

**MEETING**

**ASSETS, REGENERATION AND GROWTH COMMITTEE**

**DATE AND TIME**

**MONDAY 24TH JULY, 2017**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG**

**TO: MEMBERS OF ASSETS, REGENERATION AND GROWTH COMMITTEE (Quorum 3)**

**Chairman:** Daniel Thomas

**Vice Chairman:** Gabriel Rozenberg

**Members**

Richard Cornelius Pauline Coakley Webb Geof Cooke

Ross Houston Rohit Grover Adam Langleben

Peter Zinkin

**Substitute Members**

Tom Davey Val Duschinsky Paul Edwards

Nagus Narenthira Alison Moore Caroline Stock

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

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**ASSURANCE GROUP**

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**Decisions of the Assets, Regeneration and Growth Committee**

24 April 2017

Members Present:-

**AGENDA ITEM 1**

Councillor Daniel Thomas (Chairman)  
Councillor Gabriel Rozenberg (Vice-Chairman)

Councillor Richard Cornelius  
Councillor Pauline Coakley Webb  
Councillor Philip Cohen

Councillor Geof Cooke  
Councillor Rohit Grover  
Councillor Peter Zinkin

**1. MINUTES OF THE PREVIOUS MEETING**

It was **RESOLVED** that the minutes of the meeting of 24<sup>th</sup> April 2017 were agreed as a correct record.

**2. ABSENCE OF MEMBERS**

Apologies were received from Councillor Narenthira who was substituted by Councillor Alison Moore.

**3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS**

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
Peter Zinkin	Upper and Lower Fosters	Non-pecuniary interest declared.  He is the Chairman of the property committee of the United Reform Synagogue, a charity which owns one of the properties on the estate. He will vote on the item.

**4. REPORT OF THE MONITORING OFFICER (IF ANY)**

None.

**5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)**

None.

**6. MEMBERS' ITEMS (IF ANY)**

None.

## **7. ANNUAL UPDATE REPORT ON THE GROWTH AND REGENERATION PROGRAMME**

The Chairman introduced the Annual Regeneration Report and welcomed discussion on the appended Annual Growth Regeneration Programme Report April 2016 – March 2017, the marketing document for the committee’s regeneration programme.

Councillor Zinkin asked for an amendment to the wording of the paragraph on Granville Road to remove the wording ‘estate improvements’. This was agreed and it was recognised that additional minor editing would occur prior to publication of the final document.

Members gave positive feedback about the marketing document and thanked officers for their efforts.

It was **RESOLVED** that the Committee voted unanimously and

1. Noted the general progress being made towards delivering the borough’s Growth and Regeneration Programme.
2. Noted the key achievements and successes from April 2016 to March 2017, and approved the expected activities in 2017/18.

## **8. STRATEGIC OPPORTUNITIES FUND**

The Chairman introduced the report and invited Member discussion. He also proposed that new wording is inserted into Recommendation 2 so that there is a boundary in place within which individual real estate purchases can be made.

Councillor Moore agreed that the amendment to recommendation 2 is helpful and asked that Committee receives updates on the Delegated Authority acquisitions approvals. It was agreed that this would be done six-monthly.

It was **RESOLVED** that Committee

1. **Authorised the principles of the Strategic Opportunities Fund as set out in the report.**
2. **Authorised the purchase of individual real estate, limited to a distance of within five miles beyond the borough boundary and authorises delegation to the Commissioning Director Growth and Development, or the Section 151 Officer, in consultation with the Chairman of Assets, Regeneration and Growth Committee. All such purchases are to be reported back to committee.**
3. **Authorised the commencement of a procurement process to appoint agents to support the development of business cases for acquisitions made through the Strategic Opportunities Fund.**

**Members voted unanimously in favour of approval.**

## 9. OUT-OF-BOROUGH ACQUISITIONS (PHASE 2)

The Chairman introduced the report and sought views from Committee.

Councillor Moore asked for reassurance that adequate support was in place for families housed in temporary accommodation out of the borough, and affected by the Benefits Cap.

It was agreed that this area of responsibility sits within the remit of the Housing Committee. Councillor Thomas agreed to write a letter to the Chairman of Housing Committee to formally request that the issue is reviewed and reported on by his Committee. This would include information on the interventions and support in the areas of schooling and family support networks. Councillor Zinkin agreed that it is important to understand how the policies of this committee impact on people's lives and added that contact would need to be made with Adults Committee as responsibilities are shared with Housing.

It was noted that the final sentence of Recommendation 2 of the report was incomplete and that the words 'in consultation' should be removed.

Members unanimously agreed the report recommendations.

It was **RESOLVED:**

1. That the Committee approved the business case for the acquisition of Out-of-Borough accommodation as outlined in Appendix A, subject to approval for the required capital expenditure from the Policy and Resources Committee on 16 May 2017 and that the Committee's decision be reported for noting at the next Housing Committee.
2. That authorisation of purchases of individual properties for the Out-of-Borough acquisitions programme within the parameters of the business case was delegated to the Commissioning Director, Growth and Development.

## 10. AUTHORISATION TO APPROPRIATE VACANT EX-CARETAKER'S PROPERTY (3 GUNTER GROVE, HA8 0HB) FROM THE GENERAL FUND TO THE COUNCIL'S HOUSING REVENUE ACCOUNT

The Chairman introduced the report and Committee voted unanimously in favour of the report recommendations.

It was **RESOLVED:-**

1. That land, comprising 3 Gunter Grove HA8 0HB is suitable for appropriation as no longer required for the purpose for which it was originally held.
2. That Committee approved the decision to appropriate the land and premises comprising 3 Gunter Grove HA8 0HB as set out in Appendix A for housing use subject to obtaining any necessary statutory consents to appropriate.

3. That Committee approved the decision for the transfer of the property into Housing Revenue account from the General Fund and thereafter continue to be held in the Council's Housing Revenue Account.
4. That Committee delegated authority to the Commissioning Director, Growth & Development, to take all necessary steps to obtain the statutory consents to appropriate and thereafter to appropriate for housing use and to take all steps necessary to enable the property to be held in the Housing Revenue Account.

**11. SALE OF THE FREEHOLD INTEREST IN THE LAND AT TENTERDEN GROVE / MILLS GROVE, HENDON, NW4**

The Chairman introduced the report following which Members voted unanimously in favour of approval of the report recommendations.

It was **RESOLVED**:

1. That Committee agreed to the disposal of the Property, subject to planning.
2. That Committee delegated authority to the Director of Resources following approval of this report, and prior to exchange of contracts to appoint an independent valuer to confirm the proposed sale price subject to planning.
3. That Committee delegated authority to the Director of Resources in consultation with the Chairman of the Assets, Regeneration and Growth Committee, to negotiate and approve the final disposal terms of the Property following the grant of planning consent. This will be conditional upon validation via an independent valuer ensuring compliance with the Council's Obligations to achieve best consideration under section 123 of the Local Government Act 1972 and obtaining any necessary statutory consents.
4. That Committee noted that the new development will include, as a minimum, the replacement of existing social rented units, and that Metropolitan Housing Trust's intention is that residents of the existing estate are rehoused in the new development.

**12. TOWN CENTRES EXPENDITURE - BURNT OAK AND SPACEHIVE CROWDFUNDING SCHEME**

The Chairman introduced the report and welcomed comments from Committee Members. He also confirmed that as the scheme progresses, reports will go to Community Leadership Committee to keep Members updated.

Councillor Coakley-Webb requested that Members receive an information note on the difference between Area Committee Funding and Crowd Funding.

The committee voted unanimously in favour of approval of the report recommendations.

It was **RESOLVED** that Committee:-

1. **Approved the additional spend of £59,598 from the Town Centres Capital Budget for the Burnt Oak Town Centres Project, to deliver physical environment interventions as identified in the Burnt Oak Strategy.**
2. **Approved the procurement of implementation works to a value of £65,000 (as per paragraph 5.2.2.) should this be required.**
3. **Approved use of £25,000 from s106 Employment and Training Funds, and £20,000 from the Town Centres Capital Budget on the Barnet Spacehive projects subject to high quality proposals being submitted.**
4. **Approved the proposed criteria for selection of projects to fund via the Spacehive Crowdfunding platform as set out in Appendix A.**
5. **Delegated assessment of Spacehive projects to the Strategic Lead, Growth and Development Commissioning Group, using the agreed selection criteria and up to a maximum amount of funding of £5,000 per project.**
6. **Agreed that the Committee members will help promote Barnet's crowdfunding initiative and help to stimulate proposals and funding from community members, local businesses and others as appropriate.**

**13. 136 - 142A COLINDALE AVENUE NW9**

The Chairman introduced the report and invited discussion.

Councillor Coakley-Webb requested reassurance that residents are moving voluntarily and requested a report back to committee should a resident not be in a position to move voluntarily.

Barnet Council and Barnet Homes officers confirmed that they are working closely with the client group and are mindful of their special circumstances.

When the vote was called, the Chairman moved a motion to include a fourth recommendation, seconded by Councillor Cohen, that in the event that legal action is needed secure the property, the matter is referred to the Chairman and Vice-Chairman of Housing Committee. All members supported the motion.

It was **RESOLVED**

**That the Committee unanimously agreed all the recommendations 1-4 below and;**

1. **Declared the site outlined in red on the attached plan appendix I surplus to the Council's requirements.**
2. **Approved the disposal of the Council's freehold interest in the site to Redrow on the basis of a best consideration transaction which will be determined by an independent valuation. Delegated authority to approve the final negotiated terms and complete the transfer of the land to the Commissioning Director for Growth and Development.**

3. **Authorised the appropriate Chief Officer(s) to seek any necessary consents and approvals required to complete the transaction and delegated consideration of any representations following advertising and/or consultation to the Commissioning Director for Growth and Development.**
4. **Agreed that in the event that legal action is needed to secure a property, the matter is reported to the Chairman of Assets Regeneration and Growth Committee and referred to the Chairman and Vice-Chairman of Housing Committee for consideration.**

#### **14. GRAHAME PARK: PDA VARIATION UPDATE**

The Chairman presented the report informing Committee that since approval of the original Principal Development Agreement, there have been numerous revisions requiring a deed of variation to the principal development, the latter of which will be reported to the next ARG Committee. This report updates Committee of the current position.

During the discussions, some Members expressed concern that the number of residential units to be provided for social rent was low at 38 – 5% of the total.

It was **RESOLVED**, following a call for the vote:

1. **That the Committee noted the progress to date in agreeing the revisions to the Principal Development Agreement.**
2. **That the Committee agreed the proposed draft Deed of Variation to record initial necessary changes to the Principal Development Agreement and delegated authority to the Commissioning Director, Growth and Development to finalise its terms and complete the document.**
3. **That the Committee noted that officers will bring forward to a future ARG for approval a further Deed of Variation, after the planning position is clarified.**

Votes were as follows

For (officer recommendations)	5
Against	0
Abstained	4

#### **15. GRAHAME PARK COMMUNITY HUB**

The Chairman introduced the item, invited discussion and called for the vote.

It was **RESOLVED** that Committee:

1. **Noted the progress made to date.**

2. **Agreed to underwrite the design and planning fees for the community hub at risk, until the outline business case is approved by committee, by releasing up to £640k from the approved capital budget. This will ensure the Community Hub achieves RIBA stage 3a in parallel with plots 10a and 10b.**

The vote was unanimously in favour of approval.

**16. PHOENIX CANOE CLUB - ADDITIONAL LAND TAKE TO FACILITATE THE DEVELOPMENT OF A NEW FACILITY**

The Chairman introduced the report and invited discussion.

