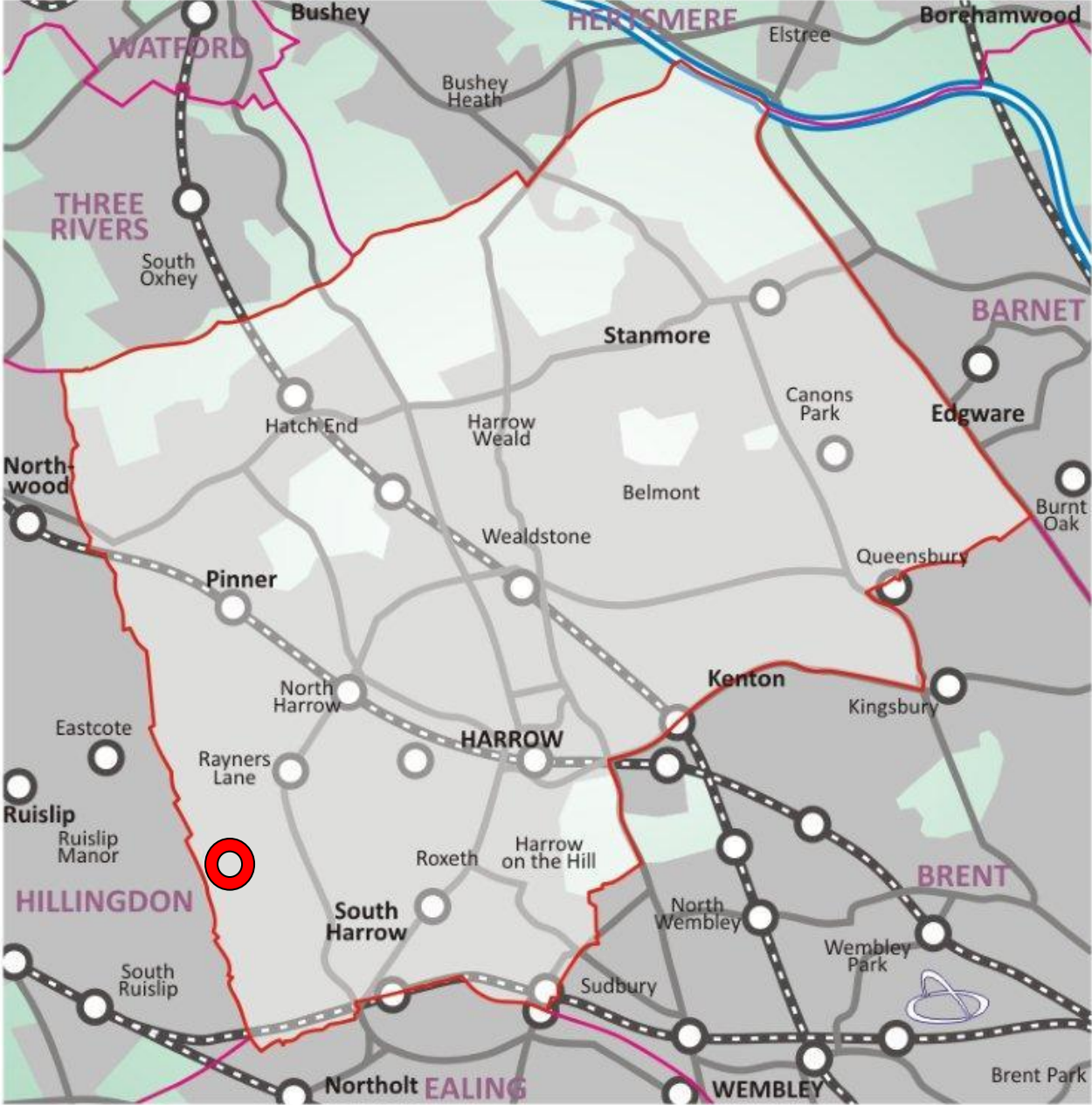
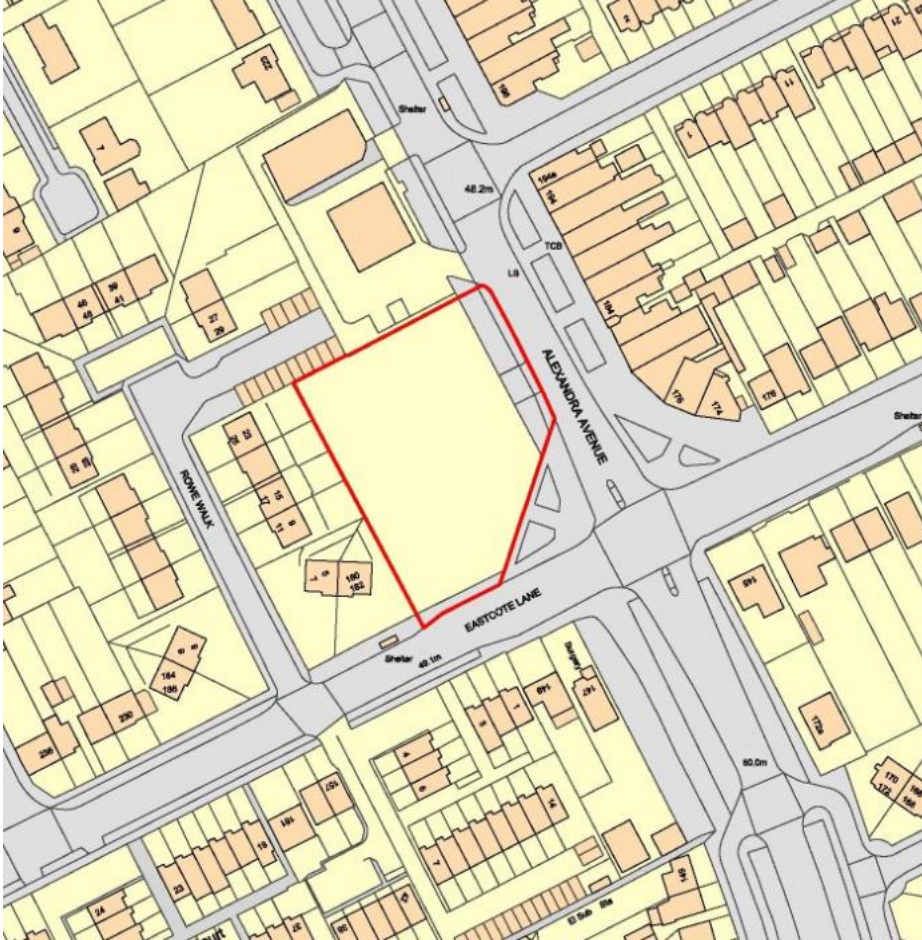


