



REGULATORY SERVICES COMMITTEE

29 January 2015

REPORT

Subject Heading:

P1276.12: Land adjacent to Hilldene Avenue, Hilldene Close, Bridgwater Road, Harold Hill, Romford

Redevelopment of the part-vacant Hilldene North site to provide 100 residential units (58% affordable housing) with ancillary car parking and associated landscaping.

Ward:

Gooshays

Report Author and contact details:

Suzanne Terry 01708 4322755
Suzanne.terry@havering.gov.uk

Policy context:

Local Development Framework
Development Control Policies
Development Plan Document

National Planning Policy Framework

London Plan

xFinancial summary:

Not applicable

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	□
Championing education and learning for all	□
Providing economic, social and cultural activity in thriving towns	

and villages	[x]
Value and enhance the life of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

Planning permission was granted for this development in January 2013. The development was subject to a S106 agreement to secure, amongst other things, an infrastructure contribution of £600,000. A deed of variation to the obligation was subsequently entered into linking payment to the commencement of each of the three approved phases of the development. In September 2014 members considered a revised layout to one of these phases (P0819.14) resolving that it would only be acceptable subject to the prior completion of a separate S106 planning agreement to secure an infrastructure contribution for that phase. Prior to signing the new agreement the applicant has requested a further deed of variation to the original obligation to release it from its requirements once it has implemented the new phase 2 proposals and paid the infrastructure contribution under that agreement.

RECOMMENDATIONS

- Subject to all parties to the S106 planning agreement dated 24th January 2013 as varied by a Deed of Variation dated 6th August 2013 (“the original agreement”) agreeing to be party to a further deed of variation that the Head of Regulatory Services be authorised to enter into the deed of variation of the original agreement as detailed in the report to release Countryside Properties (UK) LTD from the obligations contained in the original agreement Provided That the terms of the deed of variation pursuant to Section 106A of the Town and Country Planning Act 1990 shall only take effect following the payment of a financial contribution of £126,000 to be used towards infrastructure costs in accordance with the Planning Obligations SPD and LDF Policy DC72 and the issuing and lawful commencement of planning permission pursuant to planning application reference P0819.14 pursuant to a new legal agreement to be entered into with Countryside Properties (UK) LTD and their mortgagee (bank) on the same date as the aforementioned deed of variation of the original agreement .
- The Developer/Owner to pay the Council’s reasonable legal costs associated with the deed of variation prior to the completion irrespective of whether the deed of variation is completed.

REPORT DETAIL

1. Planning application P1276.12 for 100 new dwellings was granted planning permission on 24th January 2013. The permission is subject to the provisions of a S106 planning obligation which secures, amongst other things, the payment of a total infrastructure contribution of £600,000. The obligation is between the Council and the Notting Hill Housing Trust. The intention was that Notting Hill would develop the first phase as affordable housing and the remaining two phases would be developed separately as market housing. The sale of the land for market housing would mean that the new owner(s) would become responsible for that part of the infrastructure contribution relevant to their ownership. To clarify the payment of the contribution a deed of variation was entered on 6th August 2013 to allow for this phased payment. Countryside Properties were also a party to this deed of variation as the prospective purchaser from the Council of phase 2 of the development permitted. Notting Hill has now completed much of the first phase and paid the relevant share of the infrastructure contribution in accordance with the deed of variation. None of the development on the other phases has commenced.
2. Planning application P0819.14 submitted by Countryside Properties, concerned a revised layout for 21 new dwellings in phase 2. This was considered by the Committee at its 4th September 2014 meeting and found to be unacceptable without the prior completion of a planning obligation to secure an infrastructure contribution payment of £126,000 in relation to the development of phase 2, to be paid prior to commencement. This Section 106 Agreement has yet to be completed and would have to be completed prior to or simultaneously with the deed of variation which is the subject of this report.
3. Countryside Properties has been advised by its bank that there could be small risk that it could be charged contributions under both obligations and that it should seek a variation to the original obligation to release it from any of its obligations. This release would be contingent on planning permission being granted for the P0819.14 (following completion of a new legal agreement), the infrastructure contribution being paid and the development under P0819.14 being lawfully commenced. Countryside Properties has been advised by its bank that it should not enter into the new planning agreement until the deed of variation securing this release had been completed. Staff have been advised by Countryside Properties that Notting Hill Housing Trust is also willing to be party to the deed of variation. This is essential if the deed is to have legal effect.
4. Staff consider that there are no financial or other risks in entering into the deed of variation so long as it is completed simultaneously with the Section 106 pursuant to planning application reference P0819.14 and that, subject to the Council's reasonable legal expenses being met, it is recommended that the Committee authorise the Head of Regulatory Services to enter into the deed of variation as outlined in this report.

IMPLICATIONS AND RISKS

Financial implications and risks: None

Legal implications and risks: Legal resources will be required to prepare and complete the deed of variation.

Human Resources implications and risks: None

Equalities implications and risks: The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

1. Draft deed of variation.
2. Draft S106 Planning obligation in respect of P0819.14