

LOCATION: Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9

REFERENCE: H/04003/14

WARD: Colindale

APPLICANT: Barnet and Southgate College

PROPOSAL: Modification of S106 Planning Obligation to amend clause 11 pursuant to planning permission W01731JS/04 dated 17/01/07 (as varied by planning permission H/00309/11), for 'Redevelopment of site involving the demolition of 1314 existing residential units and construction of 2977 new residential units providing a total of 3440 units on the estate, provision of approximately 9074sqm replacement retail (Class A1), office (Class A2) food and drink (Class A3) and social and community (Class D1) uses and associated public and private open space, car parking and access arrangements'

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 H/00309/11 (originally dated 23rd January 2007) is authorised to secure the following changes:-

- (i) The release of Choices for Grahame Park Ltd / Genesis Housing Association from all the obligations under Clause 11.
- (ii) The deletion of obligation 11.1.2 to remove the requirement to pay the sum of £100,000 to the Council for the purposes of enabling the Council to fit out and furnish the library.
- (iii) The amendment of obligation 11.2 to require the new library to have a gross internal floor area of 500sqm, instead of 750sqm.
- (iv) The insertion of a new Clause 11.5, which provides that:
 - Upon practical completion of the new library as part of the Barnet and Southgate College development at Plot A8; and
 - Upon completion of a lease between the College and the Council for the new library;

Clause 11 shall be deemed to be satisfied in its entirety.

1. BACKGROUND

Planning History and S106 Agreement

The original outline planning permission for the redevelopment of the Grahame Park Estate was granted on the 17th January 2007 (ref W01731JS/04), giving consent for the demolition of 1314 residential units and construction of 2977 residential units (providing 3440 units across the estate), along with replacement retail and community uses. This original consent has been amended through S.73 applications to amend phasing (ref W01731LB/07), extend the time limit for implementation (ref H/04448/10) and to alter the block layout in Phase 1B (ref H/00309/11).

The Grahame Park Estate regeneration scheme is being built out by Choices for Grahame Park (CfGP), led by Genesis Housing Association (GHA). Reserved matters for Phase 1B were approved on 21st February 2012 (ref H/00308/11) and include detailed designs for the provision of a new public library on Plot A8.

The original S.106 Agreement, dated 31st January 2007, contains a number of provisions including those relating to the provision of the library, which can be found under Clause 11 of the Agreement. Specifically, 11.1.2 requires the developer to pay the sum of £100,000 to the Council for the purposes of enabling the Council to fit out and furnish the new library and 11.2 requires the library to have a gross internal floor area of 750sqm.

Relocation of Barnet and Southgate College to Plot A8

The Colindale Area Action Plan (CAAP) promotes the relocation of Barnet and Southgate College from their current campus to the north east of Grahame Park, to a more sustainable location closer to Colindale Underground station. The Planning Committee on 30th July 2014, resolved to grant permission for a revised development of A8 to include a 5,536sqm college, 500sqm public library and 500sqm centre for independent living (ref H/00320/14). This scheme therefore retains the public library element of the previous consent, albeit with a reduced floorspace of 500sqm compared to 750sqm.

2. MATERIAL CONSIDERATIONS

2.1 Relevant Planning History

App Ref.	Address	Description of Development	Decision and Date
W01731JS/04	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Redevelopment of site involving the demolition of 1314 existing residential units and construction of 2977 new residential units providing a total of 3440 units on the estate, provision of approximately 9074sqm replacement retail (Class A1), office (Class A2) food and drink (Class A3) and social and community (Class D1) uses and associated public and private open space, car parking and access arrangements. (OUTLINE)	APPROVED 17/01/2007

W01731LB/07	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Section 73 application for variation to the approved phasing (amendment to phases 1A (Anson Block), 1B, and 4A) of the regeneration of Grahame Park Estate requiring the variation of conditions 4, 7 and 30 of Outline Planning Permission W01731JS/04 dated 17-01-2007.	APPROVED 09/04/2008
H/04448/10	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Extension to the time limit for implementing planning permission W01731LB/07 granted 09/04/08 for "Section 73 application for variation to the approved phasing (amendment to phases 1A (Anson Block), 1B, and 4A) of the regeneration of Grahame Park Estate requiring the variation of conditions 4, 7 and 30 of Outline Planning Permission W01731JS/04 dated 17-01-2007."	APPROVED 16/02/2011
H/00308/11	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Reserved matters application seeking approval for design, external appearance and landscaping for Phase 1B of the Grahame Park Estate Regeneration comprising 446 residential units (including Block A9), 5,483sqm (GEA) of non-residential floorspace including a library (Use Class D1), community centre (Use Class D1), supermarket (Use Class A1) and ancillary retail units (Use Classes A1, A2 and A3), pursuant to condition 6 of planning permission reference H/04448/10 dated 16/02/11 for the extension to the time limit for implementing outline planning permission reference W01731LB/07 dated 09/04/08 for the regeneration of Grahame Park Estate, together with details of traffic management/highway improvements (condition 11) and phasing plans (condition 47) required to form part of the reserved matters, and details of the construction methods statement in order to discharge condition 49.	APPROVED 21/02/2012
H/00309/11	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Section 73 application to vary conditions 4 (approved drawings), 8 (floorspace), 10 (on-site drainage), 11 (transport and movement), 15 (Design Codes), 19 (materials), 21 (landscaping scheme), 26 (open space), 27 (areas of play), 29 and 30 (Grahame Park Open Space), 37 (ventilation/extraction), 42 and 43 (archaeology) of planning permission reference H/04448/10 dated 16/02/11 for	APPROVED 21/02/2012