 = application site



Matrix House, 219 Alexandra Avenue	P/3815/20
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Location Plan



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

20TH OCTOBER 2021

APPLICATION NUMBER: P/3815/20
VALID DATE: 25TH NOVEMBER 2020
LOCATION: EMPORIUM COURT (FORMER MATRIX PUBLIC HOUSE)
219 ALEXANDER AVENUE
WARD: ROXBOURNE
POSTCODE: HA2 9DL
APPLICANT: MR RAGHWARI
AGENT: WASHINGTON YOUNG LLP
CASE OFFICER: SISSI YANG
EXPIRY DATE: 20TH JAN 2021

PROPOSAL

Modification of S106 obligation attached to planning permission P/0640/16 dated 25/08/2016 to vary on site affordable housing contribution

RECOMMENDATION

The Planning Committee is asked to:

- 1) Agree the reasons for approval as set out in this report (the delegated decision is subject to the Interim Chief Planning officer to complete the Deed of Modification), and
- 2) Grant the modification of the section 106 agreement, subject to authority being delegated to the Interim Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of a legal agreement. The Deed of Modification would cover the following matters:
 - Removal of affordable housing provision on site (12 Shared Ownership Units)
 - Payment of a commuted sum of £822,106

REASON FOR THE RECOMMENDATION

The developer has evidenced that there is no uptake by registered providers to take on the on-site affordable housing units and as such the modifications are considered to be appropriate in this case. The application is therefore in line with to S106A of the Town and Country Planning Act 1990, Policies HB of the London Plan (2021), policy CS I and J of the Harrow Core Strategy (2012), policy DM 50 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Planning Obligations and Affordable Housing (2013).

INFORMATION

This application is reported to Planning Committee as the is called in at the request of a nominated member. The application is therefore referred to the Planning Committee as it does not fall within any of the provisions set out at paragraphs 1(a)-1(h) of the Scheme of Delegation dated 12th December 2018.

Statutory Return Type: Small Scale Major Developments

Council Interest: N/A

Net additional Floorspace: N/A

GLA Community

Infrastructure Levy (CIL) N/A

Contribution (provisional):

HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

EQUALITIES

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 CRIME & DISORDER ACT

It is considered that the proposed development would not adversely impact upon community safety issues or conflict with development plan policies in this regard.

1.0 SITE DESCRIPTION

- The application site comprises a part two, three and four storey building for 60 flats and one dwelling house on a prominent corner junction of Alexandra Avenue and Eastcote Lane.
- The former public house has been demolished following fire damage.
- The northwest, west and south of the application site is characterised by two-storey residential development.
- The east of the application site is also characterised by two storey development, forming part of a parade of commercial premises at ground floor level with residential uses above.
- There is a petrol filling station with a Tesco Express retail unit located directly to the north of the site.
- Further north along Alexandra Avenue there are three storey flatted developments which were constructed around the 1920's – 30's. They are traditional brick built and hipped roof design. There is also a three storey medical centre, which has been constructed in a modern design. The application site has access to Rayners Lane and South Harrow district centres, which can be accessed by foot or by a short bus journey.
- Planning permission was granted on 25th August 2019 for the redevelopment of the site for 60 flats and 1 dwelling house with associated works.

