

LONDON BOROUGH OF HARROW

Meeting:	Development Control Committee
Date:	18 th May 2004
Subject:	Brockley Hill, Stanmore: Request for authority to enter into a deed of variation to the 106 agreement dated 29 th June 2000 between the London Borough of Harrow and the Secretary of State for the Environment Transport and the Regions.
Responsible Chief Officer:	Joint Report of the Borough Solicitor and of the Chief Planning Officer
Relevant Portfolio Holder:	Planning Development, Housing and Best Value
Status:	Part 1
Ward:	Canons
Enclosures:	None

1. **Summary/Reason for Urgency (if applicable)**

- 1.1 The purpose of this report is to request authority to enter into a deed of variation. The effect of the deed of variation is:
- 1.2 that the Owner of the land shall pay the Council a sum of One hundred thousand pounds towards the provision of an Environmental Study Centre within the London Borough of Harrow instead of providing it on the land as they are obliged to do under the original agreement;
- 1.3 that the Owner of the land can sell 33% of the housing units before transferring the Public Open Space to the Council. In the original agreement the Owner cannot sell any of the housing units before transferring the Public Open Space to the Council; and
- 1.4 that the draft transfer attached to the original agreement is amended so as to guarantee public vehicular access to the Public Open Space.

2. **Recommendations (for decision by the Development Control Committee)**

- 2.1 That authority is given to enter into a deed of variation as outlined in this report.

3. **Relevant Previous Decisions**

- 3.1 29th June 2000: Outline planning permission for 4.86 Ha to provide 96 detached houses and 2.34HA for Public Open Space access from Brockley Hill (East/106/99/OUT).
- 3.2 20th October 2003 :Details pursuant to condition2 of planning permission EAST/1060/99/OUT(P/1280/03/CDP) siting, appearance and design.

4. **Relevance to Corporate Priorities**

4.1 This report addresses the Council's stated priority of enhancing the environment of the borough

5. **Background Information**

5.1 Under the original agreement there is an obligation that the Owner shall pay the Council the sum of £100,000 (one hundred thousand pounds) towards the provision of an Environmental Study Centre on the Land. Officers are keen that the Council should be given as much flexibility as possible about where to site the centre and request that authority is given to amend the original agreement so that the money can be spent anywhere within the Borough.

5.2 Under the original agreement the Owner cannot sell any units until the Public Open Space has been transferred to the Council. The Owner has requested that 33% of the housing units can be sold before the transfer. Officers consider that this is not unreasonable for a scheme of this scale and would still give the Council sufficient control. Authority is sought for the agreement to be amended accordingly.

5.3 It is understood from the Owner that they do not wish to have the roads within the development adopted as public highway and that they intend that they should be private roads. The Owner has indicated that they may apply to the Council for a separate public vehicular access to the Public Open Space instead of via the housing development as approved. Until this is clarified it is important that public vehicular access is secured to the Public Open Space. In order to achieve this the draft transfer within the original agreement can be amended requiring a right of way for all persons who wish to gain access to the Public Open Space along the estate road to the Public Open Space. Authority is sought to amend the agreement accordingly.

6. **Consultation**

6.1 Not applicable

7. **Finance Observations**

7.1 No comments

7. **Legal Observations**

Included in the report

9. **Conclusion**

9.1 Authority is sought to enter in to a deed of variation to vary the original 106 agreement.

10. **Background Papers**

10.1 Planning Committee report and resolution of 15th March 2000, Development Control Committee report and resolution of 15th October 2003.

10. **Author**

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