached to policies which have been found acceptable by the Panel (either expressly or by no comment being made) or are subject to only minor amendment. However, anything that remains subject to the Inspector's recommendations can arguably be said to still attract very limited weight until at least the Mayor has published his report. The weight will then increase as matters become clearer through the outstanding statutory steps being completed.

Proposed Submission Local Plan Part 2 with Main Modifications (March 2019)

1.8 The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

1.9 The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

1.10 The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and were published for public consultation from 27 March to 8 May 2019.

1.11 The Council received the Inspector's Final Report on 22 October 2019. The Inspector concluded that, subject the Main Modifications set out in the Appendix to the report, the Local Plan Part 2 is a sound plan that can be adopted. The examination of the Local Plan is therefore now complete and the Council is in the process of progressing the Plan for formal adoption as part of the statutory development plan. This is scheduled for January 2020.

1.12 Taking paragraph 48 of the NPPF into account, the Council's general approach to the weight that should be afforded to the LPP2 until formal adoption will be that all policies, including those incorporating the main modifications hold substantial weight. This is due to the Plan being at the most advanced stage of preparation, the resolution of outstanding objections through the Inspector's Report and confirmation that the Plan is consistent with national guidance.

1.13 Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012 until the Local Plan Part 2 is formally adopted.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.H2 (2012) Affordable Housing

Part 2 Policies:

LPP 3.12 (2016) Negotiating affordable housing on individual private residential and mixed-use schemes

DMH 7

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **29th November 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed on site. No responses were received.

Internal Consultees

Section 106 Officer:

the Modification of S106 Obligations application refers to changing the Affordable Housing provision from 9 units (10%) to 87 units (100%). Accordingly I have no objections.

Planning Policy Team:

No Objection. The Mayor of London's Affordable housing SPG (2017) outlines the following Paragraph 2.42:

To incentivise schemes that are largely or entirely affordable, those that propose 75 per cent affordable housing or more as defined by the NPPF may be considered under the Fast Track Route whatever their tenure mix, as long as the tenure and other relevant standards are supported by the LPA.

Both Shared Ownership and London Affordable Rent are affordable housing tenures supported by the London Borough of Hillingdon.

Therefore an FVA is not required, despite being a different tenure split than 70:30.

Officer comments:

The Agent has confirmed that the affordable rent proposed is the London Affordable Rent.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Not applicable to this application. The principle of development has been accepted through the granting of planning permission for the scheme (application ref: 71582/APP/2016/4582).

7.02 Density of the proposed development

Not applicable to this application. 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 to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

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

7.08 Impact on neighbours

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

7.09 Living conditions for future occupiers

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

7.10 Traffic impact, Car/cycle parking, pedestrian safety

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

7.11 Urban design, access and security

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

7.12 Disabled access

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

7.13 Provision of affordable & special needs housing

Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that 35% of all new residential units in the borough should be delivered as affordable housing. 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 as well as the viability of schemes.

Policy DMH 7 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states that developments providing 10 or more units will be required to maximise the delivery of on-site affordable housing, and that a minimum of 35% of new homes on these sites should be delivered as affordable housing.

Policy 3.12 of the London Plan (2016) 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.

This application seeks to change the number of Affordable Housing from nine units (10%), approved as part of the Section 106 Legal Agreement for Planning Permission ref: 71582/APP/2016/4582, dated 31-08-17, to 87 units, resulting in a 100% Affordable residential development. The proposed tenure would comprise of 22 Affordable Rented

units and 65 Shared Ownership units.

The Council's Policy Team and the Council's Section 106 Officer have raised no objection to the proposed increase in Affordable Housing within the site. Whilst the proposed tenure mix would not be 70:30 split, Paragraph 2.42 of the Mayor of London's Affordable Housing SPG (2017) states that schemes of 75% affordable housing or more (as defined by the NPPF) may be considered under the Fast Track Route whatever their tenure mix, as long as the tenure and other relevant standards are supported by the Local Planning Authority; this is supported by Policy H6 of the Draft London Plan. Both Shared Ownership and London Affordable Rent are affordable housing tenures supported by the London Borough of Hillingdon and therefore, despite being a different tenure split than 70:30, a Financial Viability Assessment is not required in this instance.

Therefore the proposed change in Affordable Housing provision from 10% to 100% of the approved 87 residential unit development is considered to be acceptable and is in accordance with Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy 3.12 of the London Plan (2016).

The change in Affordable Housing provision within the development shall be dealt with through a Deed of Variation to Schedule 1 (Affordable Housing) of the Section 106 Legal Agreement for Planning Permission ref: 71582/APP/2016/4582, dated 31-08-17.

7.14 Trees, landscaping and Ecology

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

7.15 Sustainable waste management

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

7.16 Renewable energy / Sustainability

Not applicable to this application. No changes are proposed which would impact on renewable energy and sustainability.

7.17 Flooding or Drainage Issues

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

7.18 Noise or Air Quality Issues

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

7.19 Comments on Public Consultations

Not applicable to this application.

7.20 Planning obligations

The alteration proposed to the Affordable Housing planning obligation secured under Schedule 1 of the Section 106 Legal Agreement for planning permission ref: 71582/APP/2016/4582, dated 31-08-17, has been discussed in Section 7.13 of this report.