It was **RESOLVED** that Committee Approved the following recommendations:

1. **The intention to dispose of the Public Open Land Space (hatched red in Appendix 1) by way of its inclusion in the demise of a new lease granted for a term of 25 years to the Phoenix Canoe Club and Outdoor Centre, subject to compliance with the statutory requirements of Section 123 (2A) of the Local Government Act 1972, planning consent and the Club receiving the required funding to carry out the redevelopment;**
2. **The delegation to the Commissioning Director, Growth and Development, to advertise the disposal of the land hatched red in Appendix 1 as required by Section 123 (2A) of the Local Government Act 1972, to consider any objections received and where appropriate to decide to make the disposal of the Public Open Space land.**

The vote was unanimously in favour.

**17. RELEASE OF RESTRICTIVE COVENANT FOR UNITED REFORMED CHURCH, CHESTERFIELD ROAD, BARNET**

The Chairman introduced the item and welcomed comments from Members.

It was **RESOLVED** that Committee:

1. **Agreed in-principle, to the Council releasing the restrictive covenant in lieu of a payment of £176,000.**
2. **Authorised delegation to the Director of Resources to negotiate the detail of the legal documentation for the release of the restrictive covenant and complete the deed of release.**

The vote was unanimously in favour of the recommendations.

## 18. BRENT CROSS CRICKLEWOOD UPDATE REPORT

The Chairman updated committee on progress and informed them that a report on place naming will come to committee in September 2017.

It was **RESOLVED** that the **Committee**:

1. **Noted the content of the report and the progress made on the BXC workstreams across the programme.**
2. **Approved the Strategy and Implementation Chapters of the Brent Cross South (BXS) Business Plan as attached to the Exempt report.**
3. **Noted that the financial model attached to the Project Agreement has been updated and assured by the Council's Advisors GL Hearn.**
4. **Authorised the Chief Executive in consultation with the Chairman of the Committee, to update and make any consequential changes to the BXS Project Agreement in light of the Business Plan and updated Financial Model.**
5. **Noted progress on the detailed design of the station and associated work packages within the station phase of Brent Cross South; and delegated to the Chief Executive in consultation with the Chairman of the Committee permission to agree terms and enter into the Implementation Agreement with Network Rail to deliver the railway works elements of the GRIP process.**
6. **Approved the Station Works Procurement Strategy attached to this report and delegated authority to the Chief Executive in consultation with the Chairman of the Committee to finalise the procurement strategy for each work package and authorise commencement of the procurement.**
7. **Delegated to the Chief Executive in consultation with the Chairman of the Committee permission to agree terms to vary the option granted to Hammerson and Standard Life in accordance with the legal documentation signed in July 2015 in order to restructure the corporate ownership for Brent Cross North to enable those developers to attract third party investment.**
8. **Agreed that CBRE continue to provide strategic property advice on BXC as detailed in this report, including extending their remit to advise the Council on fulfilling its statutory duty to secure best consideration in relation to Council land that is to be invested in Brent Cross South.**

Votes were as follows:

For (officer recommendation)	5
Against	0
Abstained	4

**19. WEST HENDON COMPULSORY PURCHASE ORDER 2 AND 2A (CPO2 AND CPO2A) COMMUNICATIONS UPDATE**

The Chairman introduced the report.

It was **RESOLVED** that Committee unanimously agreed to:

- 1. Note the communication activities undertaken regarding the West Hendon Regeneration Scheme attached in Appendix 1**

**20. COMMITTEE FORWARD WORK PROGRAMME**

The Chairman introduced the item and invited discussion.

Councillor Coakley-Webb suggested identifying a few extra ARG Committee dates for the diary as reports will slip down the schedule from time to time. If the extra meetings are not needed they can be removed.

It was **RESOLVED** that Committee unanimously agreed to:

- 1. Note the items included in the Work Programme.**

**21. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT**

None.

**22. BRENT CROSS CRICKLEWOOD UPDATE REPORT (EXEMPT)**

The Chairman introduced the exempt report and welcomed discussion from committee.

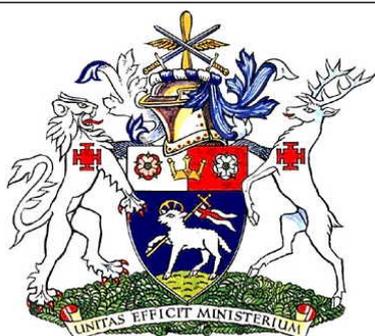
It was **RESOLVED** that Committee agreed the report recommendations as outlined in the exempt report.

The vote was as follows:

For (report recommendations)	5
Against	0
Abstained	4

The meeting finished at 8.05 pm

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## Assets Regeneration and Growth Committee 24 July 2017

<b>Title</b>	<b>Brent Cross Cricklewood Update Report</b>
<b>Report of</b>	Deputy Chief Executive
<b>Wards</b>	Childs Hill, Golders Green and West Hendon
<b>Status</b>	Public with separate exempt report - Not for publication by virtue of paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 as amended (as this relates to the financial affairs of the authority and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix 1 Executive Summary Brent Cross South Business Plan Appendix 1a (Exempt) Brent Cross South Business Plan A Appendix 2 First Phase Proposal Summary Appendix 2a (Exempt) First Phase Proposal Appendix 3 (Exempt) Note of agreed amendments to the First Phase Proposal Appendix 4 Emerging Station Design Appendix 4a (Exempt) Network Rail Heads of Terms
<b>Officer Contact Details</b>	Karen Mercer, Programme Director Re, <a href="mailto:Karen.Mercer@barnet.gov.uk">Karen.Mercer@barnet.gov.uk</a> , 0208 359 7563

### Summary

This report provides a progress update since the last Committee on 24 April 2017 on key areas of activity and progress across the Brent Cross Cricklewood programme.

In particular, the report seeks approval of the Brent Cross South (BXS) Business Plan and BXS First Phase Proposal and notes that best value consideration for the council's land assets within the phase proposal has been confirmed by the council's phase proposal valuer. The report seeks authority for the Chief Executive to determine best consideration and that the value be re-invested in BXS to secure a revenue stream and that officers explore options for the nature of this re-investment for consideration by the Committee later this year. The report also includes a progress update on the station project, with particular focus on the forthcoming CPO3 in September and progress being made on private treaty negotiations with DB Cargo, North London Waste Authority and Network Rail. The report also provides the Heads of Terms of for a conditional contract to acquire the non-operational land currently owned by Network Rail. These Heads of Terms are currently being negotiated and are conditional on the station contract being let and being funded from the Thameslink project.

## **Recommendations**

**That the Committee note:**

- 1) The content of this report and progress made on the BXC workstreams across the programme;**
- 2) That the BXS First Phase Proposal accords with the business plan submitted to this committee for approval and is within the parameters set by the BXS Project Agreement;**
- 3) That CBRE have confirmed the Phase Proposal with the agreed amendments represents Best Consideration in accordance with the Best Consideration Mechanism as detailed in the Brent Cross South Project Agreement, and that the indicative land value at this stage is £10.5m;**
- 4) The progress, as set out in paragraphs 1.49 – 1.53, that has been made with private treaty negotiations to acquire land and new rights within the CPO3 Order land, and to note that in accordance with the Committee approval given on 5 September 2016 the Deputy Chief Executive will be approving the entering into by the council of agreements and undertakings with third parties who are affected by CPO3 (including DB Cargo, North London Waste Authority and Network Rail).**

**That the Committee:**

- 5) Approve entering into an Integrated Programme Management Office (IPMO) co-operation agreement with Hammerson, Standard Life Investments and BXS JVLP to better manage areas of interface between BXN, BXS and Thameslink projects; and delegate to the Chief Executive in consultation with the Chairman of the Committee to negotiate and take all necessary steps to agree and enter into the IPMO**

**co-operation agreement;**

- 6) Approve the Brent Cross South (BXS) Business Plan and First Phase Proposal as attached to the Exempt report and summarised in Appendix 1 and 2;**
- 7) Authorise the Chief Executive to determine that the Best Consideration requirement has been met following approval of the Business Plan by the Committee and on receipt of a formal letter on Best Consideration from the Phase Proposal Valuer;**
- 8) Approve that the council Land Value be re-invested in BXS to secure a revenue stream;**
- 9) Authorise Officers to explore options for securing this investment in a way that is aligned to Argent Related's interests for consideration by the Committee later this year;**
- 10) Authorise the Chief Executive in consultation with the Chairman of the Committee to update and make any consequential changes as may reasonably be required to the Project Agreement in light of the Business Plan and First Phase Proposal;**
- 11) Delegate authority to the Deputy Chief Executive to agree and take all necessary steps to enter into Asset Protection Agreements with Network Rail to continue the GRIP 4 work.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 This report provides a progress update on the comprehensive regeneration of the Brent Cross Cricklewood area since the last Committee meeting on 24 April 2017 and seeks the required approvals to ensure that the project momentum is maintained.

### **Background**

- 1.2 As the Committee is aware, Hammerson UK and Standard Life (the Brent Cross North Partners/HSL) intend to deliver the redevelopment of the shopping centre at Brent Cross and the land around it, together with the elements of the critical infrastructure that are required on and to the north of the North Circular, to support the comprehensive regeneration proposals. The council with Argent Related will deliver the southern parts of the Brent Cross Cricklewood Regeneration masterplan, including the southern elements of the infrastructure and the land to be redeveloped in connection with the station improvements. The council is leading on the delivery of the new Thameslink Station within the regeneration area, working together with public sector partners. The council is committed to steering and supporting the delivery of community engagement activities across the regeneration programme.

- 1.3 A progress update since the last Committee on 24 April 2017 is set out below and Members are referred to earlier reports for further context, particularly the Committee dated 17 March 2016 which details the BXS joint venture structure and legal documentation.

### **Project Update**

#### **Brent Cross North**

- 1.4 The Brent Cross North Partners have now submitted a reserved matters application for the detailed design of the shopping centre. The application was registered under planning reference 17/2963/RMA on 19th May 2017. The BXN Partners have also submitted planning applications to undertake early enabling works, which are anticipated to start on site in November 2017. The Partners are continuing to progress the approval in principle infrastructure designs for approval by the Highways Authorities (LBB, TfL and Highways England) and negotiating the required Infrastructure Agreements to undertake the necessary works to the public highway and ensure the delivery of the significant road infrastructure improvements.
- 1.5 In respect of the relocation of the residents within the CPO1 area of the Whitefield Estate, the BXN Partners are continuing contractual negotiations with Catalyst (the selected preferred Registered Provider) and anticipate that this will be concluded by end of July. Whilst this is taking longer than anticipated, this delay does not impact upon the programme to deliver the replacement units.
- 1.6 The BXN Partners are now in the final stages of concluding third party investment into the scheme. Consequently, as reported to the Committee in April, the BXN Partners are now restructuring the joint venture and putting the necessary legal arrangements in place, which should be completed shortly. As part of the legal documentation, the parties have agreed to enter into an IPMO co-operation agreement to better manage areas of interface between BXN, BXS and Thameslink projects.
- 1.7 In relation to the programme, the BXN Partners continue to anticipate undertaking early construction work in autumn 2017, with an anticipated main construction start date for the Phase 1a Infrastructure and Phase 1b Shopping Centre works in mid-2018, with a target completion date September 2022.

#### **Brent Cross South**

- 1.8 The south side legal documentation (which includes the Project Agreement, Limited Partnership Agreement, Shareholder Agreement and associated documentation) was completed on 11 July 2016, and the Brent Cross South (BXS) Joint Venture Limited Partnership (JVLP) formally created. The report to the Committee dated 17 March 2016 summarises the joint venture structure and legal arrangements.

## **Business Plan**

- 1.9 As previously reported, the BXS JVLP has been updating the BXS Business Plan, which describes the actions required to meet the BXS vision shared by the parties, and through this route guide the activity, roles, responsibilities and obligations of the parties. The Business Plan is a live document capable of being reviewed as required.
- 1.10 The Committee will recall approving the updated Strategy and Implementation chapters in April 2017. The updated financial model underpinning BXS has been used to inform the development content and the financial chapters of the Business Plan setting out the delivery of a phased development including the content of the Phases, projections of their financial viability and programme for implementation of the phase and project, which are now included within the final revised Business Plan for approval. The Executive Summary is attached at appendix 1.
- 1.11 Committee should note that the final confirmed copy of the Business Plan will be distributed with the final phase proposal. Committee should also note that any future changes to the Business Plan will need to be approved by the council acting as shareholder in the General Partner.

