

Report of the Head of Planning, Transportation and Regeneration

Address SITE ENCLOSED BY BENTINCK ROAD & TAVISTOCK ROAD TAVISTOCK ROAD YIEWSLEY

Development: Deed of Variation to amend Schedule 6 of the Section 106 Agreement dated 20 December 2015 relating to planning ref: 45200/APP/2017/327 at Former Padcroft Works

LBH Ref Nos: 45200/APP/2018/4447

Drawing Nos:

Date Plans Received: 21/12/2018

Date(s) of Amendment(s):

Date Application Valid: 04/10/2019

1. SUMMARY

The proposal is for a Deed of Variation to Clause 4.1 (Affordable Housing) of the Section 73 Deed of Variation associated with planning permission ref: 45200/APP/2017/327 dated 12-10-17, for the Variation of condition 2 (Accordance with approved plans) of planning permission ref: 45200/APP/2016/3886 dated 25-01-2017: Variation of conditions 2 (Accordance with approved plans), 15 (Pedestrian Link) and 23 (Car Parking Stackers) of planning permission ref: 45200/APP/2014/3638 dated 10-12-2015: Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles, to allow the addition of 7 residential units within the approved floorspace.

The agreement under planning ref: 45200/APP/2017/327 secured 315 units on the Padcroft site, of these, 48 units as affordable housing (29 affordable rent and 19 intermediate units). This application has been made by the approved Registered Provider who will own and manage 47 of the 48 affordable units. The developer would deliver the remaining 1 unit in a later block.

The Affordable Rent provision within the development would increase so the development provides 30 affordable rent units and 18 intermediate. The proposed change in Affordable Housing provision mix from 19 intermediate units and 29 affordable rent to 18 intermediate units and 30 affordable rent units is acceptable. Therefore the proposed Deed of Variation to Clause 4.1 (Affordable Housing) of the Section 106 associated with planning permission ref: 45200/APP/2017/327, dated 12-10-17, is recommended for approval.

2. RECOMMENDATION

That delegated powers be given to the Head of Planning, Transportation and Regeneration to grant permission, 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 Clause 4.1 (Affordable Housing)** to amend the tenure mix from 29 affordable rented units and 19 intermediate units to 30 affordable rented units and 18 intermediate units.

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 is situated towards the south side of Yiewsley in Hillingdon, West London. It is located on the north side of High Street Yiewsley. The site is currently being built in accordance with the consent for redevelopment of the site.

The site sits immediately behind the High Street, which is a mixture of three and four storey traditional buildings with dormers and pitched roofs. These are retail and small scale commercial at ground floor with residential and further commercial units above.

3.2 Proposed Scheme

The proposal seeks to amend the tenure mix so the affordable housing units from 29 affordable rented units and 19 intermediate units to 30 affordable rented units and 18 intermediate units.

3.3 Relevant Planning History

45200/APP/2012/3082 Padcroft Works Tavistock Road Yiewsley

Comprehensive redevelopment of site to provide three buildings of part 7 storeys and part 5 storeys comprising 208 residential units, 190 sq.m (approx) of Use Class B1 floorspace with associated public and private amenity space, hard and soft landscaping, lower ground floor parking for vehicles and bicycles (involving demolition of all existing buildings).

Decision: 10-09-2013 Approved

45200/APP/2014/3638 Padcroft Works Tavistock Road Yiewsley

Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles.

Decision: 06-08-2015 Approved

45200/APP/2016/1817 Former Padcroft Works Tavistock Road Yiewsley

Variation of condition 17 (Air Pollution) of planning permission ref: 45200/APP/2014/3638 dated

10-12-2015: Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles, to allow details to be submitted prior to occupation.

Decision: 30-05-2017 Withdrawn

45200/APP/2016/3886 Site Enclosed By Bentinck Road & Tavistock Road Tavistock Road Yi

Variation of conditions 2 (Accordance with approved plans), 15 (Pedestrian Link) and 23 (Car Parking Stackers) of planning permission ref: 45200/APP/2014/3638 dated 10-12-2015: Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles, to allow for the extension of the basement car park involving the omission of car parking stackers and an infill extension between blocks to add 645sq m of additional residential floorspace.