2.0 PROPOSAL

2.1 Seeking modification to the original Section 106 (attached to planning permission P/0640/16) to provide a commuted sum in lieu of on-site affordable housing provision including:

- Removal of affordable housing provision on site (12 Shared Ownership Units)
- Payment of a commuted sum of £822,106

3.0 RELEVANT PLANNING HISTORY

3.1. P/0640/16 - REDEVELOPMENT TO PROVIDE A PART TWO, THREE AND FOUR STOREY BUILDING FOR 60 FLATS AND ONE DWELLING HOUSE; BASEMENT PARKING; CYCLE AND BIN STORE; HARD AND SOFT LANDSCAPING. Granted on 25th August 2019.

4.0 **CONSULTATION**

4.1 N/A

4.2 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

Consultee and Summary of Comments
<p><u>Independent viability consultant</u> – carried out detailed viability assessment and concluded that financial contribution of £822,106 should be provided without parking provision.</p> <p><u>Policy Officer</u> - Principle of provision of cash in lieu is acceptable. Commuted sum of £822,106 is acceptable.</p> <p><u>Housing Service Officer</u> – has no objection to the agreed commuted sum of £822,106.</p>

5.0 **POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

5.2 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

5.3 The Government has issued the National Planning Policy Framework [NPPF 2021] which sets out the Government's planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

5.4 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP]. The relevant policies are referenced within the report below and a summary within Informative 1

6.0 ASSESSMENT

- 6.1 Paragraph of 63 of National Planning Policy Framework (2021) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.2 Policy H4 (B) of London Plan (2021) states that affordable housing should be provided on site. Affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances.
- 6.3 Paragraph of 2.56 of Mayor's Affordable Housing and Development Viability SPG (adopted 2017) states that 'all schemes which propose off-site affordable housing or cash in lieu payments are required to provide a detailed viability assessment as part of the justification that off-site or cash in lieu is acceptable, in-line with the London Plan and relevant local policies. Viability alone is insufficient justification for off-site affordable housing provision or a cash in lieu payment.'
- 6.4 Paragraph 6.38 of Council's Supplementary Planning Document: Planning Obligation and Affordable Housing (2013) states that although the Council's preference is to negotiate on-site affordable housing there may be circumstances where the Council agrees that a cash in lieu of provision contribution may be suitable. The procedure for establishing such a contribution is set out at Appendix 4 alongside a link to a calculation spreadsheet.
- 6.5 A new development was granted for 61 residential units with S106 Agreement to provide 12 on-site Shared Ownership Units as affordable housing contribution. The development is now completed. A list of evidence was submitted to show that the applicant approached 15 Registered Providers approved by the Council. 14 of them showed no interest and 1 of them did not reply. It shows that it is not viable to deliver the on-site shared ownership units as agreed in the original S106. Therefore the applicant is seeking for modify the S106 to pay cash in lieu of onsite affordable housing. This principle is considered reasonably justified and would be in line with the policies set out above and is supported by both the Councils Housing and Policy teams.
- 6.6 An independent viability consultant was consulted and carried out a detailed assessment which is in line with Appendix 4 Off Site Calculator Appraisal User Notes and Principals in Council's Supplementary Planning Document: Planning Obligation and Affordable Housing (2013). The assessment concludes that a commuted sum of £822,106 should be provided without parking provision. Council's Policy Team and Housing Service Team were consulted and they raised no objection to the commuted sum. The applicant has agreed to make the payment of £822,106. Therefore the proposal modifications to the original section 106 agreement are considered acceptable and should be agreed.

7.0 CONCLUSION AND REASONS FOR RECOMMENDING APPROVAL

- 7.1 The proposed modifications including payment of cash in lieu and agreed commuted sum is considered acceptable. The application is therefore in line with to S106A of the Town and Country Planning Act 1990, Policies HB of the London Plan (2021), policy CS I and J of the Harrow Core Strategy (2012), policy DM 50 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Planning Obligations and Affordable Housing (2013).

APPENDIX 1: INFORMATIVES

INFORMATIVES:

1. Policies

The following policies are relevant to this decision:

The London Plan (2021)
H4

The Harrow Core Strategy 2012
CS1 I J

Harrow Development Management Policies Local Plan 2013.00
Policy DM 50 Planning Obligations

Supplementary Planning Documents
Supplementary Planning Document: Planning Obligations and Affordable
Housing (2013).

Checked

Interim Head of Development Management	06/10/2021
Interim Corporate Director	07/10/2021

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