## **First Phase Proposal**

- 1.12 In line with the draft Business Plan and in accordance with the Project Agreement, BXS JVLP submitted the First Phase Proposal (FFP) on 30 June to the council for approval. The first phase proposal is attached to the exempt report and a summary is attached at appendix 2. The document sets out the details of the proposed development within the BXS first phase setting out the floorspace, uses, infrastructure and public realm and timetable for development as well as the council's potential entitlement to land value.
- 1.13 The FFP represents the first important step in converting the vision of a new town centre for north west London into a physical reality, building upon the extension to the Brent Cross Shopping Centre.
- 1.14 The FFP covers an area of 4.61 hectares (11.41 acres) in the Market Quarter and part of the Eastern lands area to the west of the proposed Living Bridge, in addition to Claremont Park and Clitterhouse Playing Fields. The proposal includes 10 building plots providing 101,728.8 sqm (1,095,000 sqft) net internal development, including 1,165 new homes providing a mix of market flats for sale, build to rent and affordable housing, including the 110 Part 2 Whitefield Estate replacement units, 6503.21 sqm (70,000 sqft) of work, accommodation for 390 students; a 250 bedroom hotel, health and community facilities, and retail and restaurant space. Together with the units being provided by Hammerson this will ensure the reprovision of all Whitefields estate units, on at least a like-for-like basis. The uses outlined in the FFP will establish a mixed use sustainable community from the outset, providing homes for a wide range of demographic groups. The workspace will provide an important role in bringing early employment opportunities into the scheme

which will, alongside the supporting food and café uses, achieve the place making objectives in the early phases.

1.15 There are only limited grounds on which the Council (as landowner) can withhold approval (as landowner) of the FFP. As explained in the report to Committee dated 17 March 2016, the council's ability to withhold consent as landowner is limited to the following circumstances. Paragraphs 1.16-1.28 explain that none of these circumstances apply:

- 1) The council has not received confirmation of best consideration from the Phase Proposal Valuer (see below);
- 2) Where the matter is one of housing management and the council reasonably believes that vacant possession could not be obtained within the proposed programme;
- 3) The Phase Proposal includes open space which the council does not anticipate it will be able to dispose of having considered relevant representations;
- 4) The council believes that the consent of the Secretary of State is unlikely to be obtainable (where required);
- 5) The Phase Proposal does not include a drawdown conditions longstop date. In this regard, the parties have agreed that there will need to be a rolling programme of the dates by which Plots should be drawn down in order for the project to progress in accordance with the programme. In particular, note that JVLP cannot draw down Plots where it is in default under the terms of the Project Agreement.

**1) The council has not received confirmation of best consideration from the PP valuer.**

1.16 Based on the Best Consideration mechanism and overage provisions as set within the Project Agreement that was agreed by Assets, Regeneration and Growth Committee on 17<sup>th</sup> March 2016, the council's duty to obtain best consideration must be achieved at approval of the First Phase Proposal. At this time, the council is confirming that best consideration sign off has been achieved for the council to dispose its land assets to BXS JVLP for development. This sets the minimum council's land value to be achieved at the next viability appraisal date (see below). The indicative value at this stage for the Council's land interests in the first phase is £10.5m

1.17 The council's actual land value will be reviewed at the Phase Unconditional Date, at which time the scheme design will have significantly progressed with greater certainty on costs and assumptions, and the achievement of conditions relating to land assembly, planning, highways, developer, warranties, funding and pre-let. If the council land value is less than that agreed at the Phase Definition date, the viability test is not passed and the parties will work together to try and improve viability. Assuming the Phase

Unconditional Date does occur, the land value is not crystallised (and can go up and down therefore) until satisfaction of a subsequent viability test prior to drawdown of the individual development plots within a phase.

- 1.18 On 17<sup>th</sup> March 2016, Assets, Regeneration and Growth Committee approved the Best Consideration Mechanism for the council land assets in accordance with S233 of the Town and Country Planning Act 1990 as set out in the BXS Project Agreement and authorised the Chief Operating Officer (Section 151 Officer) to determine Best Consideration in accordance with the Project Agreement. As the Chief Operating Officer post no longer exists within the council structure, Committee approval is sought for the Chief Executive to determine best consideration based on the advice provided by the Phase Proposal Valuer as set out below.
- 1.19 Prior to presentation of a Phase Proposal by JVLP to the council, the council is given the opportunity to consider the inputs and assumptions made in the financial model which calculates (amongst other things) the potential viability of the proposed Phase and the council's potential entitlement to land value. The council at this point is able to consider how it wishes to receive its land value.
- 1.20 CBRE were instructed to undertake this valuation work as Phase Proposal Valuer (PP Valuer) following approval of their appointment by the Committee on 24 April 2017 in order to determine best consideration of the council's land assets with the Phase Proposal in accordance with Section 233 of the Town and Country Planning Act (TCPA) 1990. GL Hearn has continued to advise the council directly on all other BXS property matters. Whilst the council has not received independent advice from a quantity surveyor, the council will be benefiting from a collateral warranty from Gardiner and Theobald as to the reasonableness of the assumptions used in relation to the estimated cost of development.
- 1.21 Since 24 April 2017, CBRE have been meeting with Argent Related as development manager on a weekly basis to understand the emerging FFP with particular focus on the assumptions contained within the financial model. Following the submission of the First Phase Proposal to the council on 30 June, CBRE have now had the opportunity to undertake a detailed review of the phase proposal and the agreed amendments are set out in appendix 3.
- 1.22 It is expected that the council's land value will improve. However, as explained above, should the council land value fall below £10.5 million at the Phase Unconditional Date, the council has the decision whether to proceed, or wait for the council land value to improve.
- 1.23 In addition to the arrangements for payment of the council's land value, the council will also be entitled to a share of the surplus in JVLP as reported to the Committee on 17 March 2017 – a surplus will be generated within JVLP where the value of the land within the project exceeds the costs of acquiring and servicing (putting in infrastructure) that land. That increased land value is crystallised on the disposal of serviced plots to developers.

1.24 On this basis, CBRE have now confirmed to London Borough of Barnet (LBB) as landowner that best consideration has been achieved to dispose of the council's land assets within the First Phase Proposal to the Brent Cross Limited Partnership (BXSLP) under the Project Agreement in accordance with Section 233 of the Town and Country Planning Act (TCPA) 1990. This power is relevant as it is anticipated that all of the land has been or will be appropriated for planning purposes (and land not so appropriated is anticipated to be sold under s123 LGA 1972). Consequently following the approval of the updated Business Plan and receipt of a formal letter from CBRE, the Chief Executive will determine that the best value consideration test has been met.

**2) Where the matter is one of housing management and the council reasonably believes that vacant possession could not be obtained within the proposed programme.**

1.25 The majority of land is within the First Phase proposal is within council ownership and is also included within the CPO1 and CPO2 Order lands. Only the Whitefields estate is land to which matters of housing management could apply. The council believes that vacant possession within the proposed programme can be achieved.

**3) The Phase Proposal includes open space which the council does not anticipate it will be able to dispose of having considered relevant representations.**

1.26 The Phase Proposal does not include open space which the council does not anticipate it will be able to dispose of having considered relevant representations.

**4) The council believes that the consent of the Secretary of the State is unlikely to be obtainable (where required).**

1.27 The council believes that the consent of the Secretary of the State is obtainable (where required).

**5) The Phase Proposal does not include a drawdown conditions longstop date. In this regard, the parties have agreed that there will need to be a rolling programme of the dates by which Plots should be drawn down in order for the project to progress in accordance with the programme. In particular, note that JVLP cannot draw down Plots where it is in default under the terms of the Project Agreement.**

1.28 The Phase Proposal includes a programme establishing the drawdown conditions long stop date. The Phase Unconditional Longstop Date has been set at 17 December 2018.

## **Re-investment of council Land Value**

- 1.29 The options for how the council takes its land value are set out in the Exempt report to the Committee on 17 March 2017. The council could take its land value as a capital sum at plot drawdown, which represents the most risk free approach. However, in order to take advantage of the value that will be created through the regeneration and placemaking in the early phases, the Committee is asked to approve that the council reinvest the council's land value in BXS and commission officers to explore options for consideration by the Committee later this year. The aim of such investment will be to secure a revenue stream for the Council, and align the Council's financial interests with those of its development partner.
- 1.30 In the delivery of major property development projects, it is generally accepted (although difficult to empirically prove) that, by virtue of their scale and capacity to re-shape the public realm and create successful new places, large projects are able to generate a property value gain across the phases of their delivery. This value gain is over and above any 'background' market inflation.
- 1.31 In February 2016 the Royal Institution of Chartered Surveyors (RICS), in conjunction with CBRE, published an Information Paper entitled "Placemaking and Value" (1<sup>st</sup> edition). The paper is the product research that sought to understand the relationship between the various design features and delivery mechanisms of a large residential scheme, and the end-sales values achieved. The research found that 'placemaking' does add commercial value but that there is considerable disparity in the size of the premium, from between five per cent and 50 per cent.
- 1.32 In embarking on the development of Brent Cross South, it is the opinion of Argent Related and the JVLP that the regenerative benefits of the scheme will lead a local 'placemaking premium' in both the existing local property market but also through the early phases of delivery. It is not possible though to formally or robustly forecast this change.
- 1.33 The Council, as landowner, always expected there to be a 'placemaking premium' through the delivery of Brent Cross South and the terms of the Joint Venture are designed to give the Council a number of ways to capture and benefit from such an outcome. The choice of whether to take a capital receipt for its land value, or to reinvest in the Phase in question, is just one of these opportunities.
- 1.34 The decision whether to invest in a given plot or given phase will be decided on its merits. Given the very early stage of delivery, and the large potential gains that may arise through delivery, Committee is asked to approve that the council reinvest the council's land value in BXS and commission officers explore options for consideration by the Committee later this year.

## **Thameslink Station**

- 1.35 The council is continuing to work with the GLA, HM Treasury, DCLG, Network Rail and the Department for Transport to deliver the new Thameslink Station and associated infrastructure within the regeneration area..
- 1.36 In order to meet the Thameslink Station delivery timetable as explained in previous reports, Development Services/Implementation Agreements with Network Rail are required to progress the GRIP4 design development and allow intrusive ground investigation works, detailed planning applications to be submitted and engineering approval in principle designs (AIP) to be completed, enabling design freeze and cost certainty and mitigating the risk of any redesign as well as informing the GRIP5 (Detailed Design) process.
- 1.37 The GRIP4 design has been divided into three phases. As previously reported the phase A works were instructed in March 2017. The phase B works have now been instructed for the entire GRIP4 package in June 2017. Phase C covers the Asset Protection elements which is currently under review by the respective project teams to be agreed by August 2017.
- 1.38 Asset protection is an essential part of the GRIP4 process, ensuring the design of the line side rail systems, station design and associated signalling is reviewed and approved in accordance with appropriate Network Rail Asset Protection standards. This agreement will cover roles, responsibilities, indemnities and cost recovery costs. Consequently, the Committee's approval is sought to delegate authority to the Deputy Chief Executive to agree and enter into Asset Protection Agreements with Network Rail to continue the GRIP 4 work and address the matters outlined in paragraphs 1.36 and 1.37 above. These agreements are currently being reviewed and are anticipated to be entered into in August 2017 to maintain programme.
- 1.39 The new station design is progressing along the chosen option of 4 platforms, with a single bridge serving the purpose of a public right of way footbridge, as well as access to the new platforms. The emerging station design is attached at appendix 4.
- 1.40 The proposed station form consists of the following components:
- Western entrance building located in the existing cinema car park on Geron Way which includes vertical circulation to the station footbridge
  - Eastern entrance building which will be delivered by the Brent Cross South development
  - A footbridge across the railway lines from the western entrance building to the eastern entrance building which is a 24 hour public right of way
  - Station concourse which is at footbridge level above the railway lines and which is accessed by the footbridge
  - Two island platforms with two platforms faces each, one servicing the up and down slow lines and one servicing the up and down fast lines
- 1.41 As explained in section 5.7 of this report, public consultations and stakeholder sessions were carried out in April to support the Waste and Freight Facility design development. These sessions have resulted into a number of

modifications to the facilities taking responses into consideration. Further consultation was held between 26 June – 6 July seeking comments on the emerging Station design and updated Waste and Freight proposals. It is anticipated that the necessary planning applications for these works will be submitted to the council by the end of August 2017. The planning applications in respect of the relocated sidings will follow later in the year.

