

## **REPORT FOR: PLANNING COMMITTEE**

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**Date of Meeting:** 17<sup>th</sup> April, 2013

**Subject:** Deed of Variation to S106 agreement pursuant to planning permissions P/1083/11 and P1018/11

**Responsible Officer:** Stephen Kelly – Divisional Director - Planning

**Exempt:** No

**Enclosures:** N/A

### **Section 1 – Summary and Recommendations**

This report sets out the reasons why a deed of variation is needed to vary the two section 106 agreements (references P/1083/11 and P/1018/11) for the Rayners Hotel, 23 Village Way East and why this item is urgent.

**Recommendations:**

The Committee is requested to agree the variation of the section 106 agreements for applications P/1083/11 and P/1018/11 on the terms set out in this report.

## **Section 2 – Report**

### **Background**

The Rayners Hotel site comprises a grade II listed Rayners pub that has been on English Heritage's 'Heritage at Risk' register and requires regeneration. The site has two planning permissions (references, P/1083/11 and P/1018/11) and one listed building consent (P/1017/11). Two section 106 agreements were entered into for these applications P/1083/11 and P/1018/11. The legal agreements are in place to ensure that the heritage "enabling" argument used to justify reduced S106 contributions (including affordable housing delivery) that would otherwise have been required to meet planning policy requirements, was clearly secured by the grant of planning permission for the wider re-development of the site. . These legal agreements place the following obligations on the owner of the land:

- i. A commitment not to occupy more than 20 residential units before completion of the works to the Listed Building.
- ii. Submit a training and recruitment plan for the Council's approval prior to commencement to secure onsite construction related training and to implement, monitor and comply with the approved Training and Recruitment Plan unless otherwise agreed in writing by the Council.
- iii. Pay the sum of £5000.00 to the Council in order to mitigate adverse impacts on traffic flow or parking in the surrounding area prior to occupation of any part of the scheme.
- iv. Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement;
- v. Planning Administration Fee: Payment an applicable administration fee for the monitoring of and compliance with this agreement.

### **Current situation**

An application to vary the Listed Building Consent was approved on 19/03/2013 (reference P/0031/13) under delegated authority. This recent decision varies the earlier listed building consent explicitly referenced in the S106 agreements (reference P/1017/11). Application reference P/1017/11 set out a schedule of repairs and alterations which reflected the possible future educational use of the building. However, recently there has been interest in using the building for its original use ie restaurant and pub. This is preferable because it involves the least alteration to the building. The revised application P/0031/13 therefore included just the works needed to allow the pub/restaurant use.

### **Why a change is needed**

Both Section 106 agreements need to be varied in order to reflect the revised listed building consent. Without the deed of variation as proposed, the section 106 agreements could not be complied with. The Section 106 agreements (P/1083/11 and P/1018/11) will therefore be varied to reference both the previous Listed Building Consent reference P/1017/11 and the recently approved application for the lesser works (P/0031/13).

## **Reasons for Urgency and Why this Proposal is Being Reported to Committee**

The application for Listed Building Consent was determined by the Divisional Director under delegated powers in March. Officers' support for the application reflected the conclusion that enabling the continued use of the listed building as a restaurant bar was entirely consistent with the special architectural and historical character of the building and its former use. Because the S106 agreement was entered into following a resolution of the Planning Committee, officers do not have delegated authority to change or vary the S106 agreement. The opportunity to capitalise on recent interest to secure use of the building as a pub/restaurant by the early modification of the agreement is considered to justify urgent action in this case. The proposed development would make a positive contribution to the regeneration of this prominent site on the edges of Rayners Lane centre which has suffered from the dereliction of the pub building, and its unsightly appearance, over a number of years.

## **Financial Implications**

Harrow Council's reasonable costs in the preparation of the legal agreement will be recovered from the applicants. There are no direct financial considerations relating to this variation of the agreement. Delivery of development on the site will nevertheless lead to new homes and business spaces on the site, and associated Council Tax, New Homes Bonus and Business rate receipts from the development permitted, for the Council.

## **Risk Management Implications**

See separate guidance notes

Risk included on Directorate risk register? No

Separate risk register in place? No

There are no risks.

## **Equalities implications**

A formal Equality Impact Assessment (EqIA) is not considered necessary in respect of the deed of variation. The proposals are not considered to result in any differential impacts upon persons with protected characteristics under the Equality Act 2010. Decision making within the planning process is governed by planning policy that has been developed having regard to the Council's equalities duty and subject to full EqIA.

## **Corporate Priorities**

The decision sought will help the Council meet the following corporate priorities:

- Keeping neighbourhoods clean, green and safe.

Enabling the development to proceed will result in significant regeneration of a prominent site in the Borough which currently has an adverse effect on the character and appearance of the area, and the amenities of nearby residents and business.

### **Section 3 - Statutory Officer Clearance**

Name:.....Kanta Halai.....	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: .....11 <sup>th</sup> April 2013.....		
Name: .....Matthew Adams.....	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: .....11 <sup>th</sup> April 2013.....		

### **Section 4 - Contact Details and Background Papers**

**Contact:** Lucy Haile, Principal Conservation Officer, 0208 736 6101

**Background Papers:** List **only non-exempt** documents (ie not Private and Confidential/Part II documents) relied on to a material extent in preparing the report (eg previous reports). Where possible also include a web link to the documents.