

## **Report of the Head of Planning, Transportation and Regeneration**

**Address**                   BOURNE COURT SITE BOURNE COURT RUISLIP

**Development:**       Deed of Variation to Section 106 Schedule 1 (Affordable Housing) associated with planning permission ref: 11891/APP/2018/3414, dated 17/06/19 (Redevelopment to provide 87 residential units in two blocks, together with associated access, car and cycle parking; communal and private amenity space; and landscaping) to remove the requirement for a commuted sum and replace it with an affordable housing obligation for an on-site provision with 54 shared ownership units in Block A and 33 affordable rented units in Block B.

**LBH Ref Nos:**       11891/APP/2019/3855

**Drawing Nos:**       010  
                              100 Rev. 02  
                              Section 106 Agreement (Dated 14th June 2019)

**Date Plans Received:**   28/11/2019

**Date(s) of Amendment(s):**

**Date Application Valid:** 29/11/2019

### **1. SUMMARY**

This Deed of Variation application to Schedule 1 (Affordable Housing) of the Section 106 attached to planning permission ref: 11891/APP/2018/3414 seeks permission to remove the requirement for a commuted sum and replace it with an affordable housing obligation for an on-site provision with 54 shared ownership units in Block A and 33 affordable rented units in Block B. Although the proposed tenure mix is not in accordance with the Council's preferred tenure split, as the site will now come forward as 100% affordable housing, no financial viability assessment is required to justify an alternative mix. Overall, the proposed provision of affordable housing is supported and is considered acceptable in principle. As such, this application 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 remove the requirement for a commuted sum and replace it with an affordable housing obligation for an on-site provision of 87 affordable units (100%) comprising the following mix:**

**- Block A**

**20 x one-bed Shared Ownership units**

**28 x two-bed Shared Ownership units**

**6 x three-bed Shared Ownership units**

**- Block B**

**14 x one-bed Affordable Rented units**

**17 x two-bed Affordable Rented units**

## **2 x three-bed Affordable Rented 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 application site comprises an approximately 0.7 hectare broadly square shaped plot located at the north west end of Bourne Court, a residential cul-de-sac accessed off Station Approach in South Ruislip.

There were previously 3 detached buildings within the site. The Phoenix Centre and Wren Centre which were formerly used as a day care centre for adults with physical mobility and learning difficulties and Bourne Lodge which was formerly a care home facility. Bourne Lodge Care Home closed down due to outdated facilities and accommodation which did not meet current care home standards. The Phoenix and Wren Centres have been relocated to new purpose designed facilities. All buildings on the site have now been demolished.

The site falls within a mixed use area. It is bounded to the south west by the rear gardens of two-storey predominantly terraced houses in Canfield Drive; to the north west by Odyssey Business Park, which comprises office buildings and associated parking areas; to the north east by commercial buildings located in The Runway; and to the south east by three-storey flats in Bourne Court. A Council owned public path exists to the south west corner of the plot adjacent to the substation which leads to Station Approach.

South Ruislip Local Centre is located to the north east and beyond Bourne Court to the south east. Station Approach is designated as a Local Distributor Road.

#### **3.2 Proposed Scheme**

This application relates to the planning permission (reference 11891/APP/2018/3414) granted for the erection of residential development comprising 87 residential units in two blocks of flats, 87 car parking spaces and associated access, amenity and landscaping works. Specifically, the Deed of Variation to Section 106 Schedule 1 (Affordable Housing) to remove the requirement for a commuted sum and replace it with an affordable housing obligation for an on-site provision with 54 shared ownership units in Block A and 33 affordable rented units in Block B. The blocks are proposed to comprise the following mix:

- Block A
  - 20 x one-bed Shared Ownership units
  - 28 x two-bed Shared Ownership units
  - 6 x three-bed Shared Ownership units

- Block B
  - 14 x one-bed Affordable Rented units
  - 17 x two-bed Affordable Rented units

2 x three-bed Affordable Rented units

### **3.3 Relevant Planning History**

11891/APP/2018/3414 Bourne Court Site Bourne Court Ruislip

Redevelopment to provide 87 residential units in two blocks, together with associated access, car and cycle parking; communal and private amenity space; and landscaping

**Decision:** 04-04-2019 Approved

#### **Comment on Relevant Planning History**

Planning permission reference 11891/APP/2018/3414 granted permission for 87 residential units in two blocks, together with associated access, car and cycle parking; communal and private amenity space; and landscaping.

