

Meeting:	Planning Committee
Date:	13 <sup>th</sup> May 2009
Subject:	Stanmore College, Elm Park, Stanmore – Section 106 Agreement
Responsible Officer:	Andy Parsons, Head of Planning
Portfolio Holder:	Councillor Marilyn Ashton – Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	None

## Section 1 – Summary and Recommendations

This report sets out the request from Atisreal [Agent] to delete the fourth section 106 Heads of Terms set out in Item 1/02 of the Addendum to the Strategic Planning Committee meeting dated 10<sup>th</sup> September 2008, which states,

*‘Development to be used only by Stanmore College students and staff.’*

### **Recommendations:**

The Committee is requested to:

1. Agree deletion of the fourth section 106 Heads of Terms which states *‘Development to be used only by Stanmore College students and staff.’*
2. Extend the time to complete the section 106 Agreement by three months from 13<sup>th</sup> May 2009.

**Reason:** To ensure all users can benefit from the development and to ensure adequate time for the completion of the section 106 Agreement.

## **Section 2 – Report**

The Strategic Planning Committee resolved to grant outline planning permission on 10<sup>th</sup> September 2008 for *'Redevelopment to provide new two to four storey building along with indoor and outdoor sports and recreational facilities, internal roads and footpaths, access and parking, and ancillary facilities'* subject to completion of a section 106 Agreement.

The section106 Agreement was to cover the submission of a Travel Plan and the funding of parking surveys and the cost of any associated increase in the hours of operation of the Controlled Parking Zone. The s.106 Agreement was to be completed within three months from the date the committee resolved to grant outline planning permission [10<sup>th</sup> September 2008]. The time limit for completion of the s.106 Agreement has expired and an extension of time is required for completion.

The agent has requested the removal of the fourth Head of Term for the section 106 Agreement, which restricts the use of the development to staff and students of the College. This restriction was added at the request of the Planning Committee.

The removal of the clause would offer wider benefits to the community, which would be reduced if the user restriction remained. The College has not been designed and will not be built to support large scale uses that are unrelated to the College; however, small scale use of the College, e.g. local drama, local residents' association meetings and art clubs or other small community groups, all of which are non-profit organisations could use the facility.

The College is unable to identify all such possible interest at this time; therefore, a named list of preferred users would not be a practical alternative. A solution to this, however, in the interest of the authority, would be to replace the clause with one which does not restrict the type of user and concurrently would ensure all such activities are ancillary to the main use and are non-profit generating. This would allow a wider user to activities at the College whilst maintaining a form of control over the development.

A school is a community facility and should be encouraged to be used as such. To ensure the wider community is able to benefit from the development and for such activities to be ancillary and non-profit generating, the Planning Committee is requested to agree the recommendations above.

### **Financial Implications**

There are no costs to the Council as the applicant will bear the cost of completing the section.106 Agreement.

### **Risk Management Implications**

Risk included on Directorate risk register? No

Separate risk register in place? No

No risks.

### Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 7 <sup>th</sup> May 2009		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 11 <sup>th</sup> May 2009		

### Section 4 - Contact Details and Background Papers

Contact: Stanley Lau, Planner – Major Team, Tel: 020 8736 6136

Background Papers: None

If appropriate, does the report include the following considerations?

1.	Consultation	N/A
2.	Corporate Priorities	N/A