

Item No. N/A

Address: Cumberland Hotel, 1-3 St. John's Road, Harrow

Reference: P/0586/15

Description: Demolition of Existing Hotel Buildings (Use Class C1) and Phased Redevelopment of The Site To Provide 123 Residential Flats (Use Class C3) Including Affordable Housing Within Two Blocks With Basement And Ranging From Five To Nine Storeys In Height; A Pedestrian Link Between Shepcote Road And St John's Road With Associated Landscaping, Raised Planters, Boundary Treatment, Entrance Gates; New Vehicle Crossover With Access Drive On Shepcote Road (Reinstatement Of Existing Vehicle Access Points), Associated Mechanical And Ventilation Plant, Refuse Stores, Bicycle And Car Parking Spaces; PV Panels

Ward: Greenhill

Applicant: Origin Housing

Agent: Savills

Case Officer: Sushila Bhandari

Expiry Date: 12<sup>th</sup> June 2015

## **RECOMMENDATION**

**Approve** an extension to the deadline for the completion of the s.106 Planning Obligation to 30<sup>th</sup> October 2015.

## **INFORMATION**

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

### **Recommendation A**

**GRANT** permission subject to authority being delegated to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and issue of the planning permission and subject to minor amendments to the conditions or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

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

## **Recommendation B**

That if the Section 106 Agreement is not completed 30<sup>th</sup> September 2015 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

1. The proposed development, in the absence of a legal agreement to provide appropriate level of affordable housing on site that directly relate to the development, would fail to comply with the requirements of policies 3.11 and 3.12 of The London Plan 2011 and policy CS1.J of the Harrow Core Strategy 2012, which seeks to maximise the provision of affordable housing delivery within the borough.

It has become apparent that the 30<sup>th</sup> September deadline is unlikely to be achieved. Authorisation of an extended deadline for the completion of the s.106 Planning Obligation is therefore required.

**Statutory Return Type:** Major Development

**Council Interest:** No

### **Site Description**

- the application site comprises a group of buildings ranging from single to three storeys in height and currently in use as a hotel with ancillary bar, restaurant and conferencing facilities
- full site details set out in report to Planning Committee 24<sup>th</sup> June 2015

### **Proposal Details**

- redevelopment to provide 123 homes and basement parking
- full proposal details set out in report to Planning Committee 24<sup>th</sup> June 2015

### **Relevant History**

- relevant planning history set out in report to Planning Committee 24<sup>th</sup> June 2015

### **Advertisements & Site Notices**

- N/A

### **CONSULTATION**

- N/A

### **MAIN CONSIDERATION**

#### **1) Planning Obligation**

The Planning Committee resolved to grant planning permission on 24<sup>th</sup> June 2015 for the redevelopment of the Cumberland Hotel site, the redevelopment comprising the demolition of the existing complex and the erection of buildings of between 5 and 9 storeys to provide 123 flats. 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 is to be completed by 30th September 2015. It has become apparent that the 24th September deadline will not be 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 important regeneration project for Harrow to proceed as soon as possible once the necessary legal and administrative work has concluded.