### **4. Planning Policies and Standards**

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 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

West London Waste Plan (2015)

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 (Intend to Publish Version, December 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 has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

1.7 Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

## **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

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

## **5. Advertisement and Site Notice**

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

5.2 Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Four objections have been received from members of the public. These are summarised as follows:

- In favour of shared ownership developments to help get young people on the housing ladder.
- Against the housing development as it will increase congestion and crime.
- The site should be used to develop centres to help the community be productive.
- The proposal is for capital gain.
- There is already so much development in South Ruislip.
- It is unclear which units are shared ownership units and affordable rented units.
- Clarification and plans of the proposed single block (application reference 11891/APP/2020/20)

should be provided before setting a precedent.

- Clearview Homes no longer plan to build planning permission reference 11891/APP/2018/3414.

**Officer Comment:**

This application only relates to the removal of a commuted sum as part of the Section 106 agreement and provision of a affordable housing obligation for on-site provision of 54 shared ownership units in Block A and 33 affordable rented units in Block B. Planning permission has already been granted for the residential development. Further, the personal motivations of an applicant is not a material planning consideration. All relevant material planning considerations are addressed in the main body of the report.

**National Air Traffic Services (NATS):**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

**Metropolitan Police:**

I have met with the applicant for this site last month and explained what is required for a SBD submission. I am content at this point that the applicant is aware of what is required of them and is able to achieve it within this site. Of note I have informed the applicant that this site would benefit significantly from a security perspective if it is gated at the main entrance. They have told me they would consult yourselves at planning in relation to this and I strongly support any applications to gate off this development. I am happy to discuss further if need be.

**Transport for London:**

Thank you for your consultation on the above proposal to vary S106 Schedule 1 (affordable housing). After examining the application documents, it is confirmed that there are no strategic transport matters and as such TfL has no comments to offer.

**Ministry of Defence:**

No comment.

**Thames Water:**

No comment.

**Internal Consultees**

Planning Policy Officer:

The principle of onsite affordable housing provision is supported in accordance with policies H2 and DMH7 of the Hillingdon Local Plan. However it is note that the proposed tenure mix of 62% intermediate housing and 38% affordable rent is not in accordance with the Council's preferred tenure split and consequently an FVA would usually be required to justify the proposed alternative tenure mix. However because the site will now come forward as 100% affordable housing the relevant planning guidance supporting the delivery of the London Plan states that in such a scenario no FVA is required to justify an alternative mix. Consequently the proposed provision of affordable housing is supported and will significantly boost the affordable provision from this development.

Highways Officer:

There are no highway objections to this planning application

Trees and Landscaping Officer:

This application seeks a deed of variation associated with the S.106 schedule regarding affordable housing. RECOMMENDATION There will be no effect on the site layout or landscape design.

Access Officer:

Accessibility observations are deemed not necessary at this stage. Conclusion: acceptable

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Matters relating to the principle of the proposed development have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid. Please see Section 7.13 for the consideration of affordable housing provision.

### **7.02 Density of the proposed development**

Matters relating to the density of the proposed development have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

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

The site does not fall within a archaeological priority area, conservation area or area of special local character and there are no listed buildings within the vicinity.

### **7.04 Airport safeguarding**

Matters relating to airport safeguarding have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

### **7.05 Impact on the green belt**

Not applicable to the consideration of this application. There is no green belt land within the vicinity of this site.

### **7.06 Environmental Impact**

Matters relating to environmental impact have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

### **7.07 Impact on the character & appearance of the area**

Matters relating to impact on the character and appearance of the area have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

### **7.08 Impact on neighbours**

Matters relating to impact on neighbour amenity have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

**7.09 Living conditions for future occupiers**

Matters relating to the living conditions of future occupiers have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

**7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Matters relating to the impact on the local highway network have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

**7.11 Urban design, access and security**

Matters relating to urban design, access and security have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

**7.12 Disabled access**

Matters relating to disabled access have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

**7.13 Provision of affordable & special needs housing**

Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that 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.

Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) In accordance with national policy:

i) developments with a capacity to provide 10 or more units will be required to maximise the delivery of on-site affordable housing;

ii) subject to viability and if appropriate in all circumstances, a minimum of 35% of all new homes on sites of 10 or more units should be delivered as affordable housing, with the tenure split (70% Social/Affordable Rent and 30% Intermediate) as set out in Policy H2: Affordable Housing of the Local Plan Part 1.

B) Affordable housing should be built to the same standards and should share the same level of amenity as private housing.

C) Proposals that do not provide sufficient affordable housing will be resisted.

D) To ensure that Policy H2: Affordable Housing of the Local Plan Part 1 is applied consistently and fairly on all proposed housing developments, the requirement for affordable housing will apply to:

i) sites that are artificially sub-divided or partially developed;

ii) phased developments. Where a housing development is part of a much larger development of 10 or more units (gross), affordable housing will be required as part of the overall scheme; and

iii) additional units created through or subsequent amended planning applications, whereby the amount of affordable housing required will be calculated based on the new total number of units on the site. Affordable housing will be required where a development under the 10

unit threshold is amended to have 10 or more housing units in total (gross).

E) In exceptional circumstances, where on-site provision of affordable housing cannot be delivered and as a last resort, a financial contribution will be required to provide off-site affordable housing on other sites which may be more appropriate or beneficial in meeting the Borough's identified affordable housing needs.

This application seeks permission for a Deed of Variation to Schedule 1 (Affordable Housing) of the Section 106 attached to planning permission reference 11891/APP/2018/3414. It is proposed that the requirement for a commuted sum is removed and replaced with an affordable housing obligation for an on-site provision of 54 shared ownership units in Block A and 33 affordable rented units in Block B, equating to 100% affordable housing provision.

As stated by the Council's Planning Policy Officer, the principle of on-site affordable housing provision is supported but the proposed tenure mix of 62% intermediate and 38% affordable rent is not in accordance with the Council's preferred tenure split. Based on this, a financial viability assessment would usually be required to justify the proposed alternative tenure mix.

Paragraph 2.42 of the Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance (August 2017) states:

"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."

As the site will now come forward as 100% affordable housing, no financial viability assessment is required to justify an alternative mix. The proposed provision of affordable housing is therefore supported and is considered to significantly boost the affordable provision from this development.

Given the above, the proposal is considered to accord with Policy H2 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and Policy DMH 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

#### **7.14 Trees, landscaping and Ecology**

Matters relating to trees, landscaping and ecology have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

#### **7.15 Sustainable waste management**

Matters relating to sustainable waste management have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

#### **7.16 Renewable energy / Sustainability**

Matters relating to energy and sustainability have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

#### **7.17 Flooding or Drainage Issues**

Matters relating to flooding or drainage issues have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

#### **7.18 Noise or Air Quality Issues**

Matters relating to noise and air quality issues have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

#### **7.19 Comments on Public Consultations**

Please see the 'External Consultees' section of the report.

#### **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 reference 11891/APP/2018/3414 has been discussed in Section 7.13 of this report.

#### **7.21 Expediency of enforcement action**

Not applicable to the consideration of this application.

#### **7.22 Other Issues**

##### **CONTAMINATION**

Matters relating to land contamination have already been established by grant of original permission and there has been no material change in policy and/or site circumstances to suggest that the previous assessment is no longer valid.

