

Meeting:	Development Control Committee
Date:	27 July 2005
Subject:	Former BAE Systems headquarters, The Grove, Warren Lane, Stanmore
Responsible Officer:	Director of Legal Services
Contact Officer:	Noreen Dunn
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No
Status:	Public (Part I)

Section 1: Summary

Decision Required

The Director of Legal Services be authorised to complete a deed of release to secure the discharge of the covenants imposed by the following two agreements in respect of land at The Grove, Warren Lane, Stanmore, Middlesex:

1. s.52 Town & Country Planning Act 1971 Agreement dated 14 May 1978.
2. s.52 Town & Country Planning Act 1971 Agreement dated 13 July 1987.

The discharge of the two agreements to be effective upon the implementation of the s.106 Unilateral Undertaking by BAE Systems Electronics Ltd. In respect of land at The Grove, Warren Lane, Stanmore, Middlesex dated 12 November 2004.

Reason for report

To simplify matters to avoid future confusion over the precise extent of the building envelope as indicated by the Secretary of State. (see para. 2.1

Below)

Benefits

The Deed of Release would enable the new development to start with a clean slate and so keep matters simple.

Cost of Proposals

Time of Legal officers in drafting and completing the Deed

Risks

None

Implications if recommendations rejected

The concerns of the Secretary of State raised in his decision letter of 31 May 2005 would not be allayed and he would have to be so informed.

Section 2: Report

2.1 Brief History

Following public inquiry after a s.78 appeal over non-determination, the Secretary of State granted outline planning permission on 31 May 2005, subject to conditions. One of the material considerations taken into account in his decision was a s.106 Unilateral Undertaking dated 12 November 2004 submitted by the appellant.

The Secretary of State indicates that he agrees with the appellant and current owner that a Deed of Release would secure the discharge of the covenants imposed by the two previous s52 agreements and would meet his concerns in this respect. On that basis he is content with the wording of the Unilateral Undertaking of 12 November 2004.

The s.52 agreement of 1978 required the carrying out of certain landscape works and the provision of a bond to secure their implementation.

It restricted the build development outside the building envelope and allowed for the transfer of an area of land to the Council. This obligation has been satisfied and the Council is now owner of the relevant area.

The s.52 agreement of 1987 provided for the carrying out of landscape work secured by a bond and expanding the original building envelope.

There are minor differences between the build envelope under this 1987 agreement and the current grant of planning permission of 31 May 2005. The Unilateral Undertaking of 12 November 2004 reflects the build envelope that the Secretary of State has granted planning permission for.

As indicated by the Secretary of State the best course of action is to simplify matters by the Council entering into a simple deed of release to avoid future confusion over the precise extent of the building envelope.

2.2 Options considered

A simple letter of release would not suffice

2.3 Consultation

Not applicable

2.4 Financial Implications

This report is not seeking additional financial resources. The cost of officer time and associated costs spent on the Deed will be met from existing directorate budgets.

2.5 Legal Implications

The preferred way of altering amending or extinguishing an agreement under seal is by way of a subsequent deed under seal.

s.52 town & Country Planning Act 1971 is the predecessor of s.106 Town & Country Planning Act 1990

The Deed of Release would be conditional upon implementation of the Unilateral Undertaking of 12 November 2004 thereby leaving the current agreements in place in the event of the new development not proceeding.

2.6 Equalities Impact

Section 3: Supporting Information/ Background Documents

Inspectors Report to the First Secretary of State 9 December 2004

First Secretary of State's letters of 3 March 2005 and 31 May 2005