

Item No. N/A

Address: 51 College Road, Harrow, HA1 1AA

Reference: P/0737/15

Description: Redevelopment of the Former Harrow Post Office to Provide 318 Flats (Class C3), 862 Sq. Metres Floorspace for Retail (Class A1), Financial & Professional Services (Class A2), Restaurants and Cafes (Class A3), Pubs and Bars (Class A4), Hot Food Take-Aways (Class A5), Business (Class B1) and Non Residential Institutions (Class D1) Uses and 1,672 Sq. Metres Floorspace for Library (Class D1) Use in Buildings of Up to 20 Storeys (134.5 Metres AOD) in Height; 2,413 Sq. Metres Public Realm including New Public Square; Basement and Surface Servicing and Parking (Total 50 Car Spaces, 3 Motorcycle Spaces and 521 Cycle Spaces); Principal Vehicular Access from Station Road and William Carey Way. Proposal also Includes Combined Heat & Power Plant; Hard and Soft Landscaping, Balconies and Roof Gardens; and Demolition of Former Post Office Buildings. (RESIDENT PERMIT RESTRICTED)

Ward: Greenhill

Applicant: The Hyde Group

Agent: JLL

Case Officer: Peter Barron

Expiry Date: 22nd June 2015

RECOMMENDATION

Approve an extension to the deadline for the completion of the s.106 Planning Obligation to 30th October 2015.

INFORMATION

This application was reported to the Committee on 24th June 2015 with the following recommendation:

Recommendation A

GRANT planning permission subject to:

- (i) the withdrawal by the Ministry of Defence of its objection or referral to the Secretary of State;
- (ii) referral to the Greater London Authority (GLA);

- (iii) conditions; and
- (iv) the completion of a section 106 Planning Obligation;

by 24th September or such extended period as may be agreed in writing by the Chairman of the Planning Committee. Authority to be given to the Divisional Director of Regeneration and 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. The proposed section 106 Planning Obligation Heads of Terms cover the following matters:

[see matters set out in report and addendum to Planning Committee 24th June 2015]

Recommendation B

That if, by 24th September 2015 or such extended period as may be agreed in writing by the Chairman of the Planning Committee, the section 106 Planning Obligation is not completed, then delegate the decision to the Divisional Director of Planning to REFUSE planning permission for the appropriate reason.

1. The proposed development, in the absence of a Planning Obligation to (i) secure an appropriate level of affordable housing within the development, (ii) fund the provision of infrastructure directly related to the development and (iii) provide necessary commitments in relation to the development, would fail to provide affordable housing and would fail to mitigate the impact of the development upon infrastructure and the wider area, contrary to the National Planning Policy Framework, Policies 3.8, 3.11, 5.6, 6.3, 7.5, 7.7 and 8.2 of the London Plan (2015), Policies CS 1 and CS 2 of the Harrow Core Strategy (2012) and Policies AAP 1, AAP 6, AAP 10, AAP 11, AAP 19 and DM 50 of the Local Plan (2013), and the provisions of the Harrow Planning Obligations supplementary planning document.

Although the Ministry of Defence's objection has been withdrawn and referral to the Greater London Authority has concluded, it has not been possible to complete the s.106 Planning Obligation by 24th September. An extension to the deadline for the completion of the s.106 Planning Obligation was authorised by the Chairman of the Planning Committee on 23rd September. In the intervening period, the Council's legal officers have advised that authority may not be delegated to any single Member of the Planning Committee and consequently that the Committee's authorisation of an extended deadline for the completion of the s.106 Planning Obligation is required.

Statutory Return Type: Largescale Major Development
Council Interest: No

Site Description

- 0.67 hectare site on south side of College Road, Harrow

- full site details set out in report to Planning Committee 24th June 2015

Proposal Details

- redevelopment to provide 318 homes, commercial floorspace, new accommodation for Gayton Library, a civic square, other public realm, basement parking/servicing and combined heat & power plant
- full proposal details set out in report to Planning Committee 24th June 2015

Relevant History

- relevant planning history set out in report to Planning Committee 24th June 2015

Advertisements & Site Notices

- N/A

CONSULTATION

- N/A

MAIN CONSIDERATION

1) Planning Obligation

The Planning Committee resolved to grant planning permission on 24th June 2015 for the redevelopment of the former Post Office and Royal Mail Sorting Office at 51 College Road, Harrow, HA1 1AA, the redevelopment comprising the demolition of the existing complex and the erection of buildings of between 8 and 20 storeys to provide 318 flats, a library and non-residential floorspace, together with new public realm, basement parking and combined heat & power plant. The resolution was subject *inter alia* to the completion of a s.106 Planning Obligation and conditions and informatives as detailed in the officer's report to the Committee and in the addendum report.

The s.106 Planning Obligation was to be completed within three months of the Committee's resolution, which expired on 24th September 2015. The 24th September deadline has not been met and, as such, an extension of the deadline is required. To enable sufficient time for the Planning Obligation clauses to be finalised to both parties' satisfaction and for the applicant to obtain all relevant and necessary signatories to it, it is considered reasonable that a further period for completion of the Planning Obligation, expiring on 30th October 2015, is reasonable.

OTHER CONSIDERATIONS

2) Equalities Impact

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account in the assessment of this application and the Committee must be mindful of this duty *inter alia* when determining all planning applications.

The extension of the deadline for the completion of the s.106 Planning Obligation would have no material impact upon any equalities group and would not result in any infringement on Equalities legislation.

3) Human Rights Act

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (“the Convention”) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

The extension of the deadline for the completion of the s.106 Planning Obligation would have no material impact in terms of any above the above Articles.

4) S17 Crime & Disorder Act

The extension of the deadline for the completion of the s.106 Planning Obligation would have no material impact in terms of crime and disorder.

5) Consultation Responses

N/A

CONCLUSION

An extension to the deadline for the completion of the s.106 Planning Obligation would enable this flagship regeneration project for Harrow to proceed as soon as possible once the necessary legal and administrative work has concluded.