

REPORT FOR: **PLANNING COMMITTEE**

Date of Meeting: 16 March 2011

Subject: St Georges Field Public Inquiry – Section 106 Agreement

Responsible Officer: Stephen Kelly, Divisional Director
Planning

Exempt: No

Section 1 – Summary and Recommendations

Summary

This report relates to St. Georges Church Sports Ground and seeks authority from the Committee to negotiate terms for a section 106 agreement and planning conditions with the applicant ahead of a forthcoming inquiry into the Council's refusal of the outline planning application submitted by the applicant for redevelopment of the application site to provide 7 x 1 bed flats, 8 x 2 bed flats, 4 x 3 bed houses, 8 x 4 bed houses; extended access road; detached double garage; altered parking for St. Georges Church Hall and provision of 0.8 hectares of open space.

Recommendations:

1. The Committee authorise the Divisional Director of Planning to agree the terms for a S106 planning agreement with the appellants (or their agents) ahead of the forthcoming Planning Inquiry, to secure the following:

- The improvement to the drainage of the residual areas of open space within the site;
- The erection of an appropriate boundary treatment to the space;
- The rendering of the land in a condition capable of future use as a public open space;
- The landscaping, as required of the space; (continued on next page)

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- The payment of financial contributions in the form of commuted sums, to enable the future management and maintenance of the open space by the Council.
 - The provision of 14 affordable homes
 - The payment of the Council's monitoring costs associated with the agreement.

2. The Committee authorise the Divisional Director of Planning to agree the list of proposed conditions with the appellant, (or their agents) prior to the planning Inquiry.

Section 2 – Report

Background Information

At the committee meeting on Wednesday 15 September 2010 the Council resolved to refuse planning permission for “The outline redevelopment of St. Georges Field to provide 7 x 1 bed flats, 8 x 2 bed flats, 4 x 3 bed houses, 8 x 4 bed houses; extended access road; detached double garage; altered parking for St. Georges Church Hall and provision of 0.8 hectares of open space” on the grounds that:

The application for the development of identified and unidentified greenspace safeguarded within the adopted Harrow Unitary Development Plan and London Plan would result in the loss of part of the stock of private greenspace in the borough contrary to policy EP47 of the Harrow UDP and policy 3D.8 of The London Plan. The benefits arising from the delivery of new and affordable housing and improved public access to the undeveloped greenspace are not considered to outweigh the loss to the stock of greenspace in the Borough arising from the development in this case.

The applicants have subsequently appealed against the Council's decision. The appeal is to be heard by way of a Public Inquiry, commencing on 17 May 2011 for two days. The Council will contest the Inquiry in support of the reason for refusal.

Need for s106 agreement

Notwithstanding the Council's opposition to the planning application, the planning inspector may determine that planning permission should be granted for the development. In such circumstances, the Council would wish to ensure that the development provided for the delivery of affordable housing and the creation and transfer to the Council of land for use as open space, in accordance with specific terms.

The most appropriate means to secure the affordable housing and transfer of open space to the Council is by way of a planning agreement with the Council under S106 of the Town and Country Planning Act 1990. Alternatively, the appellant can present a unilateral undertaking to the inspector at the inquiry. It is clearly desirable for the Council to enter into a section 106 Agreement with the appellant to secure the transfer of the open space and the delivery of the affordable housing.

Without prejudice to the Council's position on the merits of the planning proposals, officers are therefore seeking authorisation from the Committee to enter into a s106 agreement with the appellant to secure the delivery of affordable housing and the transfer of the land to the Council for use as open space on such terms as are acceptable to the Council, in time for the public inquiry. Given that the terms of such agreements are usually negotiated in the lead up to the inquiry, delegation to the Divisional Director to enable finalisation and completion of the agreement will also be required.

Planning Conditions

Officers originally recommended that planning permission for the development be granted, subject to planning conditions. The planning inspector would expect the main parties to the appeal to agree a schedule of planning conditions for the development in the event that the inspector is minded to grant planning permission. Authorisation for the Divisional Director to agree, on behalf of the committee, a schedule of such conditions, based in large part on the original recommendation to the planning committee, is therefore required.

Cost implications

The legal costs associated with the drafting of any S106 agreement will be covered by the appellant.

Conclusion

Notwithstanding the Council's opposition to the planning application, in the case that the Planning Inspectorate allows the appeal, the Council would wish to ensure that the transfer of the open space and the provision of affordable housing took place in accordance with specific terms. Given the terms of such agreements are usually negotiated in the lead up to the Public Inquiry. It is recommended that authorisation to finalise and complete the legal agreement is given to the Divisional Director of Planning.

In addition to this given the Planning Inspector will expect that the Council agree a schedule of conditions through the Public Inquiry, it is recommended that authorisation is given to the Divisional Director of Planning to agree a schedule of conditions.

Section 3 - Statutory Officer Clearance

Name: Jennifer Hydari	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 9 March 2011		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 8 March 2011		

Section 4 - Contact Details and Background Papers

Contact: Abigail Heard, Principal Planning Officer, 0208 736 6073

Background documents:

- Minutes of the Planning Committee Wednesday 15 September 2010
- Planning Committee Report Wednesday 15th September 2010