

Committee:	Planning Committee
Date:	9 September 2009
Subject:	INFORMATION REPORT – Urgent Non-Executive Decision: Edgware Town FC, Burnt Oak Broadway, Edgware.
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

On 10 September 2007, the Strategic Planning Committee considered an outline application from Edgware Developments Limited for 'Layout, scale and access for redevelopment to provide 178 flats and 11 houses in nine blocks of three and five storey buildings (planning reference: P/1941/07).

At this meeting the Committee resolved to grant planning permission, subject to a) the prior completion of a Section 106 Agreement, dealing with six separate Heads of Terms within three months from the date of that decision and subject to conditions and b) the resolution of an objection from the Environment Agency.

The Environment Agency removed their objection on 27 March 2008 requesting nine conditions to be attached to the decision notice.

The application was referred to the Government Office for London (GOL) on the 3rd of April 2008. Upon referral to GOL it was highlighted to the Council's case officer that the application was also referable to the Mayor of London. As a result GOL held their comments in abeyance until such time as the Mayor made his decision on the application.

The application was referred to the Mayor of London on the 17th of June 2008.

The S.106 Agreement was signed on the 22nd of August 2008.

As part of the referral process to the Mayor of London, on the 27th of January 2009 TfL requested a bus stop audit survey to be carried out by the applicant and a commitment to financial contributions toward the upgrading of any bus stops within the vicinity of the site found to be deficient.

The applicant agreed to the proposed wording of the new clause to be inserted into the S.106 Agreement in their letter to the Council dated the 10th of March 2009.

The application was formally referred to the Mayor for stage 2 comments on the 8th of April 2009.

The Greater London Authority's planning case officer report was presented to the Mayor on the 21st of April 2009 with an officer's recommendation to allow Harrow Council to determine the application itself. Part of the reasoning behind the officer's recommendation was the benefits of having a survey of the bus stops surrounding and a commitment from the developer to improve them where necessary.

The Mayor of London, following consideration of the officers report, directed the Council should refuse the application on the 22nd of April 2009 for the following reason:

'The proposed development would result in the permanent loss of protected open space and therefore does not accord with the provisions of London Plan policy 3D.8 which states that the Mayor will protect access to London's network of open spaces and protect the many benefits of open space including those associated with health, sport and recreation. This is assured through London Plan policy 3D.11 which required DPD policies to protect open spaces that are of value, or have the potential to be of value, to local communities. The application is therefore contrary to the spatial development strategy and is prejudicial to its implementation.'

As a result of this direction the deed of variation to the S.106 Agreement was held in abeyance.

On the 10th of June 2009 following the submission of further information on the public access aspirations of Harrow Council for this site and the benefits S.106 contributions will have on the neighbouring Prince Edward Playing Fields for sport and recreation, the Mayor of London wrote to Harrow Council cancelling his earlier direction and allowing the Council to determine the application itself.

On the 26th of June 2009 GOL wrote to the Council stating that they had no objections and that the Council may determine the application itself.

In order for the Council to be able to issue the decision notice the deed of variation to the existing S.106 Agreement, which reflects TfL's requirements, is needed. The applicant has agreed to the variation which is considered to raise no new material planning considerations or introduce any new impacts from the development.

ACTION SOUGHT

Action Proposed: To vary the Section 106 Agreement signed on 22 August 2008 to include the following clause requested by Transport for London (TfL):

"Prior to the commencement of development a survey shall be carried out of all bus stops within 400 metres of the site by the owner in accordance with Transport for London's Accessible Bus Stop Guidance (BP 1/06 January 2006). In the event that any bus stop within the said 400 metre radius does not meet with the TfL guidance the owner shall pay to TfL a contribution not exceeding £10,000 per stop which is substandard, to enable the improvement of the stop such contribution to be made prior to the occupation of the first property on the development."

Date of Request for Action: 30 July 2009

Reason for Urgency:

The applicant has experienced substantial delays as a result of the delay in referring the application to the Mayor of London in June 2007. The Section 106 Agreement needs to be varied in order to issue the applicant with a decision notice.

As the next Planning Committee was not until 9 September the action was proposed in order to complete the deed of variation to the Section 106 Agreement and to issue the planning decision notice as soon as possible to avoid further unnecessary delays.

Decision: Officer Recommendation agreed.

Section 3 – Further Information

None.

Section 4 – Financial Implications

There are no financial implications.

Name: Sheela Thakrar



on behalf of the
Chief Financial Officer

Date: 28 August 2009

Section 5 - 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.