		the extension to the time limit for implementing outline planning permission reference W01731LB/07 dated 09/04/08 for the regeneration of Grahame Park Estate. Application accompanied by an Environmental Statement Addendum.	
H/02522/13	Grahame Park Estate - bounded by Lanacre Avenue to the west, Grahame Park Way to the south and Field Mead to the North, London, NW9 5UP	Non material amendment to previously approved application Ref: H/00308/11 dated: 12/2/2012 for: Reserved matters application seeking approval for design, external appearance and landscaping for Phase 1B of the Grahame Park Estate Regeneration comprising 446 residential units (including Block A9), 5,483sqm (GEA) of non-residential floorspace including a library (Use Class D1), community centre (Use Class D1), supermarket (Use Class A1) and ancillary retail units (Use Classes A1, A2 and A3), pursuant to condition 6 of outline planning permission reference H/00309/11 for the regeneration of Grahame Park Estate, together with details of traffic management/highway improvements (condition 12) and phasing plans (condition 44) required to form part of the reserved matters, and details of the construction methods statement in order to discharge condition 46. Amendments to include: change to sub-phasing of Phase 1B to create Sub-Phase 2 to allow for the delivery of the new Lanacre Avenue shift and Sub-Phase 3 for the delivery of Blocks A1, A8, B1 and B6.	APPROVED 14/08/2013
H/00320/14	Development Plot A8 (Grahame Park Estate Regeneration), Lanacre Avenue, Colindale, NW9	Revised application for development of plot A8 consisting of a 5 storey building comprising a 5,536sqm college, 500sqm public library and 500sqm centre for independent living (all Use Class D1); associated vehicle access, parking, landscaping, refuse and cycle storage (this is an amended proposal for the whole of this development plot, being proposed instead of the reserved matters approval reference H/00308/11 dated 21/02/2012 for 57 flats, a 750sqm public library, 945sqm centre for independent living and 279sqm of retail floorspace)	CURRENT

2.2 Proposal

It is proposed to remove Clause 11.1.2 to remove the obligation to pay the sum of £100,000 for library fit out. It is also proposed to amend the floorspace of the new library to reflect the revised Barnet and Southgate College proposals for Plot A8. In addition, GHA would be relieved of their obligations under Clause 11, which would pass to the College until the new library is practically completed and a lease agreed with the Council. The changes would be secured through a Deed of Variation to the original Section 106 Agreement.

2.3 Planning Assessment

Clause 11 of the Grahame Park S.106 Agreement contains a number of obligations relating to the provision of the public library, as set out below:

11.1 The Developer shall not take any steps in carrying out the Development which requires the Existing Library to cease its normal use until:-

11.1.1 construction of the New Library has been completed to Occupation Finish Standard

11.1.2 it has paid the sum of £100,000 to the Council for the purposes of enabling the Council to fit out and furnish the New Library

11.2 The new Library shall have a Gross Internal Floor Area of 750m² and shall be constructed at a cost to the Developer (including fees, expenses and value added tax) not exceeding in the aggregate the sum of £1,272,000 Index-Linked from the Indexation Date

11.3 Before beginning construction of the New Library the Developer shall serve upon the Council the New Library Commencement Notice

11.4 Upon construction of the New Library by the Developer to Occupation Finish Standard to the reasonable satisfaction of the Council the Developer shall grant a lease of the premises concerned to the Council (and shall use reasonable endeavours to do so within 6 months from the date of completion to Occupation Finish Standard) and that lease shall:-

11.4.1 be for a term of 125 years

11.4.2 be granted without payment of a premium and at a peppercorn rent

11.4.3 require the tenant to keep the demised premises in good and tenantable repair (subject to clause 11.4.4 as regards the structure)

11.4.4 if the demised premises form part of a larger building require the landlord to keep the structure of the building concerned in repair subject to the payment by the tenant to the landlord of a fair and equitable contribution to those costs and to the insurance of the building (but if the demised premises do not form such a part require the tenant to keep the structure in good repair)

11.4.5 be otherwise on terms to be agreed between the Developer and Council (or in default of agreement determined under clause 25) but not so as to impose unusual obligations on either party to the lease

As mentioned, the library was originally intended to form part of the Phase 1B development by GHA. However, the College will now be developing Plot A8 and will be providing the library to occupation finish standard - the Principal Development Agreement (PDA) between the Council and Genesis has been amended to reflect this. Importantly, the Council has identified that the library fit out costs can be met through other means and the £100,000 contribution originally secured through the S.106 is no longer required. Also, Library Services have confirmed that the

reduction in library floorspace from 750sqm to 500sqm is acceptable and accordingly this requirement can be amended.

Furthermore, as the College will be building the library, there is no longer a requirement for GHA to be bound by the terms of Clause 11. Instead, a new Clause 11.5 will be added that will be binding on the College, which provides that Clause 11 will be satisfied in its entirety upon practical completion of the library and completion of a lease with the Council.

The remaining clauses shall remain in force, to ensure that the library is constructed and made available before the closure of the existing facility and to deal with the details of the lease arrangements.

3. CONCLUSION

In summary, the £100,000 library fit out contribution required by the original Section 106 Agreement is no longer necessary, as the funding arrangements have changed since the original Agreement was drawn up. The library would still be delivered on Plot A8 and the revised planning application for the College development has received a Committee resolution for approval.

Approval is therefore recommended to allow the completion of a deed of variation to allow the necessary changes to the S.106 Agreement to be made.