

REPORT FOR: Planning Committee.

Date of Meeting: 5 September 2012

Subject: **INFORMATION REPORT –
Urgent Non-Executive Decision:
Sheridan House, 17 St Anns
Road, HA1 1LQ**

Responsible Officer: Hugh Peart – Director of Legal and
Governance Services

Exempt: No

Enclosures: None

Section 1 – Summary

The Urgent Non-Executive Decision procedure, set out in Part 3 of the Council's Constitution, requires all decisions taken under the procedure to be reported to the appropriate Committee. The Committee is requested to note the action taken under the Urgent Non-Executive Decision procedure, as outlined in Section 2 below.

FOR INFORMATION

Section 2 – Report

- 2.1 The circumstances related to a planning application for the ‘Change Of Use Of 2nd, 3rd and 4th Floor Offices (Use Class B1) to 18 Flats (Use Class C3); External Alterations (In Addition to the Extant Permission to Change the Use of the 5th Floor Offices to 6 Flats Ref: P/1404/11 Granted 11th August 2011) (Resident Permit Restricted)’ at Sheridan House, 17 St Anns Road, HA1 1LQ.
- 2.2 The application was considered and approved at the 16 May Planning Committee. The resolution of the committee was to grant planning permission subject to conditions and the completion of the Section 106 Agreement by 16 August 2012. The committee also resolved that if the Section 106 Agreement was not completed by the 16 August 2012, that planning permission should be refused on the ground that in the absence of a legal agreement to secure the long term viability of the remaining office space, the application would fail to adequately mitigate the impact of the development.
- 2.3 If it were the case that no effort had been made by the Owner to finalise the Section 106 Agreement within the defined timescale, a different approach may have been adopted. However, discussions had been continuing between the Owner and the Council since the committee resolution, to finalise the Section 106 Agreement, but due to issues around the interpretation of the approved Heads of Terms, and the fact that the original Case Officer had left on maternity leave (which caused delay by the Council), it had reached the point where it is clear that, the Section 106 would not be completed within the timeframe set by the Planning Committee.
- 2.4 As there was a legitimate argument that the Heads of Terms should have been clearer, it was considered unreasonable to enforce recommendation B of the committee report, which was to refuse planning permission (at that time). The implications of recommendation B were that the planning application, despite Members finding it acceptable, would need to be refused and therefore a new application would need to be submitted or the Council would have to defend an appeal against the refusal. This would have led to a significant delay in the delivery of the development and additional costs (both financial and time) to both the developer and the Council.

Section 3 – Further Information

ACTION SOUGHT

Extension of the time period for completion of the Section 106 Agreement relating to Sheridan House, 17 St Anns Road, HA1 1LQ from 16th August 2012 to 8th November 2012

Date of Request for Action:

13 August 2012

Reason for urgency:

A decision was required to be made to enable the deadline to sign the Section 106 Agreement to be extended prior to it expiring on the 16 August 2012. The next available Planning Committee was the 5 September 2012, so there was no opportunity to take the application back before the Committee to amend the wording of recommendation B.

Decision: Officer recommendation agreed.

Section 4 – Financial Implications

None

Section 5 – Corporate Priorities

The proposal would be in line with the corporate objective of United and involved communities: A Council that listens and leads.

Name: Kanta Hirani

on behalf of the
Chief Financial Officer

Date: 17 August 2012

Section 6 - Contact Details and Background Papers

Contact: Miriam Wearing, Senior Democratic Services Officer, 020 8424 1542

Background Papers: Individual Urgent Non-Executive Decision Form, as reported.