

LOCATION: Stonegrove and Spur Road Estate, Edgware, HA8 8BT

REFERENCE: W13582E/07 and H/03635/11

Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facility, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking.

WARD(S): Edgware

APPLICANT: Barratt Evolution Ltd

PROPOSAL: Deed of variation to Section 106 agreement attached to planning permission W13582E/07 and H/03635/11 in respect of the planning obligations relating to the Community Centre and Church.

RECOMMENDATION:

Authorise the completion of all necessary legal and other documentation to enter into a Deed of Variation to the Section 106 Agreement attached to planning permission W13582E/07 and H/03635/11 in order to amend the trigger date for the deliver of the Community Centre and any associated amendments to the definitions for the New Community Centre and New Church and Ancillary Facilities.

1.1 Relevant Planning History

| Application Ref. | Address | Description of Development | Decision and Date |
|-------------------------|---|--|--|
| W13582E/07 | Stonegrove and Spur Road Estates, Edgware, London | Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facility, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking. Submission of Environmental Statement. | Approved 6th October 2008 after completion of a S106 agreement |
| H/02723/09 | Zone 6, Stonegrove and Spur Road Estates, Edgware, London | Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 6 of the redevelopment of Stonegrove and Spur Road Estates comprising 98 residential units pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008. | Approved 19th October 2009 |
| H/04521/09 | Zone 5A, Stonegrove and Spur Road Estates, Edgware, London, HA8 8BT | Reserved matters application seeking approval for scale, appearance and landscaping in relation to Character Zone 5A of the redevelopment of Stonegrove and Spur Road Estates comprising 67 residential units for private sale pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008. | Approved 18 th February 2010 |

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|-------------------|--|--|--|
| H/00433/11 | Development Phase 2 (comprising part of Character Zones 2 and 4), Stonegrove and Spur Road Estates, Edgware, HA8 | Reserved matters application seeking approval for scale, external appearance and landscaping in relation to Development Phase 2 (comprising part of Character Zones 2 and 4) of the redevelopment of Stonegrove and Spur Road Estates, comprising 107 residential units, including 19 houses, pursuant to Condition 3 of outline planning permission reference W13582E/07 dated 06/10/2008. | Approved 16th March 2011 |
| H/03635/11 | Stonegrove and Spur Road Estates, Edgware, London | Extension to the time limit for implementing Condition 3 of planning permission W13582E/07 dated 06/10/08 to allow submission of reserved matters to continue development in respect of 'Outline planning application for the redevelopment of Stonegrove and Spur Road Estates to include the demolition of the 603 existing residential units, community and school buildings, and the erection of 937 new residential units, new community hall, church and church hall with nursery facilities, the provision of associated public and private open space, car parking and cycle parking, new vehicular access off Spur Road, new vehicular access off Stonegrove, and new internal road layout. Of the 937 new residential units, the application includes the submission of full details for Zone 1 of the redevelopment which will involve the erection of 138 residential units (31 houses and 107 flats) of which 86 units will be affordable and 52 will be for private sale, associated hard and soft landscaping incorporating new public open space, and associated car parking and cycle parking.' | Approved 7 th December 2011 following deed of variation to the original section 106 agreement |

1.2 Background

Outline planning permission was granted on 6 October 2008 for the regeneration of the Stonegrove and Spur Road Estate under reference W13582E/07. A renewal application was submitted in August 2011 under planning reference H/03653/11, to

renew the planning permission for a further 3 years. This was granted on the 7th December 2011.

The outline planning permission is subject to a section 106 legal agreement dated the 6th October 2008 which contains a number of obligations to mitigate the impacts of the development. A deed of variation to the original section 106 agreement was completed on the 1st April 2009 which amended some of the triggers within the section 106 agreement. A further deed of variation was signed on the 6th December 2011 to link the original section 106 to the renewed outline planning consent granted under ref H/03653/11.

Community Centre and Church

The outline planning permission includes the provision of a new community centre building positioned around the central public square within the masterplan. Condition 47 of the outline consent specifies a minimum gross external floorspace of 440sqm for the community centre.

The 'New Community Centre' is defined in the Section 106 agreement as follows:

the New Community Centre means a new permanent community centre with a Gross External Floor Area of at least 440m² provided to Occupation Finish Standard and furniture and fittings relevant to the particular use to which the occupier is to put the premises in a location to be approved by the Council pursuant to the reserved matters approval or detailed permission for the relevant Phase and at a cost to the Developer (including fees, expenses and value added tax) not exceeding (unless otherwise agreed by the Developer in its absolute discretion) in aggregate the sum of £1,865,606 BCIS index linked and provided in accordance with the provisions of Schedule E to this Agreement

Schedule E of the section 106 agreement (as amended by deed of variation dated 1st April 2009) requires the Developer to "construct the New Community Centre to Occupation Finish Standard so as to make it available for use before the date on which 407 Residential Units are in Occupation."

