

Committee:	Planning Committee
Date:	22 July 2009
Subject:	INFORMATION REPORT – Urgent Non-Executive Decision: Wood Farm, Wood Lane, Stanmore
Responsible Officer:	Hugh Peart - Director of Legal and Governance Services
Portfolio Holder:	Councillor Marilyn Ashton - Portfolio Holder for Planning, Development and Enterprise
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

CIRCUMSTANCES

- 2.1 On October 2008, the Strategic Planning Committee (“the Committee”) considered an application from C P Holdings Limited for the demolition of buildings, construction of 10 dwellings, refurbishment of house and dairy and associated entrances, roadways and landscape works and change of use of farm to country park / open space at Wood Farm, Wood Lane, Stanmore (ref: P/2203/06).
- 2.2 The Committee resolved to grant planning permission, subject to the prior completion of a Section 106 agreement, dealing with seven separate Heads of Terms within one year from the date of decision and subject to conditions.
- 2.3 The second Head of Term provided that:

“The Council shall be indemnified against any claims against it arising from the provisions of the agreement”.

During negotiations of the Agreement, it was considered that the Head of Term as originally proposed was too wide and the applicant could be liable for more than they intended. It was agreed that the applicant would only be liable for claims made by trespassers for injury during works to the park and not any claim as this was considered to be too wide. The applicant was proposing a variation to this Head of Term to the effect that any third party engaged by the applicant to carry out any of the works on the extension to the Country Park, shall have in place, prior to commencing such works, public liability insurance with a minimum cover of £5 million. The applicant would also covenant to use reasonable endeavours to procure that the Council have the benefit of any collateral warranties provided by such third parties.

It was considered that the proposed variation was acceptable given the importance of the scheme to the Council and provided satisfactory indemnity to the Council from the risk of trespassers on the land.

- 2.4 Sub paragraph b of the seventh Head of Term provided for the:

“Provision of pathways and bridleways as shown on Plan Ref No 1291/200 and 1291/61 within the area as defined as the extension to the Stanmore Country Park”.

It had now come to light that there were no bridleways on the plans referred to in the Head of Term or in any of the drawings submitted to the Council as part of the planning application. Officers were satisfied that it was not it was intention of the applicant to provide bridleways as part of

the scheme. Accordingly the requirement did not serve a genuine planning purpose and deletion was considered acceptable.

ACTION SOUGHT

1. To vary the second section 106 Head of Term referred to in the officer report to the Strategic Planning Committee of 2 October 2008 which required the applicant to indemnify the Council against claims arising from the provisions of the Agreement and replace with the following:

“To procure that any party engaged to carry out any of the works relating to the Stanmore Country Park extension shall have in place, prior to commencement of the works, public liability insurance with a minimum cover of five million pounds (£5,000,000) and to use all reasonable endeavours to procure that the Council’s interest is noted on the insurance policy”.

2. Delete the reference to ‘bridleways’ in sub paragraph b of the seventh Head of Term in the officer report to the Strategic Planning Committee of 2 October 2008.

Date of Request for Action: 16 June 2009

Reason for Urgency: The public inquiry for the called in application commenced on 23 June 2009. The Section 106 agreement needed to be completed before the inquiry opened.

As the next Planning Committee was not until 24 June 2009, nominated Members were requested to agree the action proposed in order to complete the Agreement within the timescales for the inquiry.

Decision: Officer Recommendation agreed.

Section 3 – Further Information

None.

Section 4 – Financial Implications

Name: Sheela Thakrar



On behalf of the Chief
Financial Officer

Date: 15 June 2009

Section 5 - Contact Details and Background Papers

Contact: Vishal Seegoolam, Senior Democratic Services Officer, 020 8424 1883

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