

## Land at Benedict Wharf, Mitcham

in the London Borough of Merton

planning application no. 19/P2383

### Planning application

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 ('2008 Order').

### Strategic issue

To extend the time period for completion of the Section 106 legal agreement to **3 December 2021**.

### Recommendation

That the Deputy Mayor agrees to an extension of time for the completion of the Section 106 agreement (i.e. the period after which the Head of Development Management has delegated authority to refer the application back to the Deputy Mayor in order to refuse permission if the Section 106 legal agreement is not completed).

### Context

1 On 8 December 2020, the Deputy Mayor (under delegated powers) acting as local planning authority, resolved to grant conditional planning permission in respect of London Borough of Merton planning application 19/P2383 – Land at Benedict Wharf, Mitcham - subject to the prior completion of a Section 106 legal agreement.

2 The Deputy Mayor also gave delegated authority for the Head of Development Management to negotiate the Section 106 legal agreement and to refer the application back to the Deputy Mayor in order to refuse permission should the Section 106 agreement not be completed by 8 April 2021.

3 On 1 April 2021, the Deputy Mayor approved an extension of this timescale to Friday 11 June 2021.

4 On 4 June 2021, the Deputy Mayor approved a further extension of this timescale to 31 August 2021.

### Extension of time

5 A Holding Direction was issued by the Secretary of State on 7 December 2020. This Holding Direction prevented planning permission being issued until the Secretary of State considered the application and reached a conclusion on whether the application should be called in for his own determination. This Holding Direction was lifted on 18 May 2021, as set out in MHCLG correspondence which confirmed that

the Secretary of State has decided not to call in this application and he is content for the application to be determined by the local planning authority, which in this case is the Mayor.

6 The S106 agreement is in an advanced stage. However, a further time extension to **3 December 2021** is sought to enable the S106 to be finalised and agreed.

## **Legal considerations**

7 Under the arrangements set out in Article 7 of the 2008 Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Deputy Mayor (under delegated powers) is acting as the Local Planning Authority for the purposes of determining this planning application.

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## ***Decision record***

### **Extension of Section 106 completion period to 3 December 2021 (agreed / not agreed)**

I agree the recommendation of this report.



### **Jules Pipe**

Deputy Mayor for Planning, Regeneration & Skills

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