Church

St. Peters Church and parsonage occupies an area on the western side of the existing estate. This comprises a 1950s/60s community building which is also used for nursery facilities. The Church has a lease for the existing buildings which sit on Council land. The Church land is identified on the plan in **Appendix 1**. The outline planning permission includes the provision of a new church building around the central public square within the masterplan. This will enable the existing church building to be demolished and new housing provided on the land it currently occupies.

The 'New Church and Ancillary Facilities' is defined in the agreement as follows:

the New Church and Ancillary Facilities means a new permanent church and hall with a Gross External Floor Area of at least 400m² (including a nursery capable of accommodating 30 children) in the location approved by the Council under the reserved matters approval or detailed permission for the relevant phase (unless otherwise agreed by the Developer in its absolute discretion) and provided in accordance with the provisions of Schedule N to this Agreement

Schedule N of the section 106 agreement requires that “the Developer shall not take any steps in carrying out the Development which requires the Existing Church and Hall to cease its normal use until construction of the New Church and Ancillary Facilities have been completed.”

Clause 23 of the Principle Development Agreement (PDA) between the Council, Barratt and Family Mosaic requires Barratt and the Diocesan Board to enter into a Church Agreement in relation to the reversion of the Church. Subject to Barratt constructing a new Church and vicarage, the Church will vacate the current building and terminate their lease enabling the land to be transferred for the regeneration.

Stonegrove & Spur Road Community Trust Steering Group

A Stonegrove & Spur Road Community Trust Steering Group (CTSG) has been set up. The CTSG is a delegated sub-group of the Stonegrove & Spur Road Partnership Board which acts as the overall consultative body for the regeneration programme at Stonegrove and Spur Road. The CTSG will be responsible for the development of the proposed community centre. Their role includes:

- Review and sign off of the project programme.
- Commission consultancy work to inform the project programme including viability and sustainability.
- Consultation with the community and stakeholders in relation to use, design and management of the Trust and Centre.
- Development of a management structure for the Community Trust and Community Centre.
- Providing a written and verbal report to the Partnership Board as agreed on the work undertaken by the CTSG in each period and recommendations for decision.

The CTSG is made up of representatives from the Partnership Board and the Stonegrove and Spur Road Community Association comprising elected residents from the estate, and regeneration partners including Family Mosaic, London Borough of Barnet, Barratt, London Academy, St Peter's Church, Independent Tenant Advisor, and Masterplan Architects (Sprunt).

1.3 Community Centre Review

The intention from the outset of the regeneration was for the new community centre within the development to be self sufficient in terms of covering its running costs. On this basis the design of the centre and its business model would rely on the centre having lettable space. Family Mosaic, the Housing Association partner responsible for the affordable homes on the development, is legally obliged through the PDA, to ensure that the Community Trust is set up and will be viable for the long term.

Within the outline masterplan for the Stonegrove regeneration the community centre is located opposite the new Church which would also have its own hall. This means that both facilities would be competing for similar business in terms of renting out hall space and facilities. Given the difficult economic climate, Family Mosaic and the Council were concerned about the future viability of the community centre. Rather than proceed with a proposal that was more than likely to run into financial trouble in the near future, Family Mosaic commissioned Micah Gold Consultants at the beginning of 2012 to undertake a feasibility review of the community centre and to investigate the options available.

The objects of the study were to:

- Review the current and future community centre provision in the surrounding area;
- Identify potential uses and occupants of the proposed community Centre at Stonegrove;
- Review if the masterplan design caters for the needs and aspirations of the local community and potential occupants of the centre; and
- Carry out an options appraisal of the available management options

The study was informed by residents and other stakeholders. The findings were published in Micah Gold Feasibility Study dated 12th April 2012.

Whilst originally it was envisaged that the community centre and Church would be separate buildings, following the findings of the feasibility review and through lengthy consultation with residents and the Church, a strong desire was expressed for a combined facility that retained separate identities and areas within the combined facility. The findings of the Micah Gold report were presented to the CTSG on the 19th April 2012 and at that meeting it was agreed that the two facilities would be provided in a joint building. This was further agreed at the Open Partnership Board meeting on the 30th April 2012.

The Community Trust Steering Group have met monthly since April 2012 to progress the formation of the Community Trust and in September agreed a very tight timetable to form the Community Trust as a legal entity.

In parallel the Development Group, also meeting monthly since June 2012 have drafted the Heads of Terms for providing the new combined Community Centre and Church facility and set out a realistic timetable for the design development of the new building to ensure the aspirations of stakeholders are met within the known constraints. There will continue to be regular consultation with stakeholders as the detailed design proceeds.

The programme is for the Community Centre and Church facility design brief and initial sketches to be completed by December 2012 and to enter into the Church Agreement between Barratt and the Diocesan board by March 2013. The detailed design for the building is to be completed and agreed by July 2013 at which point a planning application will be submitted. Subject to planning consent being secured and the procurement stage, construction is anticipated to commence in Spring 2014 and to complete in Spring 2015. The stages are set out in the table in **Appendix 2**.

