



# HILLINGDON LONDON

## Local Plan Part 2

### Proposed Main Modifications Representation Form

Representations are invited on the following documents:

- **Local Plan Part 2 Schedule of Proposed Main Modifications**
- **Further Addendum to the Sustainability Appraisal for the Local Plan Part 2**

See end of document for details on how to submit this form.

All forms must be submitted by **5:00 pm on Wednesday 8 May 2019**

#### PART A - Personal Details

Your Details	Your Agent's Details (if applicable)
Title: Mr	Title: Mr
Surname: McCarthy	Surname: Rogerson
Forename: Mike	Forename: Alex
Organisation/Company: Freshwater Group of Companies	Organisation/Company: JLL
Address: [Redacted] [Redacted] [Redacted]	Address: [Redacted] [Redacted]
Contact No: [Redacted]	Contact No: [Redacted]
Email: [Redacted]	Email: [Redacted]

**PART B - Your representation.**

**Please use a separate sheet for each representation**

Name or Organisation:

**Q1. Which document are you making a representation on?**

- Local Plan Part 2 Schedule of Proposed Main Modifications
- Further Addendum to the Sustainability Appraisal

**Q2. To which Main Modification does this representation relate?**

This representation relates to the following Main Modifications:

- MM33 – Chapter 3. Identifying Sites for New Homes
- MM50 – Policy SA 24 Benlow Works, Silverdale Road

**Please specify which part of the Main Modification you are referring to: Policy Wording, Paragraph, Table or Figure / Map you are referring to:**

**Q3. Do you consider the Main Modifications are:**

**Legally Compliant?**

Yes  No

**Sound?**

Yes  Yes, with minor changes  No

**Q4. If you consider the Main Modifications are unsound, is it because they are not:**

- Positively Prepared?
- Justified?
- Effective?
- Consistent with National Policy?

**Q5. Please give details of why you consider the Main Modifications are not legally compliant or are unsound. Please be as precise as possible.**

**If you wish to support the legal compliance or soundness of the Main Modifications, please also use this box to set out your representation.**

***Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and suggested changes.*

### **MM33 – Chapter 3. Identifying Sites for New Homes**

The first proposed amendment in respect of Benlow Works is to Table 3.3, which identifies the proposed number of residential units that Policy SA24 is capable of accommodating and over what time period they are expected to be delivered.

Policy SA24's site capacity is now identified as being '36 new homes'. The site's residential capacity was previously identified as being 'determined by design', which is a more flexible approach to future development at the site and does not prescribe the exact number of dwellings that can come forward. It is JLL's contention that as currently drafted the above amendment to Table 3.3 is **unsound**.

In the first instance, the decision to restrict Policy SA24's site capacity to '36 new homes' is not based on any real evidence or justification. No additional work or studies have been undertaken to inform this change. In view of the above, it is considered that the proposed amendment is not based on 'proportionate evidence' – a requirement imposed by Paragraph 35 of the NPPF – and is, therefore, not justified.

Freshwater Group of Companies ('Freshwater'), has undertaken extensive pre-application engagement with Hillingdon for the proposed conversion of Benlow Works to provide a residential-led mixed use scheme, which will, importantly, secure the future of the listed building, ensuring its removal from Historic England's 'At Risk Register'. The latest pre-application scheme comprises 49 residential units to be delivered on the upper floors, with a series of employment units proposed at ground level. The optimisation of residential units is fundamental to ensuring the financial viability of any future scheme. A quantum of residential development restricted to 36 units could risk the restoration of the listed building. In view of the above, we would recommend that the development capacity for Policy SA24 is increased from 36 to approximately 50 units. Such a change would better reflect Freshwater's latest scheme (which has been through three rounds of pre-application engagement), and would increase the scope for a financially viable scheme to be delivered, which would secure the long-term future of the listed building.

### **MM50 – Policy SA 24 Benlow Works, Silverdale Road**

The other proposed amendment relates to the second bullet point of Policy SA24, which is detailed below (bold text):

- *Development proposals should secure the repair of the building and minimise sub-division of internal space. Acceptable uses could include leisure, office and cultural uses, such as art studios and exhibition space, SME workshop space and similar uses. **Development proposals should integrate with surrounding industrial uses, including suitable mitigation measures from neighbouring uses where required.***

It is JLL's view that the additional text is perfectly reasonable, and any successful scheme would need to integrate with surrounding industrial uses in any event. However, it is considered that further wording is required to this proposed amendment to bring Policy SA24 in line with the pre-application discussions with Hillingdon, where it has become clear that residential-led development offers the only viable way forward on this site and provides the best opportunity to secure the long-term future

of the listed building. In view of this, JLL proposes the following text to be added to the proposed amendment (bold and underlined text):

- *Development proposals should secure the repair of the building and minimise sub-division of internal space. Acceptable uses could include leisure, office and cultural uses, such as art studios and exhibition space, SME workshop space and similar uses. **Development proposals should integrate with surrounding industrial uses, including suitable mitigation measures from neighbouring uses where required, in order to ensure an acceptable residential environment for future residents and avoid prejudicing the commercial uses.***

In addition to the above changes, related changes to the remainder of Policy SA24 are also being sought to tie these together, and to ensure that Policy SA24, as a whole, meets the tests of soundness. As currently worded, JLL considers that Policy SA24 is not consistent with national policy nor is it justified for the following reasons.

