



GERALDEVE

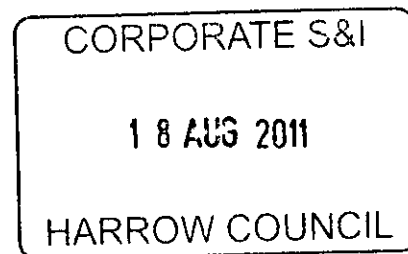
Stephen Kelly Esq
Divisional Director – Planning
Harrow Council
Planning Services
PO Box 37
Civic Centre
Station Road
Harrow
HA1 2UY

72 Welbeck Street London W1G 0AY
Tel. 020 7493 3338
www.geraldeve.com

17 August 2011

Our ref: SWBC/rh/A11788

Your ref:



Dear Sir

**Application for outline planning permission (with some matters reserved)
Town and Country Planning Act 1990
St George's Field, Headstone, Harrow, HA1 4RJ**

On behalf of St George's Parochial Church Council (the applicant), we are writing to submit an application for outline planning permission in respect of St George's Field (the application site).

Accordingly, we enclose one copy of the following:

- (a) your planning application form duly completed including Certificate of Ownership – Certificate B and the Agricultural Holdings Certificate
- (b) the following drawings:
 - 1. CCSG.H 301 Rev 0 – Location Plan
 - 2. CCSG.H 302 Rev 0 – Tree Drawing
 - 3. CCSG.H 303 Rev D – Indicative Masterplan
 - 4. CCSG.H 304 Rev 0 – Indicative Aerial View
- (c) Design & Access Statement (dated July 2009)
- (d) Flood Risk Assessment by WSP (dated July 2009)
- (e) planning application fee cheque for £4,690

This enclosed planning application is for development of the application site in substantially the same form to that which was refused by your Council on 7 October 2010 and which was the subject of the planning appeal which was determined in an Appeal Decision 13 June 2011. As you know, although the appeal was dismissed, in a separate Costs Decision made on the same date, costs were awarded against your Council. The applicants' solicitors, Forsters, are writing to your Council's legal department with a costs claim. For ease of reference, we enclose copies of these decisions.

In the Appeal Decision, the Inspector concluded that the appeal must be dismissed;

Gerald Eve LLP is a limited liability partnership registered in England and Wales (registered number OC339470) and is regulated by RICS. The term partner is used to refer to a member of Gerald Eve LLP or an employee or consultant with equivalent standing and qualifications. A list of members and non-members who are designated as partners is open to inspection at our registered office, 72 Welbeck Street, London W1G 0AY and on our website.



*"...on the narrow ground of three legal points relating to the Unilateral Undertaking."
(paragraph 20, Cost Decision).*

As you are aware, it became necessary to offer a Unilateral Undertaking because your Council refused to enter into a bi-lateral agreement. This was because the applicants were not prepared to offer an indemnity required by your Council against the possibility that a existing covenant dating from 1923 might be exercised to prevent or restrict the Council's use of the land as public open space.

As stated by the Inspector, in the paragraph 23 of the Costs Decision:

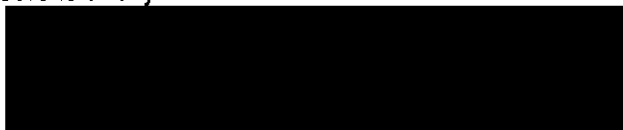
"Were it not for this obstacle the Council might have entered into an agreement. That would have rendered unnecessary the other provisions of the Unilateral Undertaking which I have found defective. The appeal would then have succeeded. As it is, it has failed."

The purpose of this application is, therefore, to overcome this obstacle and to secure planning permission for the development proposed. Accordingly, the applicants are prepared to enter into a Section 106 Agreement which includes an indemnity in respect of the 1923 covenant.

We enclose a draft proposed Section 106 Agreement (together with the Plan and the Retained Land Plan) which has been prepared by the applicant's solicitors, Forsters. This is in substantially the same form as the draft agreed with your Council before the inquiry in May 2011 but with the addition of the indemnity at Clause 6. You will see that we are sending a copy of this letter and the draft Section 106 Agreement only to Abidoun Kolawole in your Council's legal department. He should contact Tim Taylor at Forsters about this draft whose contact details are provided on the front page.

Having regard to the planning history of this site and, in particular, the conclusions in the most recent Appeal Decision and the Costs Decision, together with your Council's familiarity with the development proposed, we hope that you will be able to deal with this planning application swiftly. Please let our partner, Simon Chalwin, who is dealing with the matter, know if there is anything further that you need in order for your Council to determine this application favourably as quickly as possible.

Yours faithfully



Gerald Eve LLP

cc. Rev. Stephen Keeble
Meg Pointer, Church Warden
Charles Campion, John Thompson and Partners
Karen Smith, London Diocesan Fund
Abidoun Kolawole, Senior Lawyer, Harrow Council
(with draft Section 106 Agreement only)
Tim Taylor, Forsters