

Meeting:	Development Control Committee
Date:	11 th October 2005
Subject:	Sage House, 319 Pinner Road – Section 106 Agreement
Responsible Officer:	Director of Legal Services
Contact Officer:	Charlotte Lee
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No
Status:	Public Part 1

Section 1: Summary

Decision Required

To extend the time for completion of the legal agreement to 31 January 2006.

Reason for report

The Development Control Committee authority for completion of the legal agreement expired on 10 September 2004 however, the agreement is not yet completed.

Benefits

None.

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

Planning permission for the development will not be granted.

Section 2: Report

2.1 Brief History

On 10 September 2003 the Development Control Committee resolved to grant planning permission at the site for an additional floor of offices and 1st and 2nd floor rear extensions over the parking area linked with walkways at Sage House. Planning Permission was granted subject to completion of a legal agreement within one year of the resolution.

The Section 106 Agreement is to provide that:

The developer is to fund all costs of public consultancy, analysis, reporting and implementing of a Controlled Parking Zone in the immediate surroundings of the site, at any time within three years of first occupation of the development, if in the Council's opinion, a monitoring period shows unacceptable on-street parking. This is up to a maximum of £10,000 index linked.

While work commenced on this file immediately after the Committee resolution, negotiations as to the terms of the agreement stretched beyond the one year granted. The developer accepts that delays were mainly due to the lack of communication between the various parties involved for them. Negotiations over a clause affecting the developer's mortgagee also prolonged agreement.

Final agreement was reached in July 2005 and it is envisaged that a period of approximately four months (i.e. until 31st January 2006) is needed to complete. However, it is likely it will be completed before this date as both parties have reached agreement and now are able to complete upon Committee approval.

2.2 Options considered

Not applicable.

2.3 Consultation

Not applicable.

2.4 Financial Implications

All costs will be met by the developer. There are no costs to the council.

2.5 Legal Implications

The Committee is entitled to consider the whole application afresh, however the previous Committee decision is a material consideration.

2.6 Equalities Impact

None

Section 3: Supporting Information/Background Documents

Letter from the developer explaining the delay.