In the first instance, Policy SA24 does not recognise residential development as a preferred use. This is surprising, particularly given that Table 3.3 currently identifies the site as being capable of delivering 36 new homes (albeit it is considered this should be increased to approximately 50 new homes, as per our response to MM33).

It should be noted that the Council has confirmed through pre-application engagement that they are willing to accept residential uses on all three upper floors – with employment uses at ground level – thus accepting the principle of residential development on the site in land use terms. It has become clear through this process that residential-led development offers the only viable way forward on this site and provides the best opportunity to secure the long-term future of the listed building. Paragraph 185 of the NPPF states that, “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.” By not recognising residential development as a preferred use, Policy SA24 effectively fails to provide a positive strategy to secure the economic future of Benlow Works, which is not consistent with the NPPF.

Also, bullet point 1 of Policy SA24 requires future development proposals to retain the character and historic integrity of the building and the specific features that contribute to its Grade 2 Listing, in accordance with Section 16 of the NPPF. The building’s significance, including the historic value of its openness, will be comprehensively assessed through the Heritage Statement and Impact Assessment that will be required to accompany any future planning application. This process will ensure the building’s key features are preserved. With these measures already in place by virtue of bullet point 1, JLL considers the text requiring future proposals to “minimise sub-division” and “retain as far as possible the openness of internal space”, are no longer necessary. As such, it is proposed that this text is omitted from Policy SA24.

Policy SA24 is detailed below. In view of the above and to ensure that it meets the tests of soundness, JLL recommends it is amended to read as follows:

*Benlow Works is considered suitable for release to residential-led mixed use development that capitalises on the proximity of the future Crossrail Station and promotes the regeneration of Hayes Town Centre.*

- *The Council will require development proposals to retain the character and historic integrity of the building and the specific features that contribute to its Grade 2 Listing. The setting of the building should also be enhanced.*
- *Development proposals should secure the repair of the building and minimise subdivision of internal space. Other acceptable uses could include leisure, office and cultural uses, such as art studios and exhibition space, SME workshop space and similar uses. **Development proposals should integrate with surrounding industrial uses, including suitable mitigation measures from neighbouring uses where required, in order to ensure an acceptable residential environment for future residents and avoid prejudicing the commercial uses.***
- *Proposals for residential development ~~will only be considered where they should facilitate the delivery of acceptable non-residential uses at ground level and retain as far as possible the openness of internal space within the building.~~ Potential harm resulting from residential development should be weighed against the public benefits, including securing the optimum viable use of the Listed Building in accordance with national policy.*

**Q6. Please set out what change(s) you consider necessary to make the Main Modifications (and so the Plan) legally compliant or sound, having regard to the test you have identified at Q4 above where this relates to soundness. You will need to say why this change will make the Main Modifications (and so the Plan) legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:**

**MM33 – Chapter 3. Identifying Sites for New Homes**

(see response to Q5)

**MM50 – Policy SA 24 Benlow Works, Silverdale Road**

(see response to Q5)

**Q7. If your representation is seeking a change, do you consider it necessary to participate at any further oral part of the examination? N.B. it is expected that Main Modifications will be addressed through written representations.**

No, I do not wish to participate at any further oral part of the examination

Yes, I wish to participate at any further oral part of the examination

**Q8. If you wish to participate, please outline why you consider this to be necessary.**

**Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination. The Inspector may consider that it is not necessary to reopen the hearings and has already indicated that he is unlikely to do so.**

Name:

Alex Rogerson

Date:

08/05/2019

**Would you like to be updated of future stages of the Plan process?**

Please indicate which stage(s) of the Plan that you would like to be informed of:

The publication of the recommendations of the person appointed to carry out the independent examination of the Plan

The adoption of the Local Plan Part 2

***Please note that copies of representations will be made available on request for inspection at the councils' offices and cannot be treated as confidential, however personal addresses and signatures will be removed from public copies.***

**Submitting your representation**

Please return this form:

By email: [localplan@hillington.gov.uk](mailto:localplan@hillington.gov.uk)

By post: Planning Policy Team, 3N/02, Residents Services, Civic Centre, High Street, Uxbridge, UB8 1UW.

All forms must be submitted by **5:00 pm** on  
**Wednesday 8 May 2019.**

Thank you for taking the time to complete and return this representation form.  
Please keep a copy for future reference.