

## **REPORT FOR: PLANNING COMMITTEE**

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**Date of Meeting:** 21<sup>st</sup> April 2010

**Subject:** 24 Railway Approach, Harrow, Middlesex  
Outline application for 4/5 storey building  
comprising 34 residential units (14  
affordable) plus ground floor office space  
– Completion of Legal Agreement.

**Responsible Officer:** Stephen Kelly – Divisional Director  
Planning

**Portfolio Holder:** Marilyn Ashton – Portfolio Holder for  
Planning, Development and Enterprise

**Exempt:** No

**Enclosures:** Officer's report and minutes to Strategic  
Planning Committee 14 January 2009  
meeting.

### **Section 1 – Summary and Recommendations**

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This report is seeking authority for the completion of a s.106 agreement relating to a planning application previously agreed at the meeting of the Strategic Planning Committee, on the 14<sup>th</sup> January 2009.

As part of the recommendation to approve subject to conditions, the Strategic Planning Committee on 14 January 2009, authorised completion of the legal agreement by the 14<sup>th</sup> June 2009.

The legal agreement was not completed by 14 June 2009 and therefore authority is sought to complete the agreement. Furthermore, there is a proposed amendment to the mix of affordable housing to be provided as part of the development. In all other respects the application is as previously presented and agreed by members at the above mentioned committee. The applicants have stated that their intention is to now complete the agreement and proceed with the development as approved.

### **Recommendation:**

The Committee is requested to authorise completion of the s106 agreement within three calendar months from the date of this Committee, the agreement to contain the following amended Head of Terms:

“The provision of fourteen (14) Affordable Housing units to be constructed on the Land as part of the Development as Social Rented Units comprising six (6) three bedroom-five person units, two (2) three bedroom-six person units, two (2) four bedroom-seven person units, one (1) four bedroom-eight person units and three (3) five bedroom-nine person units, all of which are to be occupied by persons nominated by the Council to the Owner or the Nominated RSL in accordance with the Nomination Agreement and "Affordable Housing Unit" shall be construed accordingly.”

Members should note that this replaces the previous head of terms authorised by committee on 14 January 2009 which proposed the same number of affordable housing units (14) but with different tenure mix of 11 for social rent. and 3 for shared ownership

## **Section 2 – Report**

### **Background**

On 14 January 2009 the Strategic Planning Committee resolved to grant outline planning permission ref: P/1455/08/DC3 for the above mentioned development subject to conditions and the prior completion of a s.106 legal agreement, which needed to be completed within six months of the date of the meeting.

The s106 legal agreement was required in order to provide for 14 affordable housing units, of which 11 were to be for social rent and 3 were to be for shared ownership.

Negotiations with the Applicant on the precise terms of the agreement commenced shortly after the committee meeting. However, following some initial dialogue, primarily concerning the mix of the affordable housing, and despite the best efforts of the Council, the agreement was not concluded because the Applicant did not engage further with the Council. At the beginning of November 2009, Officers agreed to treat the matter as “closed” given the lack of response from the Applicant. As no legal agreement had been completed, no planning permission was issued.

### **Current situation**

In December 2009, the Solicitors acting on behalf of the landowners, rather than the Applicant, made contact with the Council seeking to recommence negotiations with the aim of concluding the agreement.

As part of the negotiations, Council officers were asked to consider an amendment to the mix of affordable housing to be provided; the landowners proposed that all of the affordable housing units should be social rent. The Council’s Affordable Housing team has taken an active part in the negotiations to date and has no objections to this proposed amendment given the current economic climate and due to concerns raised by the proposed affordable housing provider as to the management and marketability of shared ownership units in this scheme.

The outstanding issues have now been resolved between the parties and the agreement is now ready to be signed. The Committee is therefore requested to extend the time for completion of the Section 106 Agreement for the site by a period of three calendar months and to amend the heads of term for the legal agreement to require the provision of 14 units of affordable housing for social rent.

## **Main options**

Completion of the s.106 agreement will enable the decision to be issued and to facilitate the implementation of a major mixed development within the Borough.

## **Other options considered**

Not appropriate

## **Implications of the Recommendation**

### ***Considerations***

#### **Resources, costs and risks**

If the scheme does not proceed there would be a potential loss of 14 affordable housing units and also loss of employment opportunities.

#### **Staffing/workforce**

No implications

#### **Equalities impact**

No implications

#### **Legal comments**

Identified in report

#### **Community safety**

No further identified issues not previously addressed

## **Financial Implications**

The proposed recommendation raises no financial implications for the Council. The costs incurred in respect of the legal agreement prior to November 2009 have already been paid by the Applicant and the current legal costs of the agreement will be met by the landowners.

## **Risk Management Implications**

If the development does not proceed then this would affect the contribution the development of this site as proposed towards affordable housing and employment generation.

## Corporate Priorities

The provision of affordable housing and employment generating development form a key part of the Council's Corporate strategy to build stronger communities.

## Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 8 April 2010		
Name: Izindi Visagie	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 6 April 2010		

## Section 4 - Contact Details and Background Papers

**Contact:** Robert Young Interim Service Manager Planning Services x 6167

### Background Papers:

- Officers report to Committee List
- Minutes of Strategic Planning Committee 14<sup>th</sup> January 2009

If appropriate, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	YES