- 1.42 The first planning application has been submitted to support the Thameslink Works. A re-phasing application was submitted in June 2107 to bring forward the Thameslink Station and critical infrastructure into Phase 2 of the BXC scheme.

### **Station Naming Process**

- 1.43 The selection process is underway as previously reported to the Committee. It is anticipated that a final decision on the name will be confirmed by October 2017. A more detailed update will be provided to the September meeting of the Committee.

### **Network Change**

- 1.44 As the Committee is aware, the council is working closely with Network Rail with regards to the delivery of the Thameslink Station on a number of key workstreams in addition to design. Network Rail are taking the lead as the project sponsor for the regulatory processes that must be followed when a material change is proposed to the operation of the rail network, such as providing the Thameslink Station and Stabling/Sidings. This process is referred to as 'Network Change'.
- 1.45 The Network Rail Sponsor issued part 2, the 'Notice of Intended Scope' to the railway stakeholders. Responses have been received from the main stakeholders and these are being considered by Network Rail along with a revised timeframe for completion of the process in March 2018.

### **Procurement**

- 1.46 The Thameslink Works programme is divided into a number of different work packages. Following the Committee approval in respect of the Procurement Strategy on 24 April 2017, the council is currently undertaking a detailed review of the proposed options and anticipate that recommendations will be made to the Chief Executive later this year. The Committee will be kept updated on progress.

### **BXC Assurance**

- 1.47 As noted at the last meeting, the council, along with its public sector partners are commissioning a Gateway Audit led by HM Government Infrastructure & Projects Authority (IPA). Preparatory meetings have been arranged and the review is scheduled to take place in early September. IPA reports are not public documents, but it is anticipated that the report will be shared with the Audit Committee as a confidential item.

## **BXC Land Assembly**

### **CPO1 AND CPO2**

- 1.48 In respect of CPO1 and CPO2, the Committee will recall that the CPO Inquiry formally closed in July 2016 and the council is awaiting the Secretary of State decision. This is anticipated in Autumn this year. The council's advisors, GL Hearn are continuing to negotiate with landowners within the CPO areas to acquire the necessary land and rights needed for the Brent Cross North and South schemes.

### **CPO3**

- 1.49 The making of a compulsory purchase order to assemble the land and new rights required to develop (1) the Thameslink station and associated infrastructure work packages and (2) the Station District that forms part of Brent Cross South was approved by the Committee on 5 September 2016 (known as CPO3). CPO3 was subsequently made on 7 September and the 28 day objection period expired on 13 October 2016. The Planning Inspectorate has now confirmed a CPO Inquiry Date of 5 September 2017. A Pre Inquiry Meeting was held on 7 June 2017.
- 1.50 Objections have been received from those with a property interest in the area as well as from those within the local community. These include objections from North London Waste Authority (NLWA), Network Rail, DB Cargo, Bestway (Palmbest), Cemex and GB Railfreight. The council and its advisor GL Hearn are continuing to address these objections and are seeking to negotiate by private treaty to acquire the land and interests required to deliver the Thameslink Station and Station District.
- 1.51 In respect of the legal agreements required to support the CPO process, the Committee will note that in accordance with the Committee approval given on 5 September 2016, the Deputy Chief Executive will be approving the entering into by the council of agreements and undertakings with third parties (including DB Cargo, North London Waste Authority and Network Rail) who have an interest in the CPO3 Order Land which needs to be acquired and/or over which new rights need to be created.
- 1.52 Negotiations for the necessary legal agreements with NLWA and DB Cargo are well advanced so as to deliver the waste and freight facilities respectively as detailed above. The completion of these agreements will enable their objections to the CPO3 to be withdrawn.
- 1.53 Network Rail has confirmed in writing their support in principle for the development of BXC including the Thameslink station. However, Network Rail has submitted an objection to CPO3, primarily on operational grounds, to preserve their ability to safely operate and maintain the railway. In order to resolve their objection the council and its legal advisors are negotiating a Deed of Undertaking with Network Rail to provide the framework for the

delivery of the station work packages and acquisition of the non-operational land for BXS.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The comprehensive regeneration of Brent Cross Cricklewood is a long-standing objective of the council and a key regeneration priority of the Mayor of London. The details of the scheme are set out in previous update reports to this Committee, most recently the report to December meeting, which can be accessed on this link:

<http://barnet.moderngov.co.uk/documents/s36613/121216%20-%20Final%20Draft%20BXC%20Update%20ARG%20Report%20v3.pdf>

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Alternative options have been considered and these options are summarised in previous reports.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The council and its advisors will continue to progress all work streams to ensure delivery of the Brent Cross regeneration proposals as outlined in this report and approved by the Assets, Regeneration and Growth Committee.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.2.1 Previous reports describe in detail the ways in which the regeneration of Brent Cross Cricklewood supports the council's Corporate Plan 2015-20 as updated.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

#### **Approved Capital Budget – Land Acquisitions**

- 5.2.2 The current approvals for land acquisition are £59m with £37.2m available at the start of 2017/18, which covers Brent Cross North, South and some of the Thameslink development.

#### **Brent Cross North**

- 5.2.3 The Brent Cross Principal Development Agreement confirms that the Brent Cross North Partners (HSL) are obliged to pay the council's (and their consultants) costs in connection with this project – this covers a range of costs, including land acquisitions, fees, highways works.

- 5.2.4 In relation to CPO 1, there are two main elements of costs associated with any potential CPO process – the costs of preparing and promoting the CPO itself, and the compensation and consideration to be paid to those whose land

and interests are acquired. In terms of the costs for resourcing the private treaty acquisitions, this will require input from internal and external resources covering various disciplines, including senior officers, legal input, surveying and valuation expertise. In respect of these acquisitions which fall in the northern part of the scheme, the HSL will meet all of these costs (including land acquisition) through the CPO Indemnity Agreement (CPOIA).

- 5.2.5 The council's 2017/18 draft revenue budget estimate for recoverable costs from the Brent Cross North elements totals £1.64m.

### **Brent Cross South and Thameslink**

- 5.2.6 In relation to the land required to deliver the BXS first phase south side development, there is approved capital funding (see 5.2.2). This funding will be later recouped from the anticipated capital receipts of the south side scheme.
- 5.2.7 The BXS Project Agreement provides the framework for agreeing the council's land value, and in this regard CBRE has undertaken the necessary valuation work in respect of the signing off the inputs and assumptions to the financial model in respect of the BXS Phase Proposal.
- 5.2.8 The BXS Project Agreement and corporate documentation between Argent Related and the council, which deals with the delivery of the redevelopment and regeneration of the land to the south of the North Circular is now completed. A CPO Indemnity Agreement, under which Argent Related provide the council with an indemnity in respect of the costs of promoting the CPO and the compensation payable to third parties in respect of whose land and interests within CPO2 has been completed, and the CPO Indemnity Agreement for CPO3 is being finalised.
- 5.2.9 The current total approved Capital Budget for Thameslink is £41.64m. This includes £27.4m as approved by the Policy and Resources Committee on 27 June 2017, leaving £33.3m available at the start of 2017/18. The delivery of the Thameslink works, including land acquisitions, will be funded initially from the existing council capital budgets, further borrowing and also £97m DCLG grant funding, which is specifically for Thameslink. The DCLG Grant Agreement and GLA Funding Letter (agreeing to the ring-fencing of business rates) have now been signed and the first DCLG grant payment of £6m has now been received.
- 5.2.10 In terms of the costs of pursuing the CPO, this will require input from internal and external resource covering various disciplines, including senior officers, legal input, surveying and valuation expertise, planning input, input from the preferred developer when selected, technical input from engineers and consultants, and the cost of witnesses at the public inquiry. There will also be costs associated with the organisation and holding of the public inquiry. This is being met by the existing Thameslink Station and land acquisitions budget. Ultimately, the CPO3 acquisition costs will be funded from either JVLP, if appropriate, or the £97m grant referred to above.

### **5.3 Social Value**

- 5.3.1 As indicated in sections within this report, the Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits.

### **5.4 Legal and Constitutional References**

- 5.4.1 The council has a range of powers to enter into the legal agreements envisaged by this report, including the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011 to do anything that individuals can do subject to any specific restrictions contained in legislation and Section 111 of the Local Government Act 1972 which provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to, the discharge of its functions.
- 5.4.2 Additionally the council has the power to acquire and dispose of land in accordance with Sections 120 to 123(2A) of the Local Government Act 1972, and subject to obtaining all appropriate consents and approvals.
- 5.4.3 Where land is being and has been appropriated for planning purposes, any disposal of land appropriated for such purposes is effected in reliance on Section 233 Town and Country Planning Act 1990. On any disposal of property the council is required to observe the requirements of s123(2) of the LGA 1972 and Section 233 Town and Country Planning Act 1990 to ensure that any disposal is not for a consideration less than the best that can reasonably be obtained. Any land held for the purposes of part 2 of the Housing Act 1985 can be disposed of under section 32 of that Act either in reliance on a general or express consent of the consent of the Secretary of State.
- 5.4.4 Procurement of public works and services contracts over the relevant value thresholds must observe the requirements of the Public Contracts Regulations 2015, to include the placing of OJEU notices where such contracts are not drawn down from a compliant framework. The Public Services (Social Value) Act 2012 requires the council to consider whether it can achieve an improvement to the economic, social and environmental well-being of an area as part of the procurement of these services. If so, the social value objectives identified must be written into the procurement process. All of this must be achieved with regard to value for money and in a way that is compliant with existing public procurement law. "Social value" objectives can include the creation of employment, apprenticeship and training opportunities for local people, trading opportunities for local businesses and the third sector; and the promotion of equality and diversity through contract delivery.

### **5.5 Risk Management**

- 5.5.1 The key risks and mitigations are summarised in the 11th July 2016 report, please see link here - <http://barnet.moderngov.co.uk/documents/s33190/Brent%20Cross%20Crickle>

## **5.6 Equalities and Diversity**

- 5.6.1 As reported in successive meetings, the Development Proposals support achievement of the council's Strategic Equalities Objective.
- 5.6.2 The development proposals for the Brent Cross Cricklewood scheme will make a significant contribution to the provision of additional, high quality affordable housing units in the Borough as well as providing employment through the creation of a new town centre with leisure, health and educational facilities. The delivery of the Thameslink Station will enhance public transport provision and improve accessibility and provide greater choice for all. It should be emphasised that a fully integrated and accessible town centre will be created as part of these proposals.

