



ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 21.05.2015

UNITAS EFFICIT MINISTERIUM	
Title	Planning Performance Agreement – NLBP, N11.
Report of	Joe Henry – Assistant Director for Development Management and Building Control
Wards	Brunswick Park
Status	Public
Enclosures	Draft Planning Performance Agreement
Officer Contact Details	Jason Traves – Principal Planning Officer

Summary

This report seeks approval to proceed with a Planning Performance Agreement with Hindale Ltd for the redevelopment of the NLBP.

Decisions

1. That the Council enter into a Planning Performance Agreement with Hindale Ltd in respect of the matters set out in this report.

1. WHY THIS REPORT IS NEEDED

1.1 On 12.03.2015 the council met with Hindale Ltd (owner) and their project team including Daniel Watney and Plus Architects to discuss their redevelopment proposals for the site. The intention is for a residential led mixed use redevelopment. The proposal would involve the reprovision and expansion of the St Andrew the Apostle Greek Orthodox School of the Russell Education Trust. Although, the provision of housing is in line with national, Mayoral and local policy, the loss of existing floor space would represent a departure from

site specific policy and guidance from the Mayor of London and the London Borough of Barnet. For this reason, given that there is an existing planning brief for the site, preparation of a new planning brief is recommended. This will be in addition to and ahead of the pre-application discussions. The planning brief will enable consultees, the public and Barnet to feed strategically in to the redevelopment of the site. Recognising the considerable work involved in preparing, consulting and adopting a planning brief, as well as pre-application discussions for a site of such a size and complexity as NLBP, the council has sought a planning performance agreement to agree a joined up approach and to cover its costs. This report is necessary to endorse the council entering into this PPA.

2. REASONS FOR DECISIONS

- 2.1 The Council is seeking to take a pro-active approach and facilitate development in accordance with the NPPF whilst providing an opportunity for the public and stakeholders to engage in development of this site.
- 2.2 A draft PPA has been agreed and is ready for signing. The London Borough of Barnet requires that all agreements, including PPAs, are sealed by the Council. This report is therefore needed to give the necessary authority for the Council to enter into the PPA and for the agreement to be sealed.
 - 2.3 If the Council does not enter into the PPA there is a risk that it would not be able to provide sufficient dedicated resources to engage with the developer and deal with the range of issues associated with the redevelopment of a significant site in a timely manner which could lead to delays in delivery of the development. This would be problematic for the school St Andrew the Apostle Greek Orthodox School of the Russell Education Trust which has tight programme and funding timescales to meet its expansion plans to accommodate predicted student numbers. For these reasons it is considered necessary to enter a PPA in this instance.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 In accordance with paragraphs 186 and 187 of the NPPF, the Council is required to take a positive and proactive approach to development proposals, focused on solutions.
- 3.2 The alternative option is not to enter into the PPA. A standard pre-application advice service is offered by the Council for developments, however this is not considered to be appropriate for a regeneration scheme of this scale, taking into account the proposed timescales and complexity associated with the redevelopment which includes 1600+ new homes, a new school, new public open spaces, new commercial and community floorspace.
- 3.3 If the Council does not enter into the PPA the risk referred to at paragraph 2.3 will apply

4. POST DECISION IMPLEMENTATION

4.1 Following approval of this report the draft PPA will be passed to the Council's lawyers to be engrossed and then sealed by the Council. Once signed, the PPA will be reviewed in September 2015 against the progress of the emerging project programme, and a review as to whether any extension of the term will be necessary in order to enable the Council to discharge its functions under the project programme will also be undertaken.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's corporate priorities include the continuing accommodation of LB Barnet on the NLBP site, and the March 2015 Assets, Regeneration and Growth Committee report sets out the Accommodation Options Review and Outline Business Case set for relocating the Council's offices. The Council will be progressively departing the NLBP site with consolidation into Building 2 and Barnet House up to 2017 (with the leases expir 2020 and 2032 respectively). The longer term accommodation proposal is for the Council to relocate to Grahame Park, Colindale. Therefore, the redevelopment of the NLBP would not affect the intentions of the Council in terms of accommodation.
- 5.1.2 As far as policy is concerned, the site is designated as a Strategic Employment Location in the Mayor's London Plan (March 2015) as an Industrial Business Park (IBP). It is further noted that the former recreational land at NLBP once benefited from policy protection under the UDP, and whilst this is superseded, the related Proposals Map still forms a material planning consideration. Such policy designation requires that strategic bodies, including the Greater London Authority (GLA) and Secretary of State (SoS), will have to be satisfied, in the event of a planning application being submitted, that the applicant has provided the necessary justification for any loss of employment land and the recreational land. Any major application will be referable to the Mayor of London and SoS. The brief in itself will be a material consideration

but these external bodies will require supporting material with an application covering issues such as site marketing and surveys of local office and industrial capacity. The GLA has also produced supplementary planning guidance (SPG) on industrial land capacity. It will also be a material consideration in respect of the Mayor's London Plan alongside strategic policies on employment sites and strategic employment locations (SEL's).

