


Executive Decision Report

Decision Maker	<p>Councillor Rock Feilding-Mellen</p> <p>Deputy Leader and Cabinet Member for Housing, Property and Regeneration</p> <p>Date of report:</p> <p>Date decision entered onto Forward Plan:</p> <p>Forward Plan reference:</p>	 <p>THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA</p>
Report title	Grenfell Tower Planning Application – permission to enter into a Unilateral Undertaking for two additional Hidden Homes	
Reporting officer	Laura Johnson, Director of Housing	
Key decision	Yes	
Access to information classification	Public	

1. EXECUTIVE SUMMARY

- 1.1** This report is seek authority for the Royal Borough to enter into a Unilateral Undertaking which is a deed under section 106 of the Town and Country Planning Act 1990 in connection with a planning application for work at Grenfell Tower on the Lancaster West Estate, W11.

2. RECOMMENDATIONS

- 2.1** That the Royal Borough enters into a Unilateral Undertaking to pay **£17,390.56** for the required S106 planning contributions to enable the provision of a further two x 2 bedroom affordable housing units for rent. In addition the Unilateral Undertaking will require the new homes to be permit free and the Undertaking will need to preserve the permit free element both under S106 of the Town and

Country Planning Act 1990 and Section 16 of the Greater London Council (General Powers) Act 1974.

3. REASONS FOR DECISION

- 3.1** Any decision that requires land owned by the Royal Borough to be bound in a legal agreement has to be authorised by the relevant Cabinet Member.

4 BACKGROUND

- 4.1** A total budget of £10.3 million has been agreed for work to Grenfell Tower on the Lancaster West Estate. £6 million was raised through the sale of properties in Elm Park Gardens with the additional funding coming from the HRA working balance.
- 4.2** As further work has been undertaken on this site, it has become apparent that the relocation of the Neighbourhood office to the redundant EMB rooms would allow for the creation of an additional two affordable homes. This would increase the total number of new homes created at this site from seven to nine.
- 4.3** Planning permission for the agreed scheme involving refurbishment of Grenfell Tower and seven new homes was granted on 10th January 2014. Subsequently, a full OJEU tender process was undertaken by KCTMO resulting in the selection of Rydon as the contractor for the project. It was not until after the commencement of the OJEU process that the further opportunity for two additional units was identified.
- 4.4** As a consequence of this, a separate planning application has been submitted requesting permission to convert the current KCTMO office space into two x 2 bedroom residential units.
- 4.5** The planning application can be approved by officers under delegated powers or by members of the planning applications committee but a signed Unilateral Undertaking must be in place before the planning permission can be granted.

5. PROPOSAL AND ISSUES

- 5.1** The contributions to be agreed to through the Unilateral Undertaking are as below:
- Education contribution (Primary and Secondary) £ 15,206.40
 - Health contributions £1600.00
 - Community facilities contributions £160.00
 - Monitoring Fee £424.16
 - The scheme is to be permit free
 - The 2 new homes are to be social rented housing/affordable

6. OPTIONS AND ANALYSIS

6.1 The contributions required appear to be reasonable when compared to previous schemes and therefore, the Planning Consultant does not recommend challenging the amounts.

6.2 If the unilateral undertaking is not agreed, the two additional units cannot proceed and there will potentially be unused former office space within Grenfell Tower. It would also mean the loss of two much needed affordable homes.

7. CONSULTATION

7.1 The planning application has been subject to the usual planning authority procedures, during which residents and adjoining neighbours have been consulted.

8. LEGAL IMPLICATIONS

8.1 Any person with an interest in Land may enter into a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure planning obligations on the land to increase the quality of the proposed development and/or to mitigate any impacts of a development as may be required by the Local Planning Authority. The Unilateral Undertaking is signed as a deed and runs with the land so it binds the original parties to the Deed and any successors in title to the land. It is enforceable by the Local Planning Authority to ensure that the development is carried out in accordance with the obligations in the Unilateral Undertaking and the terms of the Planning Permission. The Council would also be required to reimburse any legal costs incurred by the Local Planning Authority in drafting, negotiating and completing the S106 Unilateral Undertaking. As stated under paragraph 2.1 above, the Undertaking would also be made under Section 16 of the Greater London Council (General Powers) Act 1974 to secure the permit free obligation.


9. FINANCIAL AND RESOURCES IMPLICATIONS

9.1 The costs of the planning application and Unilateral Undertaking are within the scheme costs approved by Cabinet. If the planning application is delayed, this may incur additional costs to the works programme at Grenfell Tower and further delays to the completion of the work, causing further inconvenience for the residents of Grenfell Tower.

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