## **5.7 Consultation and Engagement**

- 5.7.1 The council continues to work closely with development partners from the north and the south side to develop and implement a coordinated communications strategy and stakeholder engagement approach across the whole programme.
- 5.7.2 All three projects provided an All Member Briefing to councillors on 26 April 2017 which was well attended and attendees welcomed the update. A follow up Briefing is scheduled for October and invitations will be issued in early September.
- 5.7.3 The joint monthly communications meeting continues to be held, attended by the council, Brent Cross North Development Partners and Argent Related (including their advisors Tavistock and Soundings) as well as TfL. Most recently the Communications Group has discussed the need for a co-ordinated approach to the communications around Brent Terrace.
- 5.7.4 A programme wide communications, engagement and consultation forward plan continues to be updated with a 3 – 6 month forward look of all planned and upcoming communications and engagement activities across the whole programme to enable better coordination and joined up working.
- 5.7.5 The Communications Group has facilitated the recent cross promotion of the BXT and BXS consultations, and the joined up approach to the press release to promote these significant milestones.
- 5.7.6 The Transport Communications Group – a sub-group of the Transport Advisory Group (TAG) – has begun meeting regularly to develop the transport communications plan with the affected highways agencies and developers. A workshop to identify the impacts and affected transport users (including pedestrians and cyclists) for the early works was held in June. Work will continue with TfL due to produce a draft plan in July.

- 5.7.7 Barnet officers have been invited by LB Brent officers to provide a briefing to members. Agreement in principle has been given, but the detail is being developed.
- 5.7.8 PEP the Resident Independent Advisor continues to hold monthly resident surgeries on the Whitefield Estate. Argent Related, L&Q, HSL and the council have also distributed FAQs to residents, to provide them further reassurance on the agreed relocation principles.

### **Brent Cross North**

- 5.7.9 Barnet Homes are carrying out new housing needs surveys on the secure tenants who are living on the Whitefield Estate in Brent Cross North. The last surveys were conducted in 2013 and HSL are aiming to use this data to confirm the property type for plots 53 and 54.
- 5.7.10 The Brent Cross North partners gathered good press coverage, particularly in trade press, of the registration of their detailed design reserved matters application for the Shopping Centre in May.
- 5.7.11 Discussions are on-going about the best approach to communicating appropriately about the early works scheduled towards the end of the year which are not the commencement of work on the shopping centre but could be perceived as such by some members of the public.

### **Brent Cross South**

- 5.7.12 Argent Related and Soundings produced a hard copy newsletter update to residents in April 2017 and June 2017 to promote the July consultation on the first buildings and plans for open space.
- 5.7.13 An Open spaces workshop and public exhibitions about the 1BS Draft Designs will be held week commencing 10 July before the submission of Reserved Matters Applications in September.
- 5.7.14 In respect of the Whitefield Estate Part 2 relocations, a draft Resident Guide is being finalised by Argent Related and L&Q, and this will be distributed to residents following its review by the Whitefield Residents Steering Group. L&Q is also arranging individual meetings with secure tenants and leaseholders. Barnet Homes will engage with the small number of non-secure tenants in due course.
- 5.7.15 Argent Related and L&Q are running a series of Design Workshops for residents. The aim is to provide an opportunity for residents to record their aspirations and priorities for the design of their new homes and the surrounding areas. The council has also provided a design training session for residents facilitated by Open City.

## Thameslink

- 5.7.16 Following early consultation on the designs for the Waste Transfer Station and Rail Freight Facility, designs have been developed and consultation is currently (July) being carried out on the revised designs. The changes have been broadly well received.
- 5.7.17 Consultation on the station designs is also being carried out as part of this July consultation, with two Stakeholder Workshops, three public exhibitions and two weeks of online consultation, which overlaps with the BXS consultation period. This has been supported by a leaflet drop, press release, local advertising, and social media promotion. The online consultation, and the consultation materials, can be viewed online here: <https://engage.barnet.gov.uk/Brent-Cross-Station-and-Bridge> Work continues on agreeing Project Communications Protocol with Network Rail to govern communication with lineside neighbours.

## 6 BACKGROUND PAPERS

- 6.1 Assets, Regeneration and Growth Committee, 17 March 2016, item 14, Brent Cross Cricklewood Compulsory Purchase Order (No.3), <https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8312&Ver=4>
- 6.2 Assets, Regeneration and Growth Committee, 17 March 2016, item 16, Brent Cross Cricklewood <https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8312&Ver=4>
- 6.2 Assets, Regeneration and Growth Committee, 24 April 2017, Brent Cross Cricklewood Update Report <https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8641&Ver=4>

## THE BRENT CROSS SOUTH BUSINESS PLAN

JULY 2017

### EXECUTIVE SUMMARY

#### 1. Introduction

- a. This Business Plan sets out the strategy for delivering Brent Cross South (BXS), a comprehensive, mixed-use redevelopment totalling c. 12.5 million square feet of gross floor area including some 6,700 homes and workspace for over 25,000 new jobs.
- b. In 2016 the Barnet Council (the Council) and Argent Related (A/R) formed the BXS Limited Partnership (BXS LP), the Master Developer vehicle to bring forward BXS. This partnership will create over the next 15 to 20 years a new well-connected town centre for North West London, which will complement the expanded Brent Cross London Shopping Centre (BXL).
- c. The principal joint aim of BXS LP is to secure the delivery of a great place through commercially viable phased development in accordance with this Business Plan. The intention of BXS LP is to generate a sound financial return on the capital deployed, consistent with the risks of carrying out the scheme in a reasonable time frame. Optimal returns are likely to be achieved by taking a long-term view of the development. BXS LP envisages delivering great public benefit for the residents of Barnet and adjacent Boroughs.

#### 2. Background to the Partnership

- a. BXS LP as the Master Developer will assemble the land in conjunction with the Council and implement the necessary infrastructure to create serviced plots for development.
- b. Barnet is the largest and one of the fastest growing London Boroughs. The Council has identified Brent Cross Cricklewood as a key opportunity area, which is why it set out to form a Joint Venture (BXS LP) to bring forward BXS. The Council's objectives for the Joint Venture include:
  - Ensuring placemaking is at the heart of the re-development;
  - Investing its land in anticipation of being able to share in the financial success of the regeneration scheme; and
  - Ensuring a lasting legacy through stewardship of the place.
- c. Argent, one of the UK's most well-respected developers and Related, one of the United States' leading property companies, have formed the Argent Related Partnership.

- d. A/R brings together an extraordinary blend of complementary skills, access to global capital, and unrivalled technical and delivery experience. In addition to its role as a Shareholder, A/R will act as the DM under contract to BXS LP.

### 3. The Opportunity and the Vision

- a. The development of Brent Cross Cricklewood (BXC), which comprises the Shopping Centre re-development at Brent Cross London (BXL), the new Thameslink Station (BXT), and Brent Cross South (BXS), provides an unrivalled opportunity to create an exemplar new town centre for London.
- b. The BXS development area is 180 acres (73 hectares), stretching from the North Circular Road (A406) to Cricklewood Lane, between Hendon Way (A41) and the Edgware Road (A5).
- c. BXS has the benefit of an existing Outline Planning Permission for the comprehensive regeneration of the Brent Cross Cricklewood site which was granted on 28 October 2010, and revised through the s73 Permission in July 2014. The s73 Permission provides for the scheme to be delivered in phases.
- d. The s73 Permission provides for BXS, when complete, to contain:
- c.6,700 new homes over a mix of tenures;
  - 4.2 million square feet (gross) of new office space, boosting the local economy and creating thousands of construction and permanent jobs;
  - A distinctive new high street at the heart of the community, with local shops and restaurants;
  - Improved transport connections from the new Thameslink Station and better walking and cycle routes into the local area and to existing stations;
  - 8 attractive new public squares;
  - 7 new or improved parks totalling c.65 acres, including improvements to Clitterhouse Playing Fields and Claremont Open Space;
  - Enhanced community facilities including improvements to 3 existing schools and construction of one new school, a new health centre, childcare, children's play space, and a neighbourhood police unit; and
  - New and improved leisure space, with a brand new Hendon Leisure Centre.
- e. Our vision is to deliver a significant, new town centre for London. Our town centre will offer the best of London's long established neighbourhoods with all the attraction, complexity, character and chance of delight and surprise that they can bring. This will be combined with the benefits of new, high quality curated, public realm, infrastructure and buildings. Our town centre will create positive outcomes for people, through opportunities for participation, a sense of ownership, choice and community integration. Through this undertaking, BXS LP aims to set a new benchmark for how outer London can contribute to London's growth.

## 4. Regeneration and Community Engagement

- a. By working in partnership, BXS LP will strive to achieve the following Regeneration Objectives:
  - i. Maintaining the right environment for a strong and diverse local economy;
  - ii. Delivering community facilities which support the integration of existing and new communities and provide excellent public services for local people;
  - iii. Creating a high quality urban environment, including well-designed public open space, which is managed and sustained over the long-term;
  - iv. Providing employment and learning opportunities for the communities of North and West London, including those in deprived areas and those currently excluded from labour markets;
  - v. Creating better life chances for children and young people;
  - vi. Promoting healthy, active, independent lifestyles for people of all ages so that families and individuals can maintain and improve their physical and mental health;
  - vii. Promoting family and community well-being and encourage engaged, cohesive and safe communities.
- b. Building on years of consultation and engagement around the BXC regeneration, BXS LP will seek to talk with and listen to a range of different organisations and a diverse set of communities. Community engagement is not just about discussion but is about active participation in community and regeneration programmes where people can share ideas, expertise and support to help build the community.
- c. BXS LP will pay particular attention to consultation with the existing Whitefield Estate residents, particularly secure tenants and resident leaseholders for whom new replacement homes will be provided. Relocation of the Whitefield Estate will respect the rights and needs of current residents and help set a positive tone for years of development to come.
- d. Alongside community engagement, BXS LP will pursue actions to build momentum for placemaking in partnership with local stakeholders. The purpose of these 'early wins' is to promote accessibility and connections and begin to change perceptions. Through physical interventions, programmes and events, BXS LP will make meaningful improvements to the site and create a positive dialogue with the community around the short and long-term benefits of the scheme.

## 5. Phasing Strategy

- a. The Project Agreement and s73 Permission provide for the Brent Cross Cricklewood regeneration to come forward in a series of meaningful phases. BXS LP aspires to make early, visible progress on the ground a priority, with a significant start on site, followed by continued and sustained delivery. The phasing strategy is driven by the need to achieve an optimal pace of delivery with appropriate risk management alongside securing returns that achieve the financial objectives of the project.
- b. The intention is that early phases will play a foundational role in setting standards for quality and the ongoing creation of value, establishing BXS LP's placemaking approach and beginning to change perceptions. This initial phasing strategy will focus on creation of significant critical mass in a timely fashion. To achieve this, the strategy must maintain broad conformity with the s73 Permission and only propose changes that would not materially delay the delivery programme.
- c. At the start of the development, the timing is contractually driven by the Unconditional Date for BXL and the Council placing the construction contract for BXT. The Phasing Strategy in the early Phases seeks to build on the infrastructure and wider environment that these two anchor projects will create.
- d. The First Phase of BXS (not to be confused with the s73 Permission Phase 1) will be centred around Market Quarter to take advantage of the context created by the first tranche of Strategic Infrastructure. The First Phase will also respond to the following drivers:
  - i. Temporary open space to be provided on Plot 11;
  - ii. It is to be residential led but with no more than 1,349 residential units consistent with delivering the replacement primary school and other substantial s106 Agreement requirements in Phase 2 (BXS LP will seek to retain flexibility to bring these forward earlier than required);
  - iii. To maximise the number of markets, Build to Rent is to be included alongside Market Sales;
  - iv. 110 Whitefield Estate replacement homes to be relocated to Plot 12;
  - v. Plot 18 including 145 market sale with a portion of new affordable;
  - vi. Plot 93 with a 70,000 sq ft hotel;
  - vii. Plot 204 with c. 72,000 sq ft of commercial office for SME;

- viii. Plot 206 with Student Accommodation (approximately 395 student beds, equivalent to c.130 residential units);
- ix. Phase Unconditional Date to follow as soon as practical after the Project Unconditional Date (if not simultaneous).

