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| Committee:           | Strategic Planning Committee   |
| Date:                | 11 March 2009  |
| Subject:             | INFORMATION REPORT – Urgent Non-Executive Decision: Land at 1-16 Challiner Court, 1-12 Fern Court, 1-12 Price Court, 1-12 Hines Court and Richards Close, Harrow |
| Responsible Officer: | Hugh Peart - Director of Legal and Governance Services   |
| Portfolio Holder:    | Councillor Marilyn Ashton - Portfolio Holder for Planning, Development and Enterprise  |
| Exempt:              | No   |
| Enclosures:          | None.  |

## Section 1 – Summary

The Urgent Non-Executive Decision procedure, set out in Part 3 of the Council's Constitution, requires all decisions taken under the procedure to be reported to the appropriate Committee. The Committee is requested to note the action taken under the Urgent Non-Executive Decision procedure, as outlined in Section 2 below.

**FOR INFORMATION**

## **Section 2 – Report**

### CIRCUMSTANCES

Planning Application P/2843/08 was reported to the Strategic Planning Committee on 3 December 2008. The application sought planning permission for the demolition of 55 dwellings and the construction of a 47 unit “extra care” scheme and 29 flats together with landscaping and other works on land at 1-16 Challiner Court, 1-12 Fern Court, 1-12 Price Court, 1-12 Hines Court and Richards Close in Harrow.

The application was recommended for approval subject to conditions and the completion of a unilateral undertaking under s106 Town and Country Planning Act 1990 to ensure that:

- land at Becket Fold, Harrow was developed for affordable housing within 10 years of the date of first occupation of the new development or, if funding could not be secured, that Becket Fold be demolished within the same time period.
- subject to the expiration or termination of the existing tenancy at No. 14 Becket Fold, it would not be further used for residential purposes during a ten year period from the date of first occupation of the new development.

The Committee resolved accordingly.

However, the terms of the undertaking as reported to the committee did not specify which of the properties in Becket Fold were to be the subject of the undertaking. The amended application red line drawing only includes Nos 9 to 14 inclusive and not the remainder of Becket Fold.

Legal advice is that, as currently expressed, the committee resolution requires the covenants to be given in respect of the entirety of Becket Fold and not those properties forming part of the application site. This was not the intention and a variation of the resolution is therefore required. .

### ACTION SOUGHT

Action Proposed: For the avoidance of doubt the resolution should be varied so that the required heads of terms for the unilateral undertaking read as follows:

- To ensure that land known as Nos. 9 to 14 Becket Fold is development for affordable housing within 10 years of the date of first occupation of any of the dwellings comprised in the development hereby approved

- If Homes and Communities Agency (the new name for the Housing Corporation) funding is not available to support the development for affordable housing
  - To apply to the Council for a modification of the covenant; or
  - To demolish Nos. 9 to 14 Becket Fold within 10 years of the date of first occupation of any dwelling comprised in the development hereby approved
- Subject to the expiration or termination of the existing tenancy, not to use No 14 Becket Fold for residential purposes during the ten year period commencing on the date of first occupation of any dwelling comprised in the development hereby approved

Date of Request for Action: 16 February 2009

Reason for Urgency: The matter was considered by the Strategic Planning Committee on 3 December 2008. The applicant has a need to pick up the planning permission to secure the affordable housing funding from the Homes and Communities Agency in the current financial year.

The next available committee date was 11 March given the lead time for preparing committee reports. This therefore made it unlikely that the unilateral undertaking could be in place with sufficient time to enable the application to secure the necessary funding.

Decision: Officer Recommendation agreed.

### **Section 3 – Further Information**

None.

### **Section 4 - Contact Details and Background Papers**

Contact: Miriam Wearing, Senior Democratic Services Officer, 020 8424 1542

Background Papers: Individual Urgent Non-Executive Decision Form, as reported.