- 5.1.3 With regard to planning guidance, the Council's most recent statement of its approach is a Planning Brief (adopted 03 April 2006) which covers NLBP as well as land adjacent to Coppies Grove. The objective of the brief was to protect existing operational employment land and assess how new uses integrate with existing employment uses, whilst creating new uses on underused/redundant employment land (para 8.6). The underlying concept was the creation of sustainable mixed use communities with consolidated viable employment uses, adjacent to retained employment land, combined with new facilities including improved recreational space, small scale leisure and retail facilities and a healthcare facility (para 8.7).
- 5.1.4 The Council has also been in discussions with the GLA to establish a common ground and a way forward for securing the optimal use of the site. An optimal solution would seem to be a residential-led redevelopment whilst retaining some employment and other uses. The council would seek the support of the GLA as part of considering any scheme that represents a policy departure and requires the agreement by the Secretary of State prior to any approval being made. Informally, the GLA have been positive about this approach and consultation with them is ongoing.
- 5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)
- 5.2.1 The Planning Performance Agreement will require the Applicant to pay the Council a sum limited to £105,364.00, payable in instalments, as a contribution towards the funding of the Council's appointed officers for the purposes of providing preparing the site development brief (Function 1 in the PPA = £27,277.00) and for pre-application advice to inform the preparation of the planning application for the site (Function 2 in the PPA = £78,087.00).
- 5.2.2 The PPA will run up to the point of submission of the planning application. It is noted that prior to submission of the formal application the Council will seek to negotiate an extension to the PPA to cover the formal application up to the point of issuing the decision and the planning agreement.
- 5.2.3 Subject to the payment of the monetary sums set out above, the Council will ensure that it devotes sufficient officer resources to ensure compliance with the project programme, including the appointment of a temporary Principal Planning Officer.
- 5.2.4 There are no ICT or property implications arising from this appointment.
- 5.3 Legal and Constitutional References

- 5.3.1 The White Paper, (2007) 'Planning for a Sustainable Future' introduced PPAs to put in place a more effective and collaborative mechanism for handling complex planning applications. Although it has no statutory framework (provided that developers and Local Planning Authorities (LPAs) operate within the restrictions of Local Authority Finance), it allows both the developer and LPA to agree a project plan and programme which will include the appropriate resources necessary to process the planning application to a firm timetable. It gives greater certainty on timescales, costs or supporting evidence from experts. It is another stage in the Government's drive to reform the planning system.
- 5.3.2 Every LPA has the power to charge for negotiating a PPA. This is under the powers conferred by Section 93 of the Local Government Act 2003. These are the same powers under which LPAs can charge for pre-application discussions, but charges must be on a not for profit basis and income from these must not exceed the cost of providing the service.

5.4 Risk Management

- 5.4.1 A Planning Performance Agreement (PPA) is required in order to deal with the pre-application discussions with Hindale Ltd and their advisors to inform the preparation of a masterplan and detailed planning application for the redevelopment of the site. Hindale Ltd has devised a programme that envisages a planning application for the site being submitted in December 2015. There is a risk that, without a PPA, the developers would progress and submit a planning application for the site which would not meet the objectives of planning policy and would not have the benefit of local stakeholder involvement.
- 5.4.2 The provision of a Planning Performance Agreement to fund Council officer time (and other consultants as required) will ensure that comprehensive and timely advice is provided to meet the developer's timescales and will ensure that the Council is able to negotiate and secure an acceptable scheme, as well as deliver the necessary affordable housing, CIL payments and S.106 contributions. In addition, the brief provides the opportunity for local stakeholders to input into the redevelopment and for this to be considered by the Council and developer.

5.5 Equalities and Diversity

5.5.1 Local people and community groups will be involved and engaged during the process for the preparation of the proposals for the site development brief and will be consulted on the formal planning application for the site in accordance with the statutory requirements following submission.

5.6 Consultation and Engagement

5.6.1 Officers have had extensive discussions in the preparation of the draft PPA. Regular meetings have been set up between the Council and developer

project team.

5.6.2 In addition as part of the statutory obligations for bringing forward a development brief, the Council will engage with stakeholders, consultees and the public.

6. BACKGROUND PAPERS

6.1 N/a

7. DECISION TAKER'S STATEMENT

7.1 I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.

8. OFFICER'S DECISION

I authorise the following action

8.1 The Council to enter into a Planning Performance Agreement with Hindale Ltd in respect of the matters set out in this report.

Signed Date

REPORT CLEARANCE CHECKLIST (Removed prior to publication and retained by Governance Service)

Report authors should engage with their Governance Champion early in the report writing process and record the date below. If the decision/report has been reviewed at an internal board please record the date and name of the meeting (e.g. SCB). Otherwise enter N/A. All reports must be cleared by the appropriate Director/AD, Legal, Finance and Governance as a minimum. Legal, Finance and Governance require a minimum of 5 working days to provide report clearance. Clearance cannot be guaranteed for reports submitted outside of this time.

AUTHOR TO COMPLETE TABLE BELOW:

Who	Clearance Date	Name
Governance Champion		n/a
Director / AD / Lead Commissioner		Joe Henry

Enabling Board / Delivery Board	n/a	n/a
Commissioning and Policy	n/a	n/a
Equalities & Diversity	n/a	n/a
HR Business Partner	n/a	n/a
Strategic Procurement	n/a	n/a
HB Public Law	18.05.15	Elaine Bell
Finance	21.05.15	Richard Playle
Governance	13.05.15	Paul Frost