Decision: 11-01-2017 Approved

45200/APP/2017/327 Site Enclosed By Bentinck Road & Tavistock Road Tavistock Road Yi

Variation of condition 2 (Accordance with approved plans) of planning permission ref: 45200/APP/2016/3886 dated 25-01-2017: Variation of conditions 2 (Accordance with approved plans), 15 (Pedestrian Link) and 23 (Car Parking Stackers) of planning permission ref: 45200/APP/2014/3638 dated 10-12-2015: Demolition of all existing buildings on the site enclosed by Bentinck Road and Tavistock Road (as shown outlined in red on the submitted application site plan) including Globe House, Globe Court, Padcroft Works, the former Dairy Crest dairy and TiGi Warehouse and comprehensive redevelopment to provide three buildings rising from three to eight storeys comprising 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles to allow the addition of 7 residential units within the approved floorspace.

Decision: 30-05-2017 Approved

Comment on Relevant Planning History

The most relevant planning history is referenced above.

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:

DMH 7

LPP 3.10 (2016) Definition of affordable housing

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

5. Advertisement and Site Notice

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

5.2 Site Notice Expiry Date:- **29th November 2019**

6. Consultations

External Consultees

This application was consulted on between 08-11-19 and 29-11-19. No comments or objections were raised to this application.

Internal Consultees

Section 106 Officer

No objection to the changes proposed.

Housing Officer

No objection to the proposed amendment, provided there are caveats in place to ensure the 1 remaining shared ownership is sold following the sale of 50% of the market housing. To ensure the remaining unit which has not been sold to the approved Registered Provider is delivered.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of development has been accepted through the granting of planning permission for the scheme (application ref: 45200/APP/2017/327 dated 12-10-17).

7.02 Density of the proposed development

The density of development has been accepted through the granting of planning permission for the scheme (application ref: 45200/APP/2017/327 dated 12-10-17).

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

The design of the development and its impact on heritage assets has been assessed under application ref: 45200/APP/2017/327 dated 12-10-17.

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

No changes are proposed which would impact on the character or appearance of the area.

7.08 Impact on neighbours

No changes are proposed which would impact on residential amenity.

7.09 Living conditions for future occupiers

No changes are proposed which would impact on residential amenity.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

No changes are proposed which would impact on traffic, parking or pedestrian safety.

7.11 Urban design, access and security

No changes are proposed which would impact on urban design, access and security.

7.12 Disabled access

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 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.

The principle of the provision of 48 units as affordable housing has been accepted under planning ref: 45200/APP/2017/327. This proposal seeks to alter the tenure mix of affordable units from 29 affordable rented units and 19 intermediate units to 30 affordable rented units and 18 intermediate units. The change would allow management efficiencies and reduces the risk of an unsold shared ownership unit within a wholly rented block. As the current registered provider is only taking 47 of the 48 affordable housing units. A clause is being included within the new legal agreement to ensure the delivery of the last intermediate unit is delivered prior to the sale of 50 per cent of the market units across the development. This would ensure the delivery of all the affordable housing across the site.

Under the consented scheme the affordable housing unit mix comprises 10 x 1 bedroom, 22 x 2 bedroom and 16 x 3 bedroom units. This unit mix will not be altered by the changes proposed under this application.

The Section 106 Officer and the Council's Housing Officer have raised no objection.

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 the ref: 45200/APP/2017/327 (12-10-17), 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 Clause 4.1 (Affordable Housing) of the Section 73 Deed of Variation associated with planning permission ref: 45200/APP/2017/327 dated 12-10-17 for 308 residential units, 175 sqm of Class B1 floorspace, public and private amenity space, hard and soft landscaping and lower ground floor parking space for 293 vehicles, to allow the addition of 7 residential units within the approved floorspace.

