

REPORT FOR: MAJOR DEVELOPMENTS PANEL

Date of Meeting: 30th March 2011

Subject: Bradstowe House

Key Decision: No

Responsible Officer: Stephen Kelly
Divisional Director Planning

Portfolio Holder: Councillor Keith Ferry.
Portfolio Holder for Planning
Development and Enterprise.

Exempt: No

**Decision subject to
Call-in:** No

Enclosures: None

Section 1 – Summary and Recommendations

For Information:

This report provides the panel with an update on the development at Bradstowe House, a partially completed development in the town centre.

Section 2 – Report

1 Introduction

- 1.1 Planning permission for Demolition of Existing Buildings: 2-10 Storey Building with Two Level Basement Parking to Provide Retail, Leisure Use & 144 (Resident Permit Restricted) Flats & Roof Garden was granted on 16/09/2005 subject to a S106 agreement.
- 1.2 The planning permission was commenced on site in May 2006 and continued until late 2008 whereupon works on site stopped. Since that time no further work has taken place to complete the building.
- 1.3 The Planning permission was granted subject to a S106 agreement that, inter alia, provided for contributions in lieu of affordable housing, alongside other contributions relating to :
 - Payment of an initial lump sum of £1,032,660 (one million thirty-two thousand six hundred and sixty pounds) immediately upon commencement of the development for the provision of affordable housing off site
 - Payment of the remainder of the Commuted Sum at the rate of £28,680 (twenty-eight thousand six hundred and eighty pounds) per each Housing Unit on the completion of sale of each Housing Unit PROVIDED THAT the Developer shall pay the Commuted Sum in full within a period of two years after the commencement of the Development whether or not the Housing Units are fully sold within that period.
 - To permanently provide without any restriction public access to the widened area of footway that remains within the boundary of the Land along the frontage of the building in Junction Road and Headstone Road as shown in the approximate position hatched black on Plan “B” annexed hereto.
- 1.4 The development at Bradstowe house is owned by a subsidiary company of Carlson Properties Limited. The terms of the S106 would have required, by this time, the payment of all of the S106 contributions for the affordable housing. The owners of the building suggest that alongside general market conditions the burden created by the requirement for affordable housing contributions has prevented the re-commencement of the development. Further the mix of units and amount of commercial floor space within the building means that the viability of the development is insufficient to enable borrowing to support the completion of the development in accordance with the planning permission.
- 1.5 Officers have met with the owners of the building on three separate occasions to discuss the matter of the outstanding S106 obligations and the mix of uses within the building. Revised plans have been tabled by the owners which indicate a revised ground and first floor to the building, as well as a re-design of

residential units on the upper floors to reflect a focus away from “buy to let” landlords towards “owner occupiers”.

- 1.6 Whilst engagement has been sporadic, counsel and legal advice has also been sought by officers on the most appropriate means to secure fulfilment of the S106 obligations. Given the importance of securing re-commencement of work on the building and, as a minimum, the completion of the external finishes to reduce the adverse impact that the existing structure has on perceptions of town centre vitality, officers have sought to engage positively with the owners in order that a definitive proposal can be presented to the planning committee for determination in due course.

2 Options considered

- 2.1 Officers are currently considering a range of options designed to secure the recommencement of development on the site (to at least envelope the current shell) and payment of outstanding S106 contributions. Any variation from the current planning permission will require authorisation by the Planning Committee who, at that time, will need to consider the expediency of any deviation having regard to planning policy objectives and the wider interests reflected in housing delivery and regeneration objectives for the area. Whilst there remain avenues for enforcement of the S106 agreement, the expediency of such action, at this time, will need to be carefully balanced alongside other material planning objectives.

3 Financial Implications

- 3.1 In the event of a revised planning application, the costs of considering such an application and varying the agreement will need to be borne by the owners. Should the Council seek to pursue formal action to secure compliance with the S106 obligations, this would require court proceedings. A detailed report, detailing costs and risks would need to be prepared for consideration by the Planning Committee prior to progressing this option.

4 Risk Management Implications

- 4.1 There are no immediate risks to the Council arising from the report, save for ongoing reputational risk associated with the building unsightly appearance

5 Equalities implications

- 5.1 The development is currently incomplete and unoccupied. Whilst the development will contribute towards the delivery of new (and affordable housing) the report has no direct or indirect implications for equalities.

6 Corporate Priorities

- 6.1 Securing the re-commencement of works on this site would be consistent with the priority supporting the town and local shopping centres and businesses, by addressing the negative perception of Harrow Town centre caused by the current appearance of the site.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 16 th March 2011		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 15 th March, 2011		

Section 4 - Contact Details and Background Papers

Contact: Stephen Kelly, Divisional Director of Planning, Tel 020 8736 6149.
Internal ext 6149.

Background Papers:

Planning Committee Report and Minutes of 2nd May 2001
Section 106 Agreement dated 16th September 2005