

REPORT FOR: **PLANNING COMMITTEE**

Date of Meeting:	18 th December 2014
Subject:	19 High Street, Wealdstone, Harrow, HA3 5BY
Responsible Officer:	Paul Nichols, Divisional Director of Planning
Exempt:	No
Wards affected:	Marlborough
Enclosures:	List all documents attached which include information relevant to the report

Section 1 – Summary and Recommendations

This report seeks the Committee's agreement to an extension of time for the completion of the s.106 Planning Obligation in connection with Planning Application P/2418/12 for the demolition of the existing Public House (Use Class A4) and redevelopment to provide part 3 part 4 and part 5 storey building comprising 27 flats, ground floor retail space (Use Class A1), 17 car parking spaces, cycle parking / access and landscaping.

Recommendations:

The Committee is requested to:

Agree an amendment to the Committee's resolution in respect of planning application P/2418/12 as follows:

GRANT planning permission subject to conditions the completion of a section 106 Planning Obligation by **16th March 2015**. Authority to be given to the

Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 Planning Obligation and to agree any minor amendments to the conditions or the Planning Obligation.

That if the section 106 Planning Obligation is not completed by **16th March 2015**, then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning for the following reason:

1. The proposed development, in the absence of a Planning Obligation to provide affordable housing within the development; to fund the provision of infrastructure directly related to the development; and to provide necessary commitments in relation to the provision of cycle parking on street / cycle access, training and economic development, and legal/administrative matters, would fail to secure the provision of the above and would fail to adequately mitigate the impact of the development on the wider area, contrary to the National Planning Policy Framework, Policies 3.11 and 8.2 of The London Plan, Policies CS1 J, CS1 Z of the Harrow Core Strategy, Policies DM11, DM19, DM43, and DM50 of the Harrow Development Management Policies Local Plan document, and the provisions of Harrow's Planning Obligations supplementary planning document.

Section 2 – Report

A planning application (ref. P/2418/12), submitted by Mr Nilesh Lukka for the demolition of the existing Public House (Use Class A4) and redevelopment to provide part 3 part 4 and part 5 storey building comprising 27 flats, ground floor retail space (Use Class A1), 17 car parking spaces, cycle parking and landscaping, was reported to the Planning Committee on 16th July 2014. The Committee resolved to accept officers' recommendations to:

- (A) grant planning permission subject, *inter alia*, to the completion of a section 106 Planning Obligation by 16th January 2015; and
- (B) if the section 106 Planning Obligation is not completed by 16th January 2015, then delegate the decision to refuse planning permission¹ to the Divisional Director of planning.

The Council's and the applicant's legal teams are progressing the draft Planning Obligation to enable planning permission to be granted. However the 16th January deadline is approaching and the Council's legal team has advised that it would be prudent to extend the deadline to allow sufficient time to agree, execute and seal the Obligation.

In view of the progress that has been made to date in the preparation of the draft Planning Obligation, it is clear that there is no reluctance on the part of the applicant to enter into an Obligation to secure the affordable housing and other infrastructure needed to enable the development to proceed. The extension of time is sought simply to ensure that there is sufficient time for officers to complete the necessary legal and administration work.

The Council's legal team anticipate that the Planning Obligation can be completed in forthcoming weeks. However, to avoid the need for any further extension request, a deadline extension of two calendar months to 16th March 2015 is proposed.

Reason for Urgency

The deadline for finalising the section 106 Planning Obligation is Friday 16th January 2015. Officers had until very recently expected to meet that deadline. The authorisation of the Committee is required to extend the deadline the subject of the original Committee resolution on the application.

Financial Implications

¹ For the following reason: The proposed development, in the absence of a Planning Obligation to provide affordable housing within the development; to fund the provision of infrastructure directly related to the development; and to provide necessary commitments in relation to the provision of open space on the site, travel planning, economic development and legal/administrative matters, would fail to secure the provision of affordable housing on the site and would fail to adequately mitigate the impact of the development on the wider area, contrary to the National Planning Policy Framework, Policies 3.11 and 8.2 of the London Plan, Policies CS1 J, CS1 Z of the Harrow Core Strategy, Policies DM11, DM19, DM43, and DM50 of the Harrow Development Management Policies Local Plan document, and the provisions of Harrow's Planning Obligations supplementary planning document.

A refusal of planning permission after 16th January would therefore serve no meaningful planning purpose, given the progress that has been made in the preparation of the draft Planning Obligation, but would be likely to impose additional costs to both the applicant and the Council in pursuing either a new planning application or an appeal in connection with the proposed development of the site. The recommendation would therefore safeguard the Council against unnecessary additional cost. There are no other financial implications.

Risk Management Implications

Risk included on Directorate risk register? Yes/No

Separate risk register in place? Yes/No

The extension of the deadline for the completion of the Planning Obligation is considered not to involve any risk management implications.

Equalities implications

The extension of the deadline for the completion of the Planning Obligation is considered not to involve any equalities implications.

Council Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

The extension of the deadline for the completion of the Planning Obligation will help to deliver the redevelopment of this previously-developed site as allocated in Harrow's Local Plan. It will deliver new housing including affordable housing, car and cycle parking / access, new retail space and investment in local infrastructure. The recommendation will therefore help to deliver a development that will make a difference for communities, local businesses and for families.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 18 th December 2014		
Name: Preetinder Cheema	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 18 th December 2014		

* Delete the words “on behalf of the” if the report is cleared directly by Simon George or Hugh Peart.

Ward Councillors notified:	NO
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Section 4 - Contact Details and Background Papers

Contact: Victor Unuigbe, Senior Planning Officer, 020 8736 6073

Background Papers: None

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Priorities	YES