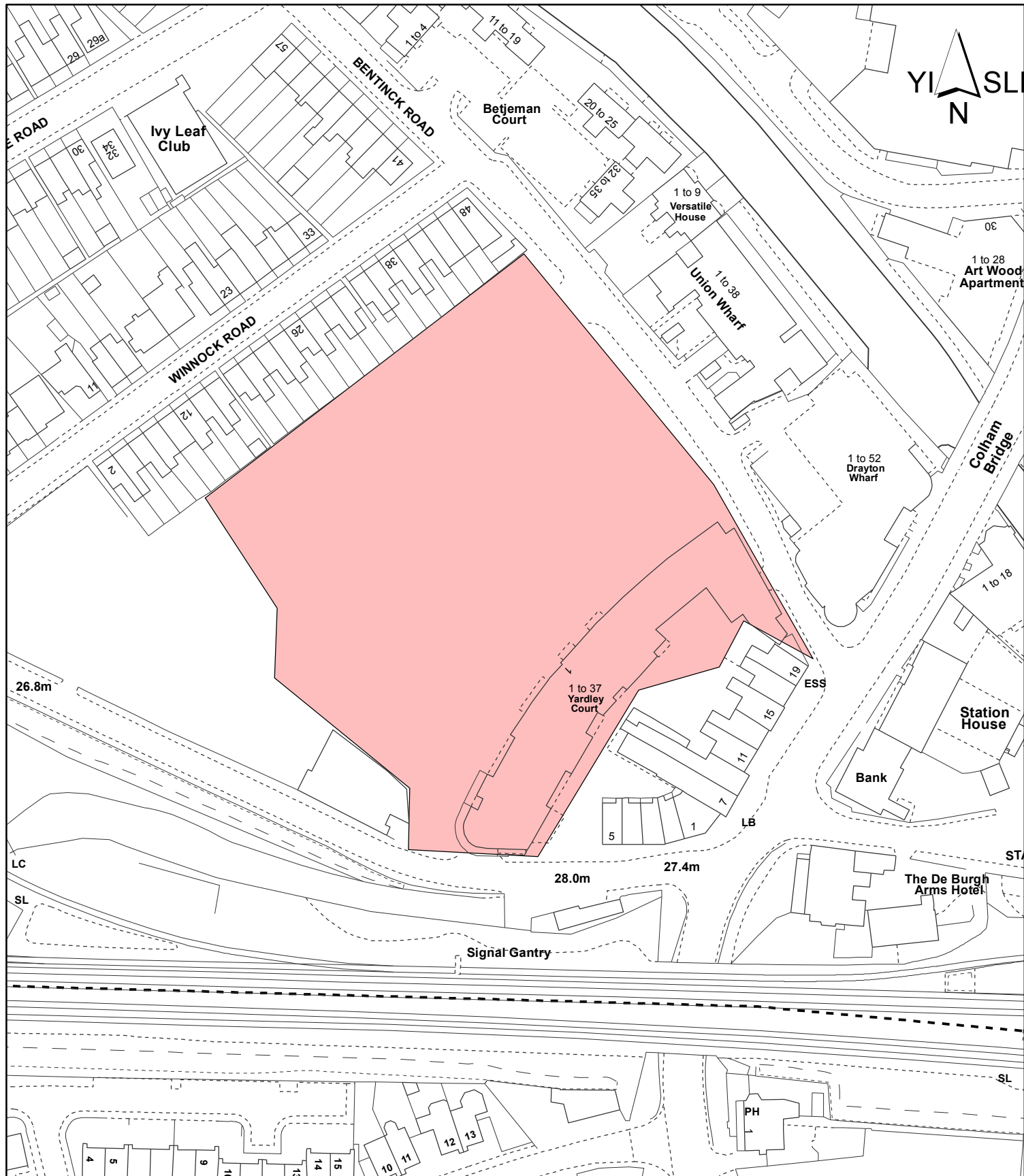
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11. Reference Documents

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: Zenab Haji-Ismail

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Notes:

 Site boundary

For identification purposes only.

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Site Address:

Site Enclosed by Bentinck Road

Planning Application Ref:

45200/APP/2018/4447

Planning Committee:

Major

Scale:

1:1,250

Date:

December 2019

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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