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<b>Meeting</b>	Cabinet Resources Committee
<b>Date</b>	4 November 2013
<b>Subject</b>	Pavilion Way HA8 proposed disposal
<b>Report of</b>	Deputy Leader of the Council / Cabinet Member for Resources and Performance
<b>Summary of Report</b>	Proposes the freehold sale of up to one acre of the subject property, to Taylor Wimpey UK Limited, for new housing. The remainder of the site would be developed as a primary school with a community sport provision for use by local people outside school hours

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<b>Officer Contributors</b>	Kevin Shutter, Head of Estates George Church, Principal Valuer
<b>Status (public or exempt)</b>	Public (with Exempt report). The exempt report is exempt from publication for because it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and under paragraph 5 of part 1 of Schedule 12A to the Local Government Act 1972 (as amended) relating to the financial or business affairs of any person (including the authority holding that information).
<b>Wards Affected</b>	Burnt Oak
<b>Key Decision</b>	Yes
<b>Reason for urgency / exemption from call-in</b>	Not applicable
<b>Function of</b>	Executive
<b>Enclosures</b>	Drawing Number 23839, (Pavilion Way site plan)
<b>Contact for Further Information:</b>	George Church, Principal Valuer, george.church@barnet.gov.uk

## **1. RECOMMENDATION**

- 1.1 That authority be given for the disposal of up to one acre of the southern end of the Pavilion Way site shown on drawing number 23839 to Taylor Wimpey UK Limited (“Taylor Wimpey”) for development as housing subject to receipt of a satisfactory planning permission.
- 1.2 That following agreement of the consideration to be received from Taylor Wimpey the proposal is referred to a future meeting of the Council’s Cabinet Resources Committee.
- 1.3 That the Council enters into an agreement for lease with the Department for Education (DfE) and The Marco Polo Academy for funding by the DfE for the development of the remainder of the site as a primary academy school with approximately 360 pupils together with a community sports facility. The agreement for lease will provide for the Council to grant a 125 year Academy Lease of the completed school and sports facility to The Marco Polo Academy based on the DfE model form of lease in accordance with the Academies Act 2010. The Academy Lease will provide for the Academy to maintain and run the sports facility for local people.

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 21 May 1986 - Western Divisional Planning Sub Committee. Former London Transport Executive Sports ground, Deansbrook Road, Edgware, Laing Homes Ltd / London Regional Transport. Application W1591B for residential development at 85 h.r.p.a. on 7.9 acres and use of 3.3 acres as sports field with changing rooms and car park. (The Pavilion Way site).
- 2.2 28 May 1986 - Development and Estates Committee. Purchase of 3.06 acres of sports facilities for recreation purposes, comprising an all weather sports area and an Association size football pitch, including changing rooms and car park. (The Pavilion Way site).

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The proposals in this paper will assist towards the Council’s priority set out in its Corporate Plan for 2013-2016 of promoting responsible growth, development and success across the borough. The sale of up to one acre of the site will enable the development of an area of new housing, the construction of a new school and an area of all weather pitch to be used both by the school and local people. It will provide 360 primary school places in an area of high demand for school places. These new facilities will assist the Council in meeting its key priority outcome of creating better life chances for

residents to age well will also be addressed by the new sports facility for local people being used by the over 55s.

#### **4. RISK MANAGEMENT ISSUES**

- 4.1 There is a risk of failure of the management of the sports facility resulting in deterioration of the facility in future years to the detriment of the public usage of the facility. This risk has been addressed by the facility being included in the Academy lease to the proposed school who will manage the facility for both school and public use.

#### **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 The Council and all other organisations exercising public functions on its behalf are required under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regard to eliminating discrimination.
- 5.2 The property development envisaged by this proposal provides new housing, a primary school and a public sports facility. These facilities will be available for all sections of the community. Satisfaction ratings among different protected groups of residents will increase because the land at present is largely unused and is in poor condition and the development envisaged will cause it to be brought back into use.
- 5.3 The proposal will enhance the reputation of Barnet as a good place to live and work as the new facilities will be attractive to both local Barnet people and people coming to live and work in the borough. It is anticipated the proposal will be well received by Barnet's diverse communities because there has been public pressure for some time to bring this under utilised asset back into full use and the proposals will enable this. The proposal by the Department of Education to fund the provision of a Free School offering a Mandarin provision on site, will add to the diversity of Barnet's education offer and increase parental choice.
- 5.4 The provision of the new sports facility will promote good relations between the diverse communities in forming teams of players to use the facility. Although local residents have not yet been consulted on the anticipated impact of the proposal, public consultation on the proposals will take place when the planning application has been prepared.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 There are no procurement, performance and value for money, staffing, IT or sustainability implications. A capital receipt will be received by the Council from Taylor Wimpey Ltd in respect of the sale of the part of the Council's site for which planning permission for housing will be sought. The amount of the capital receipt will depend on the extent of the permitted housing. The future report to Cabinet Resources Committee referred to in paragraph 1.2 above will report the amount of the capital receipt. The property implications are set out in paragraph 9 below.
- 6.2 The entire building cost and the cost of equipping the primary school which will provide 360 primary school places has been secured in principle from the DfE as the school is sited in an area of basic need for Barnet as an Education Authority. The Marco Polo school has been matched to the site by the DfE on the basis of Barnet granting an Academy Lease of the school and the community sports facility. The school will run the sports facility, using it themselves during school hours and arranging for its use by the public outside these hours.
- 6.3 The principal terms of an Academy lease are that the terms of the lease be for 125 years, at the rent of a peppercorn per annum if demanded, the premises are to be kept in repair, used for educational purposes and for ancillary community, fundraising and recreational purposes. Assignment of the whole lease is not permitted
- 6.4 Any costs incurred in bringing this scheme forward, will be covered by the customer and support group budgets.

## **7. LEGAL ISSUES**

- 7.1 These are contained in the exempt section of the report on the basis that they are legally privileged.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 Council Constitution, Responsibility for Functions, states in paragraph 4.6 the functions delegated to the Cabinet Resources Committee including all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.

## **9. BACKGROUND INFORMATION**

- 9.1 The Council owns the freehold interest of the former Deansbrook Sports Centre, Pavilion Way, which comprises a site of approximately 3 acres.

- 9.2 The subject property formed part of a former sports ground of 7.8 acres previously owned by London Regional Transport. It was purchased by Laings in 1985 who developed the larger part of the site for housing and developed the subject land as a sports centre in accordance with the terms of the planning consent for the larger site. Following the financial failure of the Council's tenant of the sports centre in 2003, the facility has not been let for many years. It has been used informally by the public as a kick about area.
- 9.3 Discussions have been held with Taylor Wimpey concerning the principle of a sale of part of the subject site. The extent of the site to be sold to Taylor Wimpey will depend on the terms of the planning consent to be granted for the whole development of the site for housing school and a shared sports facility.
- 9.4 Although planning consent has not yet been applied for, and the detailed terms of the sale have yet to be finalised, DfE is seeking an early commitment from the Council to the proposal for the development of a school on the site.

## **10. LIST OF BACKGROUND PAPERS**

- 10.1 None

<b>Cleared by Finance (Officer's initials)</b>	<b>JH</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>IDG</b>