

REPORT FOR: Planning Committee.

Date of Meeting: 15 September 2010

Subject: **INFORMATION REPORT –
Urgent Non-Executive Decision:
440 Alexandra Avenue (Former
Ace Cinema) Rayners Lane,
Harrow**

Responsible Officer: Hugh Peart – Director of Legal and
Governance Services

Exempt: No

Enclosures: None

Section 1 – Summary

The Urgent Non-Executive Decision procedure, set out in Part 3 of the Council's Constitution, requires all decisions taken under the procedure to be reported to the appropriate Committee. The Committee is requested to note the action taken under the Urgent Non-Executive Decision procedure, as outlined in Section 2 below.

FOR INFORMATION

Section 2 – Report

- 2.1 On 9 October 2002, the Development Management Committee resolved to grant planning permission (reference: West/823/102/FUL) for change of use of the former Ace Cinema at 440 Alexandra Avenue, Rayners Lane, Harrow to a Zoroastrian Community Centre together with extensions at first floor and roof levels subject to the prior completion of a section 106 agreement within one year of the date of the Committee decision relating to the adoption and implementation of a travel plan.
- 2.2 The travel plan was not submitted and agreed within the timescale set by the Committee and therefore the parties were not able to complete the section 106 Agreement.
- 2.3 It subsequently came to light that the applicant mistakenly believed that planning permission had been granted by the Council and therefore implemented the change of use of the cinema to a Zoroastrian Community Centre.
- 2.4 To remedy the situation, a three-month extension period to complete the section 106 Agreement was granted under the Urgent Non-Executive Procedure in September 2009 following submission of the required travel plan by the applicant.
- 2.5 Negotiations of the section 106 Agreement between the applicant and the Council have progressed well and the Agreement is now ready to be completed by the parties. However, the time for completing the Agreement has lapsed. Accordingly, authority is being sought to extend the period for completion of the Agreement by a further two months.
- 2.6 The policy considerations outlined in the report to nominated members last September remain unchanged.
- 2.7 Conditions 2 and 5 as previously drafted were authorised in order to require approval of details relating to access and samples of material prior to commencement of the development. Since the development has now been completed, and the materials used and access to and egress from the building are considered to be acceptable, it is no longer considered necessary to impose these conditions. In the circumstances, authority is requested for the deletion of these two conditions.

Section 3 – Further Information

ACTION SOUGHT

- 1.1 Authority for completion of a section 106 Agreement relating to land at 440 Alexandra Avenue (Former Ace Cinema) Rayners Lane, Harrow within a period of two months from the date of this decision.

1.2 Deletion of the following conditions on the draft planning permission, as previously approved:-

“The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below, have been submitted to, and approved in writing by, the local planning authority:

- a) the extension/building(s)
- b) the ground surfacing

The development shall be completed in accordance with the approved details and shall thereafter be retained. Reason: To safeguard the appearance of the locality”

And

“The development hereby permitted shall not commence until details indicating adequate access to, and egress from, the building(s) have been submitted to, and approved in writing by, the local planning authority. The use shall not be commenced until the works have been completed in accordance with the approved details and shall thereafter be retained. Reason: To ensure that the development is accessible to people with disabilities”

Date of Request for Action:

30 July 2010

Reason for urgency:

Planning Committee had not further delegated its powers to authorise s106 agreements or to reconsider its decision to impose certain conditions. The next Planning Committee was not scheduled until September and therefore it was not practicable to obtain the approval of the Council’s Planning Committee until that time. It would have been unreasonable if the developer had to await authority for the matters specified in this report, for a period of approximately 2 months. In the circumstances it was against the Council’s interests to delay a decision in this matter.

Decision: Officer recommendation agreed.

Section 4 – Financial Implications

None

Section 5 – Corporate Priorities

The proposal would be in line with the corporate objective of building stronger communities.

Name: Kanta Hirani



on behalf of the
Chief Financial Officer

Date: 24 August 2010

Section 6 - Contact Details and Background Papers

Contact: Miriam Wearing, Senior Democratic Services Officer, 020
8424 1542

Background Papers: Individual Urgent Non-Executive Decision Form, as
reported.