## 6. Town Planning Strategy

- a. The comprehensive redevelopment of the wider Brent Cross Cricklewood (BXC) regeneration area was initially granted planning permission in outline in 2010 under planning permission reference C/17559/08. This permission was subsequently amended on 23 July 2014 (reference F/04687/13, the 's73 Permission'). The BXC land is also bound by the terms of a related s106 Agreement dated 22 July 2014.
- b. The s73 Permission provides for c.12.5m sq ft of development including up to 6,700 homes and 4m sq ft of commercial offices. Broadly, the s73 Permission includes enough flexibility to deliver a commercially viable scheme within the approved parameters.
- c. The BXS GP Board will adopt individual strategies for each element of planning from time to time, in accordance with the following principles, such strategies to be appended to this Business Plan as they are adopted.
  - i. Meet longstop dates for applications for Reserved Matters Approvals by submitting applications which reflect what BXS LP wants to build, to the greatest extent practicable;
  - ii. Match investment in design for Reserved Matters with the procurement and delivery process to maintain commercial flexibility;
  - iii. Design phases and sub-phases to be as small and self-contained as possible to be achievable and not over commit ahead of implementation;
  - iv. Consider updating the s73 Permission when appropriate to facilitate smoother implementation;

## 7. Masterplanning

- a. The following principles inform the approach to masterplanning generally, and refining the Build Out Plan specifically:
  - i. **Human scale** – Prioritise the experience for people within an overall scale and massing framework to enable informality, granularity and variety.
  - ii. **Medium rise, high density** - Learn from desirable, quality places that do not necessarily comply with current guidelines.

- iii. **Connectivity** - Enable and encourage modal shift towards walking, cycling and public transport.
- iv. **Permeability** – Open routes through the public realm and development zones for all to enjoy. Emphasise gateways and invite people in with accessible design throughout.
- v. **Variety** – A range of architectural styles and typologies create interest balanced with common themes to develop a cohesive sense of place.
- vi. **Character** – The public realm – spaces between buildings - will establish personality and character. Concentrate streets and public spaces to create intensity and energy, rather than feeling grand, diluted and empty, but also not overly cramped.
- vii. **Flexibility** - Focus on nodes of development with a mix of uses, providing options to fill in later where necessary or appropriate.
- viii. **Phase-able** – Consider the grain of phasing when setting out fixed infrastructure, including levels, utilities, interim access arrangements, constructability, security and management.
- ix. **Respond to geography** - Connect to fixed points and optimise cut and fill balance with basements where they are naturally suited.
- x. **Manageable** – Design for management and keep servicing away from pedestrian dominated areas.
- xi. **Lively** – Plan for meanwhile uses and make the most of existing assets. Test and refine along the way, allowing early successes to influence later decisions.
- xii. **Health and well-being** – Deliver infrastructure to enable physical activity through public realm design and leisure facilities to encourage participation and healthy lifestyles.
- xiii. **Inclusivity and Diversity** – In planning for uses and public realm across the masterplan, ensure BXS is a place that promotes inclusivity in terms of cultures, ages, tenures, disabilities and income levels.

## 8. Transport

- a. As a part of the delivery of BXS, BXS LP will provide major improvements to the transport infrastructure within the development area, along with improved connectivity to the surrounding area, and wider North West London. The BXS site is geographically well connected, but the local transport infrastructure as currently exists, does not meet the needs of either current or future residents, nor occupiers or visitors to the site.

- b. The s73 Permission promotes the goal of providing sustainable modes of transport, however the application of the transport strategy in the Indicative Layout Plan is dominated by private vehicle and parking for residential uses and the associated infrastructure to support this. Conversely, it is considered that there may be under-provision of parking for the quantum of commercial office development.

## 9. Ground Works and Enabling Works

- a. BXS LP will take responsibility for site-wide enabling works in order to deliver serviced plots, simplifying and de-risking residual site preparation to be undertaken by individual Plot Developers.
- b. The scope of works will primarily comprise demolitions, site-clearance, earthworks, environmental remediation of the ground (where necessary) and works to provide or alter subterranean utilities and drainage, both permanent and temporary. Locally it will also include the construction of structures and /or temporary or permanent earth-retaining features (structures, embankments or cuttings), the diversion and construction of utilities and the establishment and later demobilisation of site logistics compounds. Existing utilities that become redundant will be terminated / capped off.

## 10. Delivering Utilities Infrastructure

- a. BXS LP is responsible for the design, procurement, installation and (where appropriate) adoption of all infrastructure, utilities and public realm to deliver serviced plots at BXS. The scope of works for utilities covers all the necessary works to provide electrical power, gas, district heating, potable water, telecommunication networks and both surface and foul water sewers to new occupiers.
- b. In designing, procuring, and selecting partners to install and adopt the required infrastructure to meet the utility demands of the scheme, BXS LP will consider the following drivers:
  - i. Ensure that all residents and occupiers at BXS have flexibility and choice in relation to their suppliers of electricity, gas and broadband connections.
  - ii. Deliver the sitewide networks on a phase by phase basis aligned with serviced plot delivery and ensure that disruptions to utility supplies are minimal and continuity of supply is maintained to all existing and new users.
  - iii. Deliver a sitewide district heating and combined heat and power (CHP) as required by the s106 Agreement to meet the carbon reduction targets. BXS LP will also consider alternatives to the district heating framework and explore options for a decarbonized grid.

- iv. In building infrastructure, consider the long term operation, maintenance and adoption of all utility networks.

## 11. Sustainability

- a. BXS LP is committed to promoting sustainability in its widest sense as a core principle at BXS throughout the design, construction and management phases of the development. This section focuses mainly on environmental sustainability although sustainability means not only building energy efficient infrastructure and buildings, but measures which will encourage socio-economic wellbeing and healthy lifestyles at BXS for all residents, occupiers and visitors.
- b. In addition to planning obligations from local, regional and national policies, BXS LP in its capacity as Master Developer is committed to investing in environmental sustainability measures when they contribute to the long-term value and resilience of BXS. Central to this will be the provision of the necessary infrastructure that will allow for efficient site-wide energy generation and distribution as well as enhancing the environmental performance of all buildings on site. BXS LP will also promote a healthy lifestyle through promoting public transport accessibility and reducing dependency on cars and designing a public realm that makes sport and leisure a part of the development's DNA.

## 12. Digital Strategy (Smart Cities)

- a. The term 'Smart Cities' can be viewed as the potential contribution from, and value-added of, services enabled through digital technologies in the built environment. Smart Cities is an emerging field and the extent of applications are as of yet unknown, but from the outset BXS LP will be smart about how it develops, owns and operates BXS to enable and exploit the inter-connectedness of things.
- b. BXS LP will focus on enabling infrastructure to facilitate digital and data driven design in whatever future applications are right for BXS. This includes setting the necessary physical duct work and conduits in the ground, building connectivity through fibre, broadband and mobile service throughout the site and integrating with building design so that BXS LP and its occupiers can decide later how best to make use of these disruptive technologies as they prove their worth. In this area BXS LP will seek to be an industry leader. This will also require at a minimum the fastest broadband connection available anywhere.

## 13. Thameslink Station Integration

- a. The timely implementation of the new Thameslink Station (BXT) is a key ingredient in the success of BXS. Whether people are looking to live, work or visit, ease of access will be a primary consideration. The additional train services that are to be provided by the new station, along with details of its design and the timing of delivery consistent with commencing train services in May 2022 are of critical importance and directly or indirectly will influence nearly all aspects of the wider opportunity at BXS.

- b. Progress on delivery of BXT is a fundamental driver of the delivery of BXS. The s73 Permission includes a condition (24.5) that restricts commencement of plot development in the Station Quarter until there is an unconditional contract for the new station and restricts occupation of any plots within Station Quarter until a contract has been placed for delivery of the interim interchange (and restricts occupation beyond 100,000 sq m until the station is completed and available for use). The Station contract is also a condition to achieve the Project Unconditional Date. As a result, the ongoing progress of the Station project is a trigger for further investment in BXS.

## 14. Residential

- a. With the potential to deliver up to 6,700 new homes, BXS is one of the largest residential development opportunities to come forward in London in recent years. The scale of the opportunity is particularly unique for north London and for LB Barnet.
- b. The BXS LP residential strategy seeks to achieve the following objectives:
- Deliver the quantum of new homes of a mix of tenures (including the Whitefield Replacement homes and new affordable) to achieve the vision for BXS;
  - Drive receipts from residential plots to support the delivery of infrastructure;
  - Deliver significant critical mass in early phases in order to support the creation of a place; with no place there is no value; and
  - Drive value growth.

### **Market Sale**

- c. It is expected that a substantial proportion of the market facing residential units will be delivered as market sale, varying slightly by phase and zone. The majority of residential units will be delivered as apartments in order to optimise density. It is expected that plots will be able to achieve a good mix of apartment types, including half as dual aspect flats, as well as townhouses / maisonettes and penthouses. BXS LP will also continue to explore the possibility of providing some family houses, which may be feasible on some portions of the site in later phases.

### **Build to (BtR)**

- d. BXS LP will seek to deliver purpose built rental housing, BtR, with high quality flats, professional management and good communal amenities. Rental products are likely to appeal to a broad market for reasons of affordability constraints and/or positive lifestyle choice. This in turn supports local shops and restaurants and reinvigorates schools / leisure facilities and other mixed uses. The BtR offer will aim to be best in class. This means that it will be designed for professional management, incorporating block sizes of substantial scale for efficiency and shared services, unified ownership, longer tenancies and generally designed for a customer oriented approach.

### **Student Housing**

- e. Because of its good connectivity, BXS will be an attractive location for student housing. It is anticipated that there will be a strong demand for purpose built and professionally managed housing at BXS for students from both from Middlesex University and the larger Central London universities such as UCL (which is on Thameslink). Whilst Brexit may have some impact on European student numbers there is still substantial existing demand from British and non-EU students.

### **Affordable**

- f. Affordable housing is a vital component of BXS LP achieving a mixed and balanced community and a successful place, where residents are proud to live. Affordable housing will be delivered tenure blind and allocated across the scheme, such that there will be no discernible difference in external appearance between the quality of market and affordable homes.
- g. Affordable housing at BXS involves two components: the Whitefield Estate replacement units and new affordable housing. In accordance with the Project Agreement, BXS LP will provide the Whitefield replacement units within the First Phase of development.
- h. It is recognised that in the First Phase, providing additional affordable homes of accommodation beyond the Whitefield Estate relocation will be challenging given the cost burden of the First Phase infrastructure and Whitefield relocation units. BXS LP will work with the Council as the LPA on future phases to achieve an appropriate quantum and mix of new affordable housing taking into account local housing needs in accordance with the s106 Agreement.

## **15. Commercial Office**

- a. Achieving the vision for BXS as a successful town centre rests in part on delivering a significant commercial office development as part of the overall mix of uses. The presence of a successful office cluster will bring economic activity and a strong weekday economy, supporting the restaurants, shops and leisure facilities that are also essential to a successful town centre.
- b. The s73 Permission includes 384,327 gross sq m (c. 4m sq ft) of B1 office space. The long term ambition is to take maximum advantage of the s73 Permission and to deliver a significant, well connected and thriving new business community for London at BXS.
- c. The BXS LP commercial office strategy will seek to achieve the following objectives:
- Provide the platform needed to deliver a wide range of workspace opportunities that meet the varied and changing needs of different types of businesses;
  - Maximise the opportunity created by the excellent transport connections (both existing and committed) that serve BXS to attract new businesses to the area;
  - Deliver significant critical mass and footfall to support other uses; and

- To deliver land receipts of a scale and value sufficient to support the needs of the wider project.

## 16. Retail, Leisure and Hotel

- a. Retail is an essential component of changing perceptions and delivering on the vision at BXS. The ground floor experience -- whether unique and lively or sparse and predictable -- will come to characterise BXS as a place for better or worse. The s73 Permission allows for c. 43,500 sqm of retail and leisure space combined, or c 4% of the total BXS GEA. The objective of the retail strategy at BXS will be to create value for other uses through “place creation” and build a sustainable and valuable offer in its own right.
- b. Further objectives for the retail offer at BXS are to:
  - Provide basic amenity for residents, workers and neighbours;
  - Serve as a meeting place to establish and build community;
  - Complement the offer at BXL;
  - Generate activity and energy to attract people to the site and retain them in the daytime and evening;
  - Support local and independent businesses, entrepreneurs and workers; and
  - Drive value growth.
- c. The area to the north of BXS already has a significant retail offer already with the existing Brent Cross Shopping Centre, which will undergo a major improvement and expansion by 2022. The retail and leisure offer at BXS will complement the Brent Cross Shopping Centre, in a way that adds to the overarching attractiveness of the area as a destination both for local people and for visitors from further afield.

