

Meeting:	Development Control Committee
Date:	27 July 2005
Subject:	Princess Alexandra Home 40 Common Road, Stanmore
Responsible Officer:	Director of Legal Services
Contact Officer:	Noreen Dunn
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No
Status:	Public Part 1

### **Section 1: Summary**

#### **Decision Required**

Extend the time for completion of the legal agreement to 31 January 2006

#### **Reason for report**

DCC authority for completion of the legal agreement expires on 27 July 2005 however the agreement has not yet completed.

#### **Benefits**

One of the heads of term is the offer to the Council of a lease to enable the provision of public access to the part of the site bounded by Bentley Priory Open Space

#### **Cost of Proposals**

The Council's legal costs concerning the agreement will be recovered from the developer.

#### **Risks**

As contained in the report

#### **Implications if recommendations rejected**

## **Section 2: Report**

### **2.1 Brief History**

On 28 July 2004 Development Control Committee resolved to grant outline planning permission at the site to provide a replacement nursing and care home with a day care centre subject to completion of a legal agreement within one year of the resolution.

The s.106 agreement is to provide for:

- a) the offer to the Council of a lease to enable the provision of public access over that part of the site which is bounded by Bentley Priory Open Space, together with a sum for subsequent maintenance.
- b) an Action Plan in respect of the transfer of the residents to alternative facilities during the construction period.

The developer's solicitors only commenced negotiations in June 2005, despite a number of reminders from the legal officer that authority to complete the agreement would expire on 27 July 2005.

Negotiations are only at the initial stage, and it is envisaged that a period of at least six months (i.e. until January 2006) is needed to complete.

### **2.2 Options considered**

Not applicable

### **2.3 Consultation**

Not applicable

### **2.4 Financial Implications**

The Council's legal costs are to be recovered from the developer. There are no other financial implications for Harrow Council.

### **2.5 Legal Implications**

The Committee is entitled to consider the whole application afresh, however the previous Committee decision is a material consideration (although the Committee has a discretion to be exercised in its own judgment). Because of the importance of consistency full reasons for departing from the decision of 28 July 2004 should be given if relevant.

## 2.6 Equalities Impact

### **Section 3: Supporting Information/ Background Documents**

None