

REPORT FOR: **PLANNING COMMITTEE**

Date of Meeting:	12 th December 2012
Subject:	Extension of time for completion of Section 106 Agreement for Kodak
Responsible Officer:	Stephen Kelly, Divisional Director, Planning
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This report seeks an extension to the time period for the completion of the Kodak S106 agreement from the deadline date of 21st December 2012 to 31st January 2013.

Recommendations:

The Committee is requested to:

- 1 extend the time period for the completion of the section 106 agreement and issue of the planning permission for Kodak from 21st December 2012 until 31st January 2013.
- 2 delegate authority to the Divisional Director of Planning to refuse the application for the reasons set out in the report to the Planning Committee dated 26th June 2012 if the section 106 agreement is not completed by 31st January 2013.

Section 2 – Report

CIRCUMSTANCES, INCLUDING POLICY CONTEXT

At its meeting on 26th June 2012, the Planning Committee resolved, inter alia, to approve planning permission for outline planning application for a comprehensive, phased mixed use development of land at Harrow View and Headstone Drive as set out in the Development Specification (March 2012). The development comprises the demolition of existing buildings and structures (with the exception of the chimney and part of powerhouse) and redevelopment of the site for a mix of uses comprising business and employment uses (within Use Classes B1(a), B1(b), B1(c), B2 and B8 – up to 35,975sqm); residential dwellings (within Use Class C3 – up to 985 units); student accommodation (Sui Generis use – up to 220 units); senior living accommodation (within Use Class C2); assisted living care home (within Use Class C2) (total C2 uses up to 9,300sqm); retail and restaurant uses (within Use Classes A1, A2, A3, A4 and A5 – up to 5,000sqm); commercial leisure uses (Use Class D2); community uses (Use Class D1); health centre (Use Class D1); a primary school (Use Class D1) (total D1/D2 uses up to 8,830sqm); energy centre (Sui Generis use – up to 4,500sqm); together with new streets and other means of access and circulation; highway improvements; associated parking; re-profiling of site levels; utilities diversions and connections; open space; landscaping and ancillary development including infrastructure, works and facilities subject to the prior completion of a s106 agreement to secure specific outcomes, by 21st December 2012.

The committee also resolved that if the Section 106 Agreement was not completed by that date that the Divisional Director of Planning be delegated to refuse planning permission on grounds that the proposed development, in the absence of a Legal Agreement to provide affordable housing to meet the Council's housing needs, and appropriate provision for infrastructure that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social and physical infrastructural improvements arising directly from the development, contrary to the NPPF (2012), policies 2.17 3.11, 3.13, 3.18, 3.19, 6.3 and 7.18 of The London Plan (2011), Core Strategy (2012) policies CS1 and CS2, and saved policies T6, R4, C2 and C7 of the Harrow Unitary Development Plan (2004).

In the elapsed time since the committee meeting, considerable progress has been made with the applicants which has resulted in a finalised and agreed S106 agreement which achieves the outcomes set out in the committee resolution. In parallel, the applicants, and the landowners of the site (who are both required to sign the agreement) have been engaging with the owners Parent Company in the US, on the requirements to complete the agreement.

Because of the unique circumstances in which the owners of the site find themselves in, the applicants have advised the Council that signing the agreed S106 agreement may not be possible by the 21st December deadline. Accordingly, on 11th December, the applicants asked the Local Planning Authority whether it was able to authorise an extension to the deadline for

completion of the agreement, and subsequent issue of the planning permission.

The circumstances surrounding the application have not changed since the time of the committee resolution. The proposals were unanimously supported at that time and remain central to the realisation of the Councils aspirations for this part of the Area Action Plan. The proposals have been endorsed by the Mayor of London, and accepted by the Secretary of State as acceptable. In these specific circumstances, and given the considerable efforts by both the applicants and the Councils team to reach a completed S106 agreement, it is considered to be in the public interest that the deadline for the completion of the agreement be extended to enable the timely consideration of the S106 agreement by the owners of the site.

Financial Implications

If the section 106 Agreement is not extended, the Council will not have the benefit of the financial contributions to be secured through the S106. In addition affordable housing that the scheme would bring forward would not be realised. There is also a financial cost to the council if there is an appeal and public enquiry

Risk Management Implications

Risk included on Directorate risk register? Yes

Separate risk register in place? No

The risk register identifies a major fall in development activity as a risk to the council should planning permission be refused as this scheme proposes a significant development which may not be delivered.

Equalities implications

None

Corporate Priorities

Please identify which corporate priority the report incorporates and how:

- **Keeping neighbourhoods clean, green and safe. - YES**
- **United and involved communities: A Council that listens and leads. - YES**
- Supporting and protecting people who are most in need. - NO
- **Supporting our town centre, our local shopping centres and businesses. - YES**

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 12 December 2012		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 12 December 2012		

Section 4 - Contact Details and Background Papers

Contact: Stephen Kelly 020 8736 6149
stephen.kelly@harrow.gov.uk

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	YES