## 17. Sport and Culture

- a. In addition to the primary development uses envisaged in the s73 Permission, BXS LP will seek to attract sport and culture based activities which will help shape the identity of BXS as a wider destination, drive footfall to support other uses, increase opportunity for the local community and create long term value for the estate.
- b. The BXS masterplan presents a strong underlying mix of prospective resources to promote sport through sports pitches, neighbourhood parks, civic squares, replacement leisure centre, cycle and pedestrian friendly infrastructure and an aspiration for the highest quality urban design.

- c. An educational use such as a university or private school would bring significant placemaking benefits from a diverse range of students who will work, play, study and relax at BXS. Religious and arts institutions are also proven examples as catalysts for engendering a sense of place and community. So long as the use is consistent with the BXS theme of inclusiveness and openness, and acknowledges any sensitivities within and between religious groups, it could be an attractive and complementary part of the wider offering.

## 18. Community Facilities and Schools

- a. Community facilities will play a vital role in achieving the Regeneration Objectives and in reinforcing the wider vision for BXS of creating positive outcomes for people through opportunities for participation, a sense of ownership, choice and community integration.
- b. In total, the s73 Permission includes just under 80,000 sq ft GEA of D1 community facilities. These include provisions for health centre, police, child care, library and flexible community space.
- c. BXS LP will view community facilities and schools as benefits and opportunities rather than simply as obligations. The objective will be to support the creation of value across the scheme and for the wider community.
- d. The s73 Permission and s106 Agreement also set out parameters for redeveloping three existing schools on the site: Claremont Primary School, Whitefield Secondary School and Mapledown Special Needs School, and for providing an additional Primary School. Specifically in regards to providing for the schools on site, BXS LP will adopt the following principles, to:
  - Ensure the best possible educational outcomes;
  - Engage with students, parents and existing schools throughout the process;
  - Minimise disruption to education of existing students during re-development stage;
  - Maximise the placemaking potential where possible and make the buildings ‘work hard’ with efficient layouts and co-location of uses;
  - Ensure generous play space and make the most of adjacent uses including other schools, parks, community facilities and commercial / residential; and
  - Provide for exemplar school design.

## 19. Estate Management

- a. Maintaining the public realm of the BXS Estate as a location that is clean, safe and welcoming is of enormous importance in attracting high quality occupiers and new residents, thus creating value for BXS. It will be important to set the right style of operations from day one: professional, helpful, but relaxed and never corporate.

- b. The 'One Estate' principle is important to the manner in which services will be delivered at BXS. Occupiers will have rights and obligations to a single regime, the 'BXS EstateCo' being inhabitants of a single, integrated place (albeit with permeable boundaries). The "Estate" is defined as all public realm and roads which have not been adopted by the Council.

## 20. Marketing and Public Relations

- a. In the early phases of BXS the marketing and communications strategy at BXS will encourage interest in the development, provide temporary amenities along the way and achieve serious interest in the serviceable plots. BXS LP will invest in sitewide marketing and PR to set the tone and brand for the whole place and its offer, which will be complemented by marketing of individual buildings with their own independent marketing budgets.
- b. The marketing of BXS will be joined up with the wider Brent Cross Cricklewood regeneration. Each of the three component projects will share key messages in order to contribute to development the reputation and brand of the area in a unified and complementary way.

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# Brent Cross South Limited Partnership First Phase Proposal Summary

Argent Related & London Borough of Barnet

# Contents

What is the First Phase?

The Land in the First Phase

The Intended Development Sequence

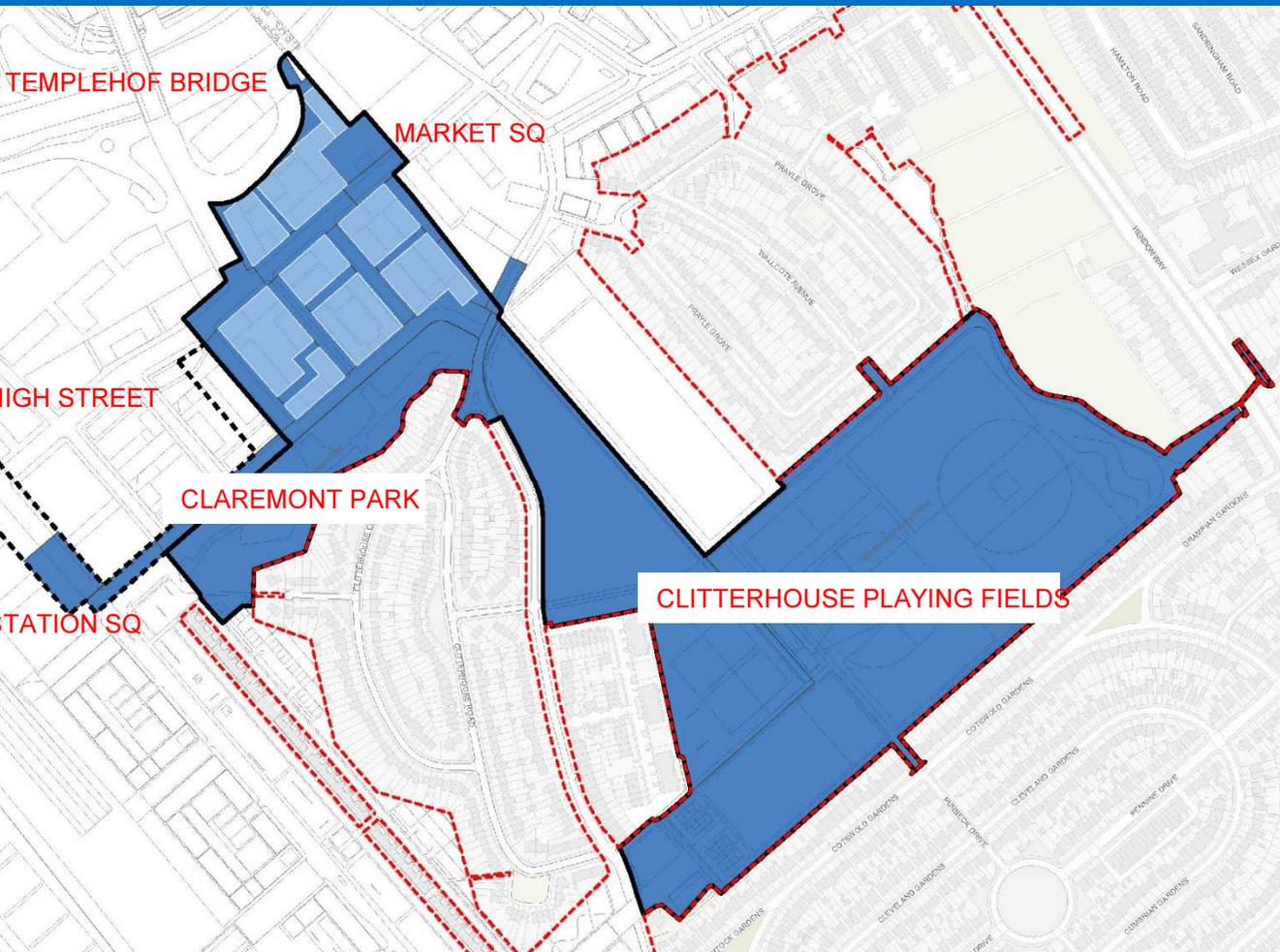
The Role of the Master Developer



# What is the First Phase?

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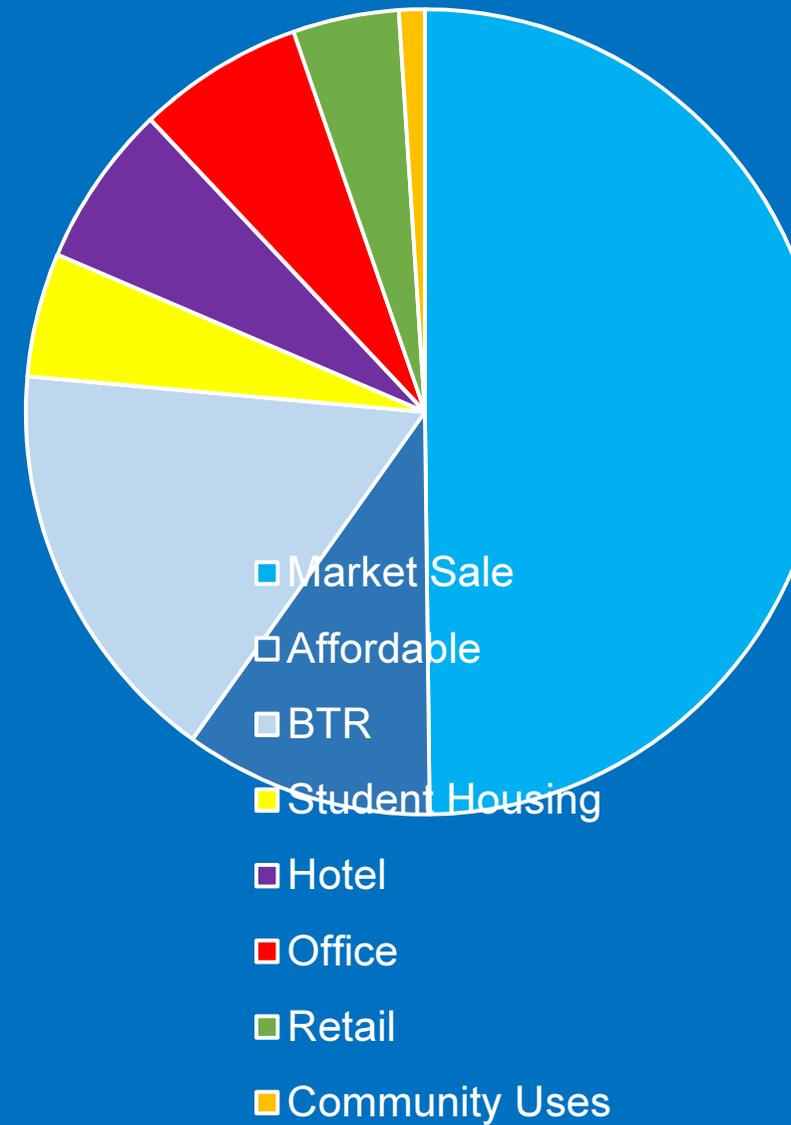
# BXS First Phase



- Over 1,000,000 sq.ft of development
- 1,165 new homes
- 782 apartments for sale
- 250 Build to Rent flats
- 133 affordable homes, including 110 units replacing the Whitefield Estate Towers
- 70,000 sq.ft of workspace
- Accommodation for 390 students
- 250 bedroom hotel
- Health and community facilities
- Shops and restaurants
- Transformation of Parks & Playing Fields



