

## LONDON BOROUGH OF HARROW

<b>Meeting:</b>	<b>Development Control Committee</b>
<b>Date:</b>	12th October 2004
<b>Subject:</b>	190-194 Station Road Proposed change of use: Class A1 to A3 on ground and first floors with new shop front, fume extractor duct at rear and new windows. Unilateral undertaking to contribute £5000 to environmental and infrastructure improvements in Harrow Town Centre
<b>Key Decision:</b>	No
<b>Responsible Chief Officer:</b>	Joint Report of the Chief Planning Officer and of the Chief Executive
<b>Relevant Portfolio Holder:</b>	Planning, Development, Housing and Best Value
<b>Status:</b>	Part 1
<b>Ward:</b>	None
<b>Enclosures:</b>	Appendix – O/S Map

### **1. Summary / Reason for Urgency (if applicable)**

- 1.1 This report relates to a proposed change of use from Class A1 (retail) to Class A3 (food and drink) of number 190-194 Station Road, Harrow (application ref: EAST/1407/02/FUL) and a related requirement for a contribution towards Town Centre Infrastructure costs.
- 1.2 On 15th January 2003, Committee resolved to defer consideration of the proposed change of use in order to explore whether the applicant would agree to make a unilateral undertaking to contribute to environmental and infrastructure improvements in the town centre, up to a maximum of £5000, the final sum to be determined when a relevant policy was formulated. A copy of the report to Committee and Addendum is attached as Appendix 1.
- 1.3 At the meeting of the Committee on 12th February, further consideration was given as to the necessary level of contribution, following a request from the applicant.
- 1.4 Committee resolved to grant planning permission for the development subject to a unilateral undertaking for contributions to environmental and infrastructure improvements up to a maximum of £5000. Final sum to be determined in the light of future policy requirements.
- 1.5 Following this decision, the agents promised on behalf of their clients, by letter dated 25th February 2003 to contribute a sum not in excess of £5000 towards the costs of "Town centre infrastructure improvements considered appropriate by the

Council as a result of the changing needs of the area caused by this and similar developments.”

- 1.6 The applicants withdrew their interest in the property on 10th December 2003, and agents acting on behalf of the occupiers at that time, wrote to the Council advising that they were in discussion with a number of other potential A3 occupiers, requesting that the file on this matter be kept live.
- 1.7 Nothing further was heard until 7th September 2004, when the new owner of the property came into the Planning Department with the intention of depositing the sum of £5000 as the aforementioned contribution, and then collecting the relevant planning permission.
- 1.8 Given the length of time since the resolution to grant planning permission and also the fact that a specific policy in relation to contributions to town centre infrastructure costs has yet to be approved, the new owner was advised that the matter would have to be referred back to Committee for consideration.

## **2. Recommendation (for decision by the Development Control Committee)**

- 2.1 The Committee is recommended to:  
grant planning permission for the development described in Appendix 1, subject to the Conditions and Informatives reported and subject to the receipt of a unilateral undertaking in the sum of £5000 offered in relation to environmental and infrastructure improvements in the town centre.

**FOR DECISION**

## **3. Consultation with Ward Councillors**

- 3.1 All ward Councillors have been sent a copy of this report

## **4. Policy Context (including Relevant Previous Decisions)**

- 4.1 Among the Part 2 policies in the Harrow Unitary Development Plan (adopted 30th July 2004), Policy I3 states:

“The council may seek to secure planning benefits by means of a planning obligation in connection with a development proposal. Such benefits would be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Such an obligation should enhance the quality of a development proposal which would otherwise be refused.”

Paragraph 10.15 of the Plan then lists 21 examples of what might be sought by way of a planning obligation. Included in this list is:

“x) commuted payments to meet the full cost of the additional activity arising from the development and its implications for transport and infrastructure, including the need for highway access and public transport”

- 4.2 Other than the provisions of Policy I3 and the statement contained in paragraph 10.15, there is no further guidance within the Plan in relation to planning obligations. The list was never intended to be comprehensive however, and in this case the submission of the £5000 offered could be considered to fall within the terms of in category x).
- 4.3 In all other respects the proposal meets the requirements of the 2004 Unitary Development Plan and is therefore acceptable.
- 4.4 In these circumstances Members are asked to instruct officers to accept the sum of £5000 offered as a unilateral undertaking in relation to environmental and infrastructure improvements in the town centre and re-affirm the decision taken in principle on 15th January 2003 and grant planning permission, subject to the conditions and informatives set out in Appendix 1.

## **5. Relevance to Corporate Priorities**

- 5.1 This report addresses the Council's stated priority of enhancing the environment of the borough.

## **6. Background Information and Options Considered**

6.1

## **7. Consultation**

7.1

## **8. Finance Observations**

8.1 None

## **9. Legal Observations**

- 9.1 S.106 of the Town & Country Planning Act 1990 provides for planning obligations to be by agreement or "otherwise" i.e. unilateral undertaking).
- 9.2 In the case of this undertaking there was no stipulation of the 12 month limit which is usually placed on the completion of legal agreements. The original resolution was made on 12 Feb 2003 some 20 months ago and the matter has just resurfaced.
- 9.3 The Committee is entitled to consider the whole application afresh.

## **10. Conclusion**

- 10.1 The proposal is considered acceptable subject to a suitable unilateral undertaking as set out.

## **11. Background Papers**

11.1 Application EAST/1407/02/FUL

## **12. Author**

12.1 Richard Dermott, Extn. 2445