

REPORT FOR: Planning

Date of Meeting: 9 June 2010

Subject: **INFORMATION REPORT –
Urgent Non-Executive Decision:
Copse Farm**

Responsible Officer: Hugh Peart – Director of Legal and
Governance Services

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

The Planning Committee resolved to grant planning permission and conservation area consent on 4 November 2009 for development at Copse Farm, comprising demolition of all existing non-locally listed buildings; erection of two storey dwelling house at Copse Farm; Part redevelopment of Brookshill Farm courtyard buildings and replacement with four additional staff dwelling houses; retention and restoration of locally listed dwelling houses, barn and hayloft; Erection and alteration of agricultural buildings in Brookshill Farm Courtyard; Replacement of locally listed stable building in Copse Farm courtyard; New access drive; creation of temporary footpath; Erection of tennis pavilion; Associated landscape works. The resolution was subject to the completion of a s.106 agreement, and conditions and informatives as detailed in the officers report to the Committee and in the addendum report. The application was subsequently referred to the Government Office for London and the Mayor of London, who both concluded that the application could be determined by the London Borough of Harrow.

Subsequent to the resolution of the Planning Committee, further discussion had taken place with the applicant with regards to the Heads of Terms of the s.106 agreement. In particular, discussion had taken place with regard to the following Heads of Terms: (v) phasing plan, (vi) control on future use of ancillary uses, and (x) site use and management plan.

(v) Phasing plan:

Planning Committee of 4 November 2009 required Head of Term (v) as follows:

Phasing Plan – to submit for the Council’s approval a programme for the phasing of the works comprising the development (including the restoration of the Barn, the Green Belt improvement works and landscape enhancements, to ensure heritage benefits, to be undertaken prior to the occupation of the main dwelling house) prior to the commencement of the development

Details of the phasing of the development were submitted to the Council in October 2009. These details were not originally included within the Committee report as they had not, at that time, been finally agreed with the applicant. This discussion had now taken place. These details were considered acceptable, and would secure the aims of restoration of the Barn, Green Belt improvements and landscape enhancements prior to the occupation of the dwellinghouse. It was therefore proposed that this Head of term be amended to state:

‘(v) Phasing Plan - The development shall be implemented in accordance with the agreed phasing plan submitted to the Council on 6 October 2009.’

(vi) Control on future use of ancillary uses

Planning Committee of 4 November 2009 required Head of Term (vi) as follows:

vi) Control on Future Use of Ancillary Units:

(a) The six residential buildings to be provided on the Brookshill Farm Complex are to be used solely as ancillary staff dwellings to the primary use of the principal dwelling house as a farm house and the agricultural use of part of the site without the written consent of the Council

(b) The six residential buildings to be provided on the Brookshill Farm Complex shall not be subdivided or sold off as separate residential dwellings without the written consent of the Council

Previously, all six units within the Brookshill farm complex were to be made ancillary to the main house, and not to be subdivided or sold off separately. However, two of the units within the complex are existing units and are not currently restricted. In these circumstances it would be unreasonable to require the existing units to be ancillary to the main house.

The Greater London Authority was informed of this proposed amendment on 23 April 2010 and confirmed that, in this instance the Council could proceed to amend the Heads of Terms as indicated.

It was therefore proposed to amend the wording to state:

‘(vi) Control on Future Use of Ancillary Units:

(a) The four new residential units to be provided on the Brookshill Farm Complex are to be used solely as ancillary staff dwellings to the primary use of the principal dwelling house as a farm house and the agricultural use of part of the site.

(b) The four new residential units to be provided on the Brookshill Farm Complex shall not be subdivided or sold off as separate residential dwellings without the written consent of the Council.’

(x) Site use and management plan:

Planning Committee of 4 November 2009 required Head of Term (x) as follows:

Site and Land Use Management Plan – development not to be occupied or brought into use until details of a site land use management plan has been agreed with the local planning authority.

In relation to the Site and Land Use Management Plan, broad headings of a management plan were submitted in October 2009. These details provided an appropriate framework within which a detailed plan could be formulated. These details were not originally included within the Committee report as they had not, at that time, been finally agreed with the applicant. This discussion had now taken place. It was therefore proposed to amend the wording to include reference to these details. The amended wording proposed was:

‘(x) Site and Land Use Management Plan – Development shall not be occupied or brought into use until a detailed site use land use management plan, pursuant to the headings submitted to the Council on 6 October 2009, has been agreed with the local planning authority.’

In addition to the above amendments on the Heads of Terms of the s106 agreement, there had been minor amendments to the wording of the conditions principally in relation to landscaping, to reflect the landscaping strategy submitted as part of the planning application.

The s.106 agreement was to be completed within 6 months of the committee resolution, which would have been on 4 May 2010. The time limit for completion was therefore close to expiry. Given the ongoing discussion regarding the Heads of Terms, it was considered reasonable that a further 6 months to secure completion was given.

Section 3 – Further Information

ACTION SOUGHT

1. To authorise the following variation to the Heads of Terms for the s.106 agreement and amendments to the conditions following the Planning Committee resolution of 4 November 2010 to grant planning permission and conservation area consent for the proposed development at Copse Farm, Brookshill Drive, Harrow, HA3 6SB.

Replacement of Head of Term (v) in the following terms: 'Phasing Plan - The development shall be implemented in accordance with the agreed phasing plan submitted to the Council on 6 October 2009.'

Replacement of Head of Term (vi) in the following terms: 'Control on Future Use of Ancillary Units:

(a) The four new residential units to be provided on the Brookshill Farm Complex are to be used solely as ancillary staff dwellings to the primary use of the principal dwelling house as a farm house and the agricultural use of part of the site.

(b) The four new residential units to be provided on the Brookshill Farm Complex shall not be subdivided or sold off as separate residential dwellings without the written consent of the Council.'

Replacement of Head of Term (x) in the following terms: 'Site and Land Use Management Plan – Development shall not be occupied or brought into use until a detailed site use land use management plan, pursuant to the headings submitted to the Council on 6 October 2009, has been agreed with the local planning authority.'

2. Extend the time to complete the section 106 agreement by 6 months to 4 November 2010, to ensure adequate time for the completion of the s.106 agreement.

Date of Request for Action:

4 May 2010

Reason for urgency:

The next available Planning Committee was on 9 June 2010. The applicant had requested that the outstanding matters were agreed as a matter of urgency in order to progress the s.106 to completion and allow a planning permission to be released. Given the length of time from the original Planning Committee resolution, and the agreement of the Heads of Terms, further delays would not be reasonable.

Decision: Officer recommendation agreed.

Section 4 – Financial Implications

None

Section 5 – Corporate Priorities

The proposal would be in line with the objective of creating sustainable places where people want to live, work and learn in.

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 26 May 2010		

Section 6 - 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.