

Item No. 2/05

Address: Buchanan Court, Sudbury Hill, Harrow, HA1 3AR

Reference: P/0317/15

Description: Construction of three and four storey building to provide an 80 bedroom residential care home with parking and landscaping (demolition of existing care home))

Ward: Harrow on the Hill

Applicant: Mr A Kearley

Agent: AKA Planning

Case Officer: Callum Sayers

Expiry Date: 20th May 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 27th May 2015 with the following recommendation:

Recommendation A

GRANT planning permission subject to:

- Conditions set out at the end of this report;
- The completion of a Section 106 agreement with the heads of terms set out below (subject to further negotiation and agreement).
- 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 agreement and to agree any minor amendments to the conditions or the legal agreement.

HEADS OF TERMS

- i) The Developer to pay a planning obligation of £24,912.00 towards the Local Carbon Reduction Measures.

- ii) The developer to submit to the Council for approval, prior to commencement of the development, a Training and Recruitment Plan. The developer to implement the agreed Plan.
- iii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- iv) Planning Administration Fee: Payment of £1,500 administration fee for the monitoring of and compliance with this agreement.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 17th July 2015 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a Legal Agreement to provide appropriate provision for offsetting the carbon deficit of the proposed scheme, would fail to provide a sustainable form of development within the development. It would fail to adequately mitigate the impact of the development on the wider area from impacts arising directly from the development, contrary to the NPPF (2012), policies, 5.1, 5.2, 5.3, 5.7, 5.12 of The London Plan (2015), Core Strategy (2012) policies CS1 and CS3, Development Management Policies Local Plan (2013) DM1, DM12, DM13 and DM14, DM50.

Background

The timeframes for the completion and sealing of the S.106 have already been extended once, by way of an urgent non-executive report to eh 27th September 2015. However, due to the administration processes of gaining all relevant signatories, this timeframe has been also unable to be met by the applicant.

Statutory Return Type: Small scale Major Development

Council Interest: No

Site Description

- The application site currently comprises a vacant retirement home, which is located on the junction with Sudbury Hill, Harrow Road, Greenford Road, and Sudbury Court Drive
- Full site details set out in report to Planning Committee 27th May 2015

Proposal Details

- Redevelopment of the site to provide a modern 3/4 storey retirement care home.

- Full proposal details set out in report to Planning Committee 27th May 2015

Relevant History

- Relevant planning history set out in report to Planning Committee 27th May 2015

Advertisements & Site Notices

- N/A

CONSULTATION

- N/A

MAIN CONSIDERATION

1) Planning Obligation

The Planning Committee resolved to grant planning permission on 27th May 2015 for the redevelopment of the site on the corner of Sudbury Hill and Greenford Road, known as Buchanan Court, Sudbury hill, Harrow, HA1 3AR. The redevelopment comprising the demolition of the existing complex and the erection of a 3/4 storey replacement care home, which associated car parking, servicing, and landscaping. 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 two months of the Committee's resolution, which expired on 17th July 2015. The 17th July deadline has not been met and, as such, an extension of the deadline is required. Previously, an urgent non-executive report was done to extend this to the 27th September 2015. However, this again has not been able to be met. The S.106 has now obtained all relevant signatories and is in a position to be signed and sealed. However, as the timeframe has passed, this must be extended to enable its completion. It is therefore considered reasonable that as all relevant information and signatories have been obtained, the timeframe be extended to allow the legal agreement to be completed.

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 redevelopment project for Harrow to proceed as soon as possible once the necessary legal and administrative work has concluded.