

LOCATION: Barnet and Southgate College, Grahame Park Way, Colindale, NW9 5RA

REFERENCE(S): W01731GB

WARD: Colindale

APPLICANT: Barnet and Southgate College

PROPOSAL: Deed of variation to Section 106 Agreement in respect of Clause 3 (multi-purpose pitch and community contribution)

RECOMMENDATION:

That, subject to the completion of all necessary legal and other documentation, a Deed of Variation to the Section 106 Agreement attached to planning permission W01731GB is authorised to secure the following changes:-

- (i) **Clause 3:** To delete the obligations to provide the community education and leisure centre, multi-purpose sports pitch, club house, pavilion and contribution to community benefit; and

1. BACKGROUND

Historic Permission and S106 Agreement

On 5th December 1995 full planning permission (ref W01731GB) was granted for a residential development of 86 dwellings on the Former Hendon College Playing Fields off Grahame Park Way in Colindale. This permission relates to the present day housing development to the north of the Barnet and Southgate College, which comprises Lancaster Close and the developments fronting Corner Mead, Field Mead and Grahame Park Way within this block. The planning permission is accompanied by a Section 106 Agreement securing community and infrastructure benefits, to be complied with within 2 years of first occupation of 20% of the residential dwellings. On 24th October 2001 planning permission was granted to extend the time period for compliance with the obligation to construct the multi-purpose sports pitch and floodlighting until 24th January 2002 (ref W01731HX/01).

The original Section 106 Agreement included an obligation to provide the community education and leisure centre, multi-purpose sports pitch, club house and pavilion pursuant to planning permission W01731GA (Clause 3.1.2), on land to the north of the College. The Agreement also included an obligation to pay a £250,000 contribution 'to provide equivalent community benefit for loss of playing field' (Clause 3.1.1).

The housing development was subsequently constructed and completed however the section 106 obligation was never implemented.

Relocation of Barnet College

In the intervening time, Colindale has been designated as an Opportunity Area for housing growth and the Council has adopted the Colindale Area Action Plan in March 2010 which identifies the Barnet and Southgate College site for housing development and land for a primary school. The Colindale AAP also supports the relocation of the College to a site closer to Colindale Underground Station.

As detailed in the CRC report 17 July 2012, the Council's Regeneration Service, in conjunction with the Council's development partner for the Scheme, Choices for Grahame Park, has been in discussions with Barnet and Southgate College to agree the terms to deliver i) a new college on Plot A8 within Phase 1b of the Grahame Park Estate Regeneration Scheme and ii) a land swap agreement to enable the development of the existing Barnet College site for residential and secure a site for a 2 form entry primary school.

This proposal will see the delivery of a new high quality college facility and ensures the retention of the College within Colindale, particularly at the heart of the regeneration of Grahame Park, bringing additional vitality and economic activity to the area. It releases the existing college site for residential development for new family houses and, importantly, a 1.6 hectare site for a new primary school. The new college will incorporate a new public library and Centre for Independent Living (CIL) that will replace the existing specialist service provided in the Flightways Centre in the Concourse.

Locating the new college facility on Plot A8 is dependent upon the sale of the existing college site at Grahame Park Way for funding. The redevelopment of the Grahame Park Way site is therefore to be considered as enabling development.

As part of the process of preparing the College site for sale to fund its relocation to Plot A8, the unfulfilled obligations relating to the all weather sports pitch within the historic section 106 agreement which run with the land, need to be removed. This report therefore seeks approval to enter into a deed of variation to amend the historic section 106 legal agreement to delete the relevant clauses.

2. MATERIAL CONSIDERATIONS

2.1 Relevant Planning History

App Ref.	Address	Description of Development	Decision and Date
W01731GB	Former Hendon College Playing Fields, Grahame Park Way, Hendon, London NW9	86 dwellings comprising 51 two storey houses, 8 three storey houses accessed off Corner Mead with associated parking and new estate road, two and three storey block of 27 flats with parking access from Field Mead	APPROVED 20/10/1995
W01731GA	Hendon College, Corner Mead, Grahame Park Way, Hendon, London NW9	Residential development up to 198 h.r.h on gross area. Community, education and leisure centre attached to existing college buildings. New multi-purpose all weather sports pitch with pavilion/clubhouse.	APPROVED 05/04/1995
W01731HX/01	Barnet College (formerly Hendon College), Corner Mead, London NW9 5RA	Further extension of time until 24 th January 2002 for compliance with the legal agreement imposed upon planning permission W01731GB issued 18/12/95 requiring the College to construct a multi-purpose sports pitch with floodlighting on land between the college and housing to the north	APPROVED 24/10/2001

2.2 Proposal

It is proposed to remove the obligations under Clause 3 in their entirety and the changes would be secured through a Deed of Variation to the original Section 106 Agreement. The proposed variation to the existing section 106 will remove the obligations that run with the land and will enable the College to dispose of the site for residential development and a primary school, in line with the policies and objectives of the adopted Colindale Area Action Plan.

