

London Borough of Harrow

Agenda Item:

Meeting:	Development Control Committee
Date:	9 th November 2004
Subject:	Youth Centre, Library, Car Parks, Grant Road/George Gange Way, Wealdstone
Responsible Officer:	Request for Variation to the Heads of Terms of the proposed Legal Agreement Chief Officer : Joint Report of the Chief Executive and Chief Planning Officer
Contact Officer:	T E McAlister
Portfolio Holder:	Planning, Development, Housing and Best Value
Key Decision:	No
Status:	Part I
Ward:	Marlborough
Enclosures:	None

1. **Summary / Reason for Urgency (if applicable)**

1.1 Development Control Committee on 18th May 2004 considered planning application P/3020/03/CFU for the redevelopment for housing of the Grant Road library and community centre sites plus adjacent public car parks. (Site Plan at Appendix A).

1.2 The Committee resolved to grant permission for the application subject to the prior completion of an S106 legal agreement with the following heads of terms:-

- i) submission to and approval by the Local Planning Authority of a scheme which:
 - a) provides a minimum of 71 units of social rented accommodation to current housing corporation scheme design standards (for future management by an RSL).
 - b) ensures that the affordable housing units are available for occupation in accordance with a building and occupation programme to be submitted to and approved by the Local Planning Authority prior to the commencement of work on the site.

All affordable housing units shall be provided in accordance with the definition of affordable housing set out in the deposit version of the replacement Harrow UDP.

- ii) developer shall fund all costs of public consultation, analysis, reporting and implementation of an extension and changes to the adjacent Controlled Parking Zone, at any time within 3 years of occupation of the development, if in the Council's opinion, a monitoring period shows unacceptable on-street parking, up to a maximum amount of £10,000 index linked.
- iii) development shall not commence until replacement community facilities are available for use to the satisfaction of the Local Planning Authority.

1.3 The purpose of this report is to seek agreement to alter head (i)(a) and add a new head (iv).

2. Recommendation (for decision by the Development Control Committee)

- 2.1 That head (i)(a) of the legal agreement be amended to read:
(i)(a) provides a minimum of 71 units of affordable housing (for future management by an RSL)
- 2.2 That a new head (iv) be agreed as follows:
(iv) developer shall enter into and comply with the terms of a legal agreement with the Council under the Highways Act 1980 to ensure that the Council is financially reimbursed for all off-site highways works which it carries out in association with the development (including supervision fees).

3. Relevance to Corporate Priorities

3.1 This report addresses the Council's stated priority of enhancing the environment of the Borough.

4. Background Information

4.1 A report was submitted to the Committee on 29th July 2004 seeking agreement to the above amendments to the S106 agreement plus a variation of head (iii) to allow a start on-site before relocation of the existing library and community facilities to their new location in Premier House.

4.2 The Committee requested a briefing note to clarify the issues. This was circulated by Executive Action on 16th August 2004 to the 3 Nominated Members of Development Control Committee, Councillors Anne Whitehead, Marilyn Ashton and Thornton. Councillors Marilyn Ashton and Thornton indicated on 17th and 23rd August respectively that they did not support the officer recommendation. Councillor M Ashton commented "*Do not agree with starting work on proposed site before the*

Community Centre is relocated". Councillor Anne Whitehead indicated on 23rd August that she supported the officer recommendation.

4.3 Because of the timescale and other constraints a start on-site before relocation of the library and community facilities is no longer sought by the developer and the Executive Action is now being formally withdrawn. This leaves the other two issues to be resolved.

4.4 In relation to head (i) 27 of the 71 units referred to would in fact not be social rented housing but would be shared ownership units for sale. It is therefore suggested that the term 'social rented accommodation' be replaced with 'affordable housing' to embrace both types of accommodation.

4.5 The additional head of term (iv) is suggested to ensure that the Council is reimbursed by the developer for any necessary highway works which are carried out by the Council.

5. Consultations

5.1 None.

6. Finance Observations

6.1 None.

7. Legal Observations

7.1 Considered in the report.

8. Conclusion

8.1 The revised heads of terms of the legal agreement are recommended.

9. Background Papers

9.1 P/3020/03/CFU

9.2 Report to Development Control Committee : 28th July 2004

9.3 Executive Action

10. Author

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