### **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**

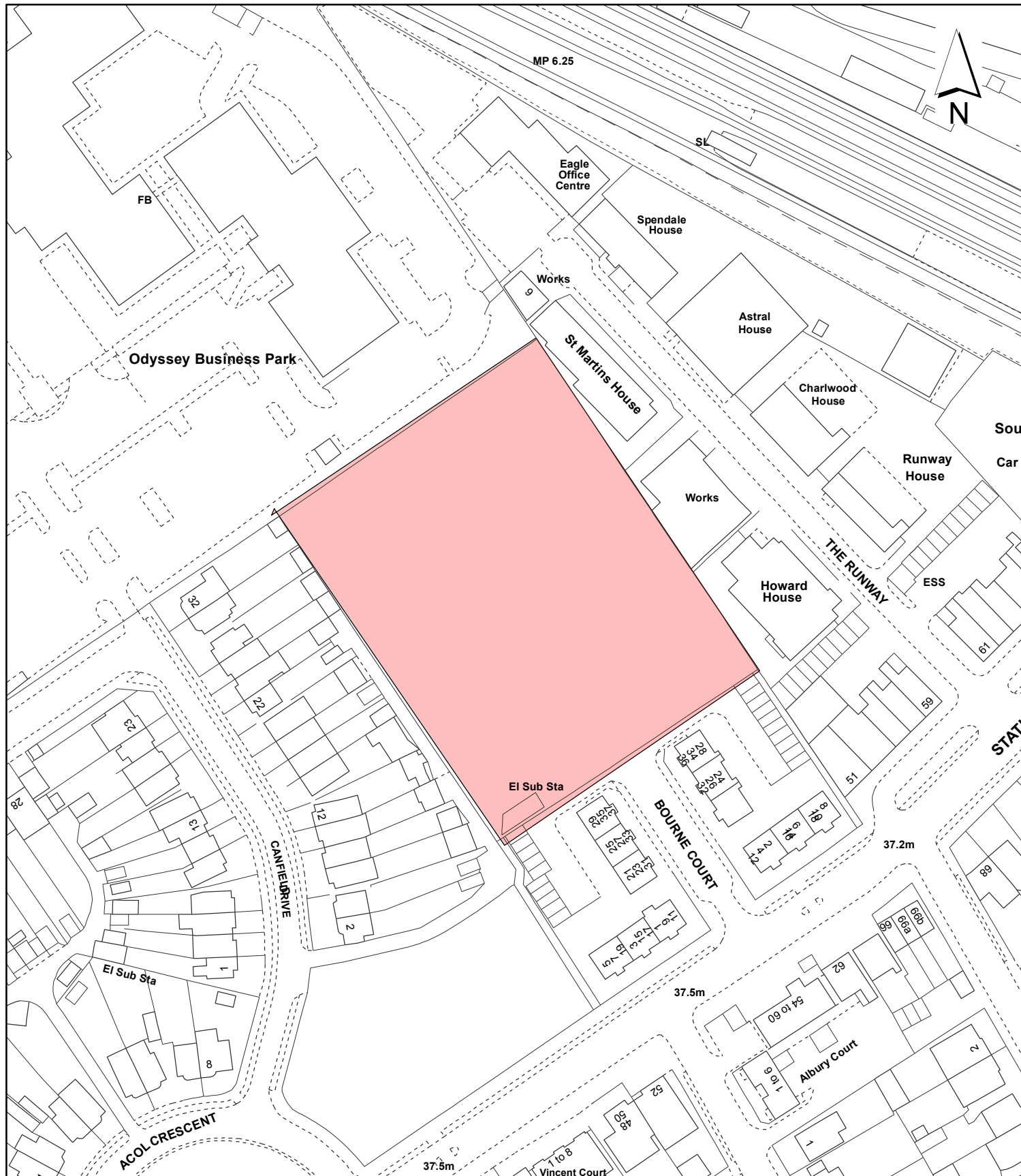
In conclusion, this Deed of Variation application to Schedule 1 (Affordable Housing) of the Section 106 attached to planning permission ref: 11891/APP/2018/3414 seeks permission to remove the requirement for a commuted sum and replace it with an affordable housing obligation for an on-site provision with 54 shared ownership units in Block A and 33 affordable rented units in Block B. Although the proposed tenure mix is not in accordance with the Council's preferred tenure split, as the site will now come forward as 100% affordable housing, no financial viability assessment is required to justify an alternative mix. Overall, the proposed provision of affordable housing is supported and is considered acceptable in principle. As such, this application is recommended for approval.

### **11. Reference Documents**

National Planning Policy Framework (February 2019)  
The London Plan (March 2016)  
Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance (August 2017)  
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)  
Accessible Hillingdon Supplementary Planning Document (September 2017)  
Planning Obligations Supplementary Planning Document (July 2014)

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**Telephone No:** 01895 250230



#### Notes:

 Site boundary

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Site Address:

### Bourne Court Site Bourne Court

Planning Application Ref:

**11891/APP/2019/3855**

Planning Committee:

**Major**

Scale:

**1:1,250**

Date:

**February 2020**

### LONDON BOROUGH OF HILLINGDON

**Residents Services  
Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW  
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**HILLINGDON**  
LONDON