2.3 Planning Assessment

There are two principle obligations within Clause 3 of the Agreement, the first requires the payment of a £250,000 contribution towards community benefits for the loss of sports facilities, whilst the second requires the community education leisure centre, multi-purpose sports pitch, club house and pavilion to be constructed pursuant to planning permission W01731GA. The Agreement also requires that these facilities are available for community use. These are historic obligations that relate to the release of part of the College site in the mid 1990's for residential development, when the site was known as Hendon College. Under the terms of the agreement, the obligations should have been complied with within 2 years of occupation of 20% of the residential units. In 2001 the Council granted permission to extend the time period for the construction of the multi-purpose sports pitch and floodlighting to January 2002. Since then the obligation has not been complied with by the College and the Council has not sought to enforce it.

Alternative Sporting Provision

The obligations were intended to provide mitigation for the loss of sports pitches that were built on as a result of the residential development, as at the time there were no other similar facilities in the locality. However, since the original planning permission was granted the area has changed considerably and other all weather sports facilities have been delivered. These include the Grahame Park Community Pitch on Great Strand which comprises a floodlit all-weather pitch. New sports pitches and facilities are currently being constructed as part of the new Orion School on the former Mill Hill Sports Club site on Grahame Park Way to the north of the College site. The school and facilities have been specifically designed to be accessible and usable by the community outside of school hours. The sporting facilities available to the public include the following:

- 2 Small Football Pitches
- 1 Netball Court
- Multi Use Games Area (MUGA) (capacity 22 persons)
- 180sqm hall for badminton and sports
- Changing rooms with shower facilities

The new school that will be delivered on the College site in the future will also include sports pitches and other facilities that will be accessible to the community for public use out of school hours.

It is therefore considered that adequate alternative facilities now exist locally to cater for the area. The provision of the sports facilities on the College site as set out in the original section 106 agreement is no longer necessary.

Future Redevelopment of College Site

The adopted policy position in relation to the College site has also changed with the adoption of the Colindale Area Action Plan (CAAP) in 2010. Subject to the relocation of Barnet and Southgate College, the site is now identified to provide 1.6ha of land for a 2 form entry primary school with the remainder being redeveloped for housing as part of a comprehensive plan-led approach to the regeneration of the Colindale area.

The relocation of the College to a more sustainable site closer to Colindale Tube Station is also supported in the Colindale AAP. The College is proposing to relocate to Plot A8 within Phase 1B of the Grahame Park Estate regeneration and the Council and its Development partner, Choices for Grahame Park, are in advanced discussions to achieve this. The new college building on A8 will include a new public library and Centre for Independent Living (CIL). The College held a public consultation on their emerging proposals for the new college building on A8 earlier in the summer and it is anticipated that a planning application will be submitted before the end of the year.

The relocation of the College to Plot A8 within the Grahame Park Regeneration will be funded from the sale of their Grahame Park Way site for housing.

In order for this to it is therefore necessary to ensure that they are released from these obligations, which would otherwise run with the land.

3. CONCLUSION

In summary, the provision of the sports facilities required by the original Section 106 Agreement is no longer necessary, given the provision of such facilities in the locality of the site since the original Agreement was drawn up. There is a clear up-to-date policy position that positively plans for growth within the Colindale area, including sports facilities, and that allocates the College site for residential redevelopment and a primary school that would have its own community sports facilities.

The Council, College and Choices for Grahame Park are working actively towards achieving the relocation of Barnet and Suthgate College to Plot A8 within Phase 1B of the Grahame Park Regeneration. The relocation will be funded by the sale of the College site for housing development. In order for the site to be sold it is necessary to vary the historic section 106 Agreement to remove the unfulfilled playing pitch obligation on the land and enable the College to dispose of the site. The relocation of the College will also secure a 1.6 hectare site for the Council for a future primary school along with new library and CIL facilities within the new college building on A8.

Approval is therefore recommended to allow the completion of a deed of variation to allow the necessary changes to the historic section 106 agreement to be made.

SITE LOCATION PLAN: Barnet & Southgate College

REFERENCE: W01731GB