A condition of funding by the Homes & Communities Agency is the community and church buildings are completed and handed over by February 2015. The existing facilities will remain in use until the new facilities are occupied at which point the Council will transfer the existing facilities and land to the development partners to enable the final phase of the regeneration to be completed. This means that Barratt cannot build the final phase of housing until they have constructed and completed the new Community Centre and Church facility.

1.4 Timing and Current Build Programme

The current trigger in the section 106 agreement requires the community centre to be constructed by the time the 407th residential unit is occupied.

The phase currently under construction (Zone 2A, Sterling Court) is due for completion in Spring 2013. This phase is entirely affordable housing and will take the total number of constructed units to 388. Therefore the next phase of the development will trigger the community centre requirement.

Academy Lane (Zone 5B & 7) is proposed to be the next phase to be constructed, subject to the approval of the reserved matters application also being considered by this committed (ref H/02475/12). This phase contains 137 units and will take the subtotal for the development to 525 units thereby triggering the community centre obligation in the section 106 agreement.

Barratts current construction programme indicates that to comply with the 407th unit trigger would mean that the community centre would have to be built by April 2014. To meet this timescale would require a planning application to have been submitted in May earlier this year to allow the necessary time for planning approval, working drawings, procurement and construction.

Due to the community centre review commissioned by Family Mosaic, it has not been possible to meet this timescale. Rather than proceed with a proposal that was more than likely to run into financial trouble in the near future, it has been decided to develop a joint Community Centre and Church facility. The process for agreeing the design brief and setting up the Community Trust is underway. The programme has now been set to deliver the joint facility by February 2015. Therefore the unit trigger in Schedule E of the section 106 agreement is required to be amended to reflect the fact that the community centre will now be delivered later in the regeneration programme.

1.5 Proposed Amendments to the Section 106 Agreement

The following change to the triggers within the signed section 106 agreement are proposed:-

Schedule: E

Community Centre

Current Trigger Date: Prior to occupation of 407th unit

Proposed Trigger Date: Prior to occupation of 586th unit

The new trigger date corresponds with the next two phases of the development which are: Zone 5B&7 comprising 137 units, and Zone 4 comprising 61 units which when combined with the 388 units already constructed gives a total of 586.

It is also considered appropriate to include a further clause within the section 106 agreement requiring the Developer to make a financial payment to the Council equivalent of the cost of constructing and completing the Community centre, should for any reason it not be possible for them to complete the work. In this case the payment would be £1,865,606 (BCIS Index Linked) which is the value for the community centre which is already specified in the section 106 agreement.

All other schedules and triggers within the original section 106 remain unchanged.

It should be noted that Barratt cannot demolish the current church building until the new one is complete and ready to be occupied. The current masterplan shows approximately 11 private sale houses and 20 private sale flats on the current Church land. Therefore Barratt will be unable to build these units until they have completed the new Community and Church facility.

1.6 Conclusion

The proposed amendment to the community centre trigger in the section 106 agreement is required to reflect the delay that has occurred to enable a feasibility review of the community centre to be carried out by an independent consultant. Rather than proceed with a proposal that was more than likely to run into financial trouble in the near future, it has been decided to develop a joint community centre and church facility. The process for agreeing the design brief and setting up the Community Trust is underway but a detailed design for the new building will not be ready until summer 2013 and will therefore it will not be possible to construct the community centre to meet the date by which the 407th residential unit will be occupied. The programme has now been set to deliver the joint facility by February 2015. Therefore the unit trigger in Schedule E of the section 106 agreement is required to be amended. The new trigger reflects the number of units being delivered in the next phases of the regeneration as per the reserved matters application that is also being considered by this committee. The Developer will be unable to build approximately 21 private sale houses and flats on the existing Church land until they have completed the new Community and Church facility.

The proposed change to the trigger date in Schedule E of the section 106 agreement and the associated definitions of the New Community Centre and New Church and Ancillary Facilities is recommended for approval to allow a Deed of Variation to be completed.

St. Peter's Church
and Vicarage



APPENDIX 2 - Broad Timetable for the Delivery of the combined community centre and church facility

| Stage | Activities | Timeline |
|--|---|----------------------------|
| Agreement to proceed with combined Community Centre and Church facility | - CTSG approve decision to proceed with combined Community Centre and Church facility | April 2012 |
| Design brief for the combined developed | - CTSG leads on design/consultation & involvement of community - involved in and sign off of design brief - feedback on initial designs | October – December 2012 |
| Church and Vicarage | - Finalise Church Agreement with Church and developer | January 2013 |
| Community Trust | - Undertake recruitment for Community Trust - Induction | February – April 2013 |
| Designs worked up & design consultation on combined Church and Community Hall facility | - Consultation with CTSG and Shadow Trust Board and Partnership Board - Wider public consultation | January 2013 – July 2013 |
| Planning application submitted for combined Community Centre, Church and vicarage | - Sign off of final design - Planning submission made - Planning application consultation and determination | August 2013 – October 2013 |
| Procurement | - Working drawings prepared and procurement | November 2013 – March 2014 |
| Construction | - Contractor appointed - Site start - Construction | April 2014 – February 2015 |
| Combined Community Centre and Church Opens | - Completion and handover | End February 2015 |