7.21 Expediency of enforcement action

Not applicable to 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

Not applicable to this application.

10. CONCLUSION

The proposal is for a Deed of Variation to Schedule 1 (Affordable Housing) of the Section 106 associated with planning permission ref: 71582/APP/2016/4582, dated 31-08-17, for the demolition of existing buildings and redevelopment to provide 86 residential units in three buildings of 4-6 storeys with private balconies together with one three-bed dwelling, Class A1/A2 or A3 unit, associated car parking at basement and surface level, cycle parking, communal amenity areas, landscaping, improved access and relocated sub-station (87 units in total).

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The proposed change in Affordable Housing provision from 10% to 100% of the approved 87 residential unit development is acceptable and complies with Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy 3.12 of the London Plan (2016).

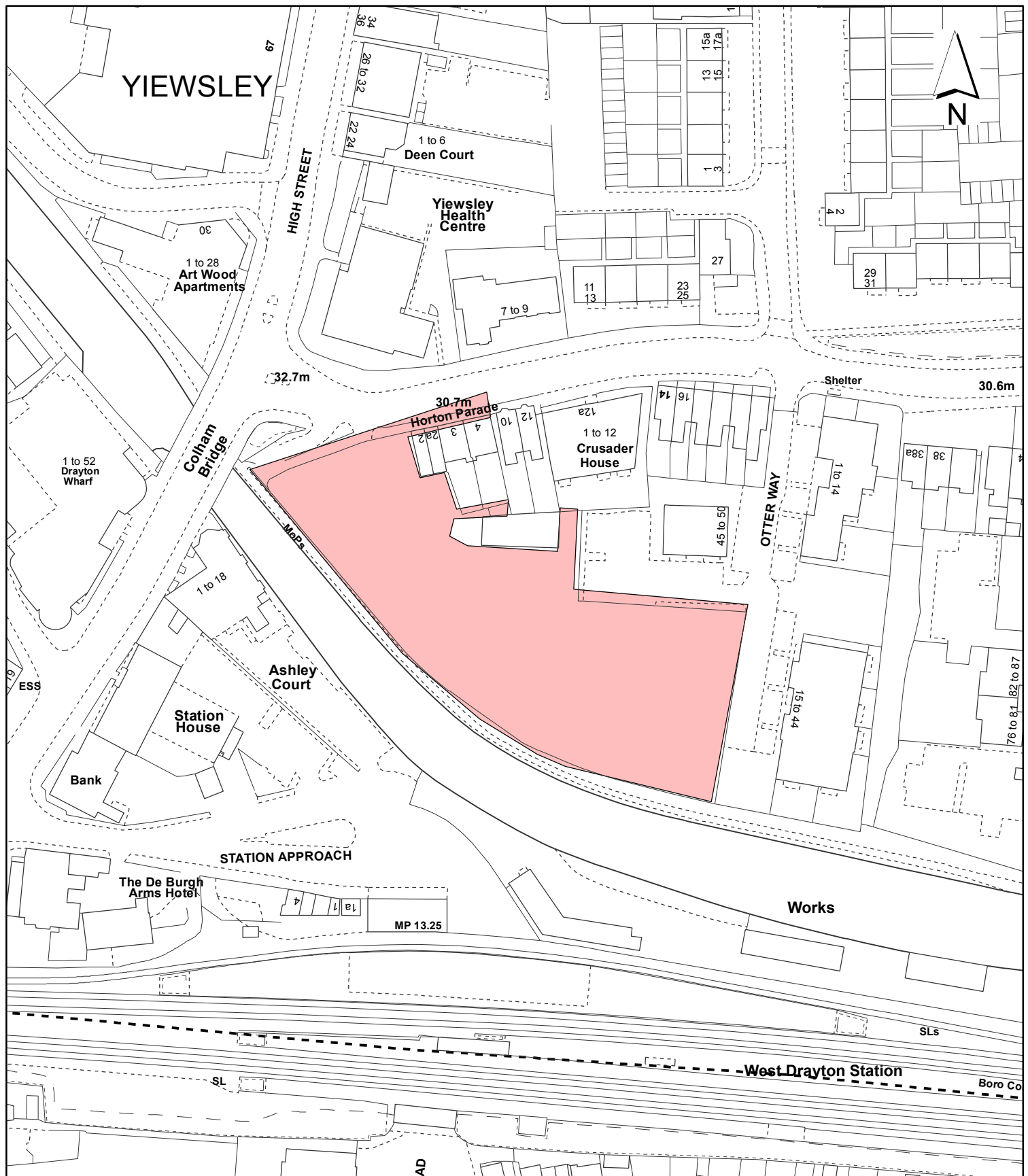
Therefore the proposed Deed of Variation to Schedule 1 (Affordable Housing) of the Section 106 associated with planning permission ref: 71582/APP/2016/4582, dated 31-08-17, is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (March 2016)
National Planning Policy Framework (February 2019)
SPD 'Planning Obligations' July 2014

Contact Officer: Katherine Mills

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.

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Site Address:

**Land to the Rear of 2 - 24 Horton Road
West Drayton**

Planning Application Ref:

71582/APP/2019/2584

Planning Committee:

Major

Scale:

1:1,250

Date:

December 2019

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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