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| Meeting: | Development Control Committee |
| Date: | 7 th June 2006 |
| Subject: | Variation of section 106 Agreement, Clementine Church Hill Hospital, 9 Sudbury Hill, Harrow |
| Responsible Officers: | Director of Legal Services |
| Contact Officer: | Abiodun Kolawole |
| Portfolio Holder: | To be confirmed |
| Status: | Part 1 |
| Key Decision: | No |

Section 1 : Summary

This report seeks an extension of time to complete a variation (the Deed of Variation) to a section 106 Agreement dated 15th December 2000 (the Principal Agreement) relating to land at Clementine Churchhill Hospital, 9 Sudbury Hill, Harrow (the Site).

Decision Required

Extension of time for completion of the Deed of Variation by six months from 7th June 2006.

Reason for Report

The time set down by the Development Control Committee for completion of the Deed of Variation has expired.

Benefits

Completion of the Deed of Variation will give the Council some measure of control over development on the Site.

Cost of Proposals

None. The developer will pay the Council's legal fees.

Risks

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| None |
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Implications if recommendations rejected

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| The Deed of Variation will not be completed and the developer will not have the benefit of a valuable medical facility. |
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Section 2 : Report

2.1. Brief History

On 9th November 2004, the Development Control Committee (DCC) granted planning permission for retention of a temporary endoscopy unit on the Site for two years, subject to a variation of the Principal Agreement within one year of the date of the DCC resolution.

The Principal Agreement, amongst other things, defined a development envelope around the Site. The endoscopy unit is located outside of the defined development envelope.

The period for completion of the Deed of Variation has expired and the agreement is yet to be completed. The developer, in an e-mail to the Council's legal officers, has explained the reasons for the delay in completing the Deed of Variation within the one year time scale. The email states that the developer intended to submit a full application to re-house the endoscopy unit within the one-year period. The aim was to address previous concerns of the DCC regarding parking and the impact on the Metropolitan Open Land. However, the developer could not submit the full application to the Council within the time scale.

Further more, the solicitor responsible for working on the Deed of Variation on behalf of the developer went on maternity leave.

The developer is currently in pre- application talks with the Council's planning advisory team on a permanent solution to the hospital's requirement for an endoscopy unit, IVF clinic and enhanced pathology department. The developer has submitted plans detailing proposed changes and now awaits a response from the planning advisory team. It is anticipated that a full planning application for planning permission will be submitted to the Council soon.

In the meantime, the developer is anxious to make use of the temporary endoscopy unit and would like to complete the Deed of Variation whilst talks are progressing on the full planning application.

The Council's planning department have confirmed that the planning position has not materially changed since the DCC resolution of 9th November 2004 approving the grant of planning permission for retention of the temporary endoscopy unit.

Accordingly, the DCC is requested to exercise its discretion to extend the time for completion of the Deed of Variation by six months from 7th June 2006.

2.2 Options Considered

None

2.3 Consultation

None

2.4 Financial Implications

This report seeks an extension of time for completion of the Deed of Variation to a section 106 Agreement dated 15th December 2000. There are no financial implications within this report.

2.5 Legal Implications

As contained in the body of the report

2.6 Equalities Impact

None

2.7 Section 17 Crime and Disorder Act 1998 Considerations

None

Section 3 : Supporting Information/Background Documents

- Development Control Committee Report and Resolution dated 9th November 2004
- Email from NAI Fuller Peiser