## Plots and Uses in the First Phase

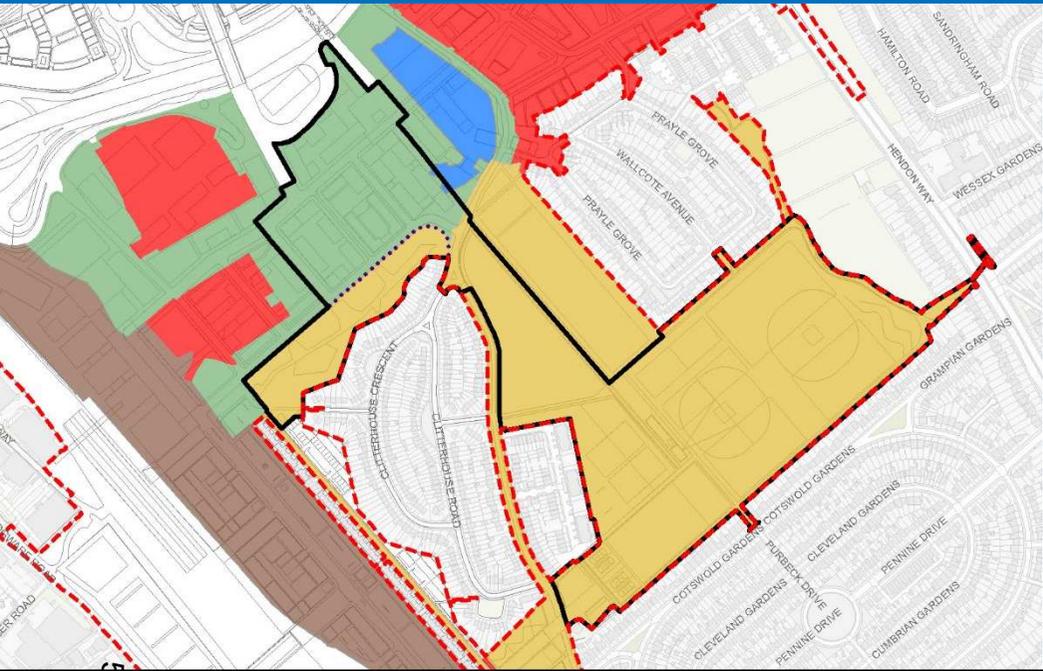
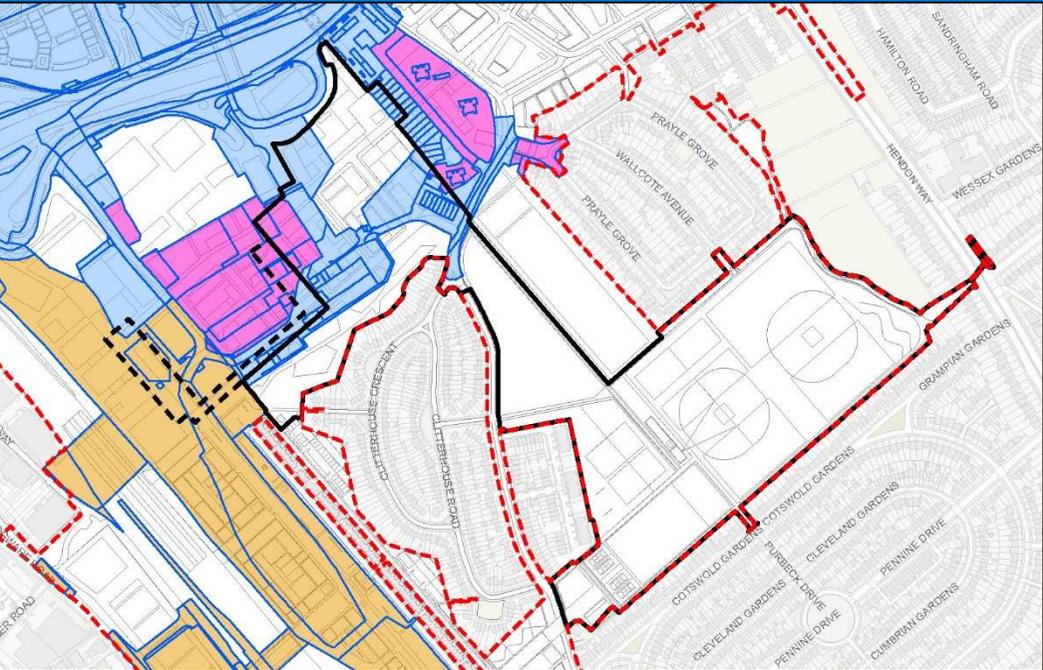


# The Land in the First Phase

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# Land in First Phase

- Land is either already owned by LBB or subject to an active Compulsory Purchase Order procedure
- The majority of the land (99.7%) will generate a Council Land Contribution



	CLC Land
	CPO 1
	CPO 2
	CPO 3
	Third Party Land
	Whitefield Estate Land
	Land Excluded from CLC

# The Intended Development Sequence

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# High Level Build Sequence

Plot	2019				2020				2021				2022				2023				2024			
	Q1	Q2	Q3	Q4																				
12																								
13																								
202																								
93																								
204																								
203																								
206																								
11																								
201																								

Plot 18 Available

Station Opens

Shopping Centre Opens

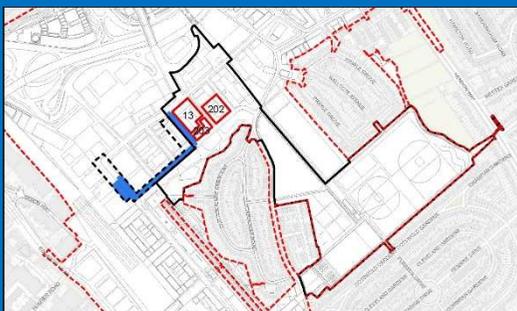
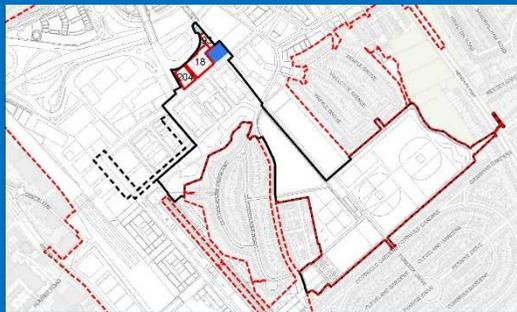
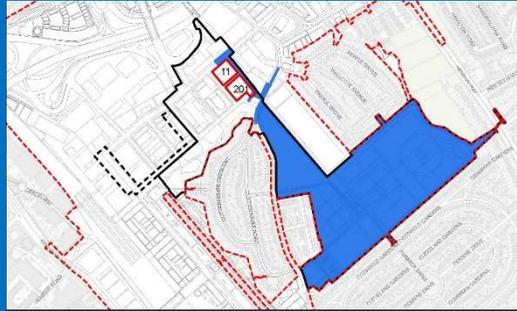
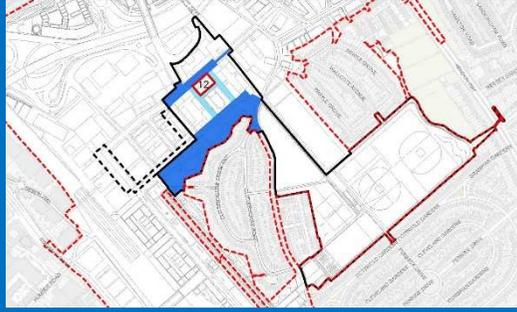
Affordable  
Market BTR  
Market Sale  
Hotel  
Office  
Market Sale  
Student Housing  
Market Sale  
Market Sale

# The Role of the Master Developer

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# Creating Serviced Plots

- The Master Developer will invest in Phase Infrastructure, which sets the platform for serviced plots to be sold for development, releasing value to the JVLP and Landowner (LBB)
- The Master Developer will also invest in Strategic Infrastructure, which provides a wider benefit to the whole project and adjoining communities. £67 million will be spent on Strategic Infrastructure alone in the First Phase



# Investing in future Success

As well as installing infrastructure to create serviced plots and directly release value, the Master Developer also invests to create a sustainable economic foundation for the whole scheme.

This work includes:

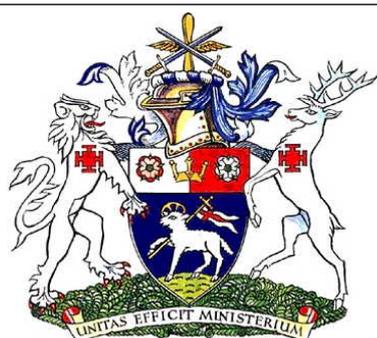
- Marketing and enlivenment
- Establishing an Estate Management Company
- Funding skills training, local transport improvements, public art



# WPA – Station



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**Assets Regeneration and Growth Committee**

**24 July 2017**

<p><b>Title</b></p>	<p><b>Assets, Regeneration and Growth Committee Commissioning Plan 2017/18 and Annual Performance Report 2016/17</b></p>
<p><b>Report of</b></p>	<p>Deputy Chief Executive</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Urgent</b></p>	<p>No</p>
<p><b>Key</b></p>	<p>No</p>
<p><b>Enclosures</b></p>	<p>Appendix A: Assets Regeneration and Growth Committee Commissioning Plan – Annual Performance Report 2016/17 Appendix B: Assets Regeneration and Growth Committee Commissioning Plan – 2017/18 Addendum</p>
<p><b>Officer Contact Details</b></p>	<p>Susan Curran, Commissioning Lead – Regeneration and Development Tel: 020 8359 3608. Email: <a href="mailto:susan.curran@barnet.gov.uk">susan.curran@barnet.gov.uk</a></p> <p>Neil Taylor, Director – Development and Regeneration Tel: 020 8359 7474. Email: <a href="mailto:neil.taylor@barnet.gov.uk">neil.taylor@barnet.gov.uk</a></p> <p>Rachel Williamson, Strategic Lead – Entrepreneurial Barnet &amp; Welfare Reform Tel: 020 8359 7298. Email: <a href="mailto:rachel.williamson@barnet.gov.uk">rachel.williamson@barnet.gov.uk</a></p> <p>Chris Smith, Head of Estates Tel: 020 8359 2987. Email: <a href="mailto:chris.smith@barnet.gov.uk">chris.smith@barnet.gov.uk</a></p> <p>Lindsey Hyde, Strategic Lead Performance and Programmes Tel: 020 8359 6660. Email: <a href="mailto:Lindsey.hyde@barnet.gov.uk">Lindsey.hyde@barnet.gov.uk</a></p> <p>Alaine Clarke, Head of Performance &amp; Risk Tel: 0208 359 2658. Email: <a href="mailto:alaine.clarke@barnet.gov.uk">alaine.clarke@barnet.gov.uk</a></p>

## Summary

In December 2014, the Assets, Regeneration and Growth Committee approved a five-year Commissioning Plan for the period 2015-20, which sets out the Committee's priorities and outcome measures for the following service areas – Growth and Regeneration, Entrepreneurial Barnet and Asset Management. All Theme Committees agreed a five-year Commissioning Plan.

This report provides an update on the Assets Regeneration and Growth Committee Commissioning Plan for 2016/17 (Appendix A) and presents refreshed targets for 2017/18 in an addendum to the Commissioning Plan (Appendix B).

## Recommendations

1. That the Committee note progress on the Assets, Regeneration and Growth Committee Commissioning Plan in 2016/17 (Appendix A).
2. That the Committee review and approve the addendum to the Assets, Regeneration and Growth Committee Commissioning Plan for 2017/18 (Appendix B).

### 1. WHY THIS REPORT IS NEEDED

1.1 The Council's Corporate Plan 2015-20 was agreed by Full Council in April 2015. It sets the strategic priorities and direction for the Council to 2020 and targets against which progress is measured. Each year, the priorities and targets are refreshed to ensure they remain focused on the things that matter most to the Council. The 2017/18 addendum was agreed by Full Council on 7 March 2017 and includes a new priority on delivering quality services:

- **Delivering quality services** – we strive to deliver services to the highest possible standard and to continuously improve this standard. We are committed to high quality customer service and being as transparent as possible with the information we hold and our decision-making.
- **Responsible growth, regeneration and investment** – in an era of reduced Government funding, growth is necessary for Councils to increase the local tax base and generate income to spend on public services. The Council has an ambitious programme of regeneration, which aims to create new homes and jobs, and the proceeds of this growth will be reinvested in the borough's infrastructure and essential community facilities.
- **Building resilience in residents and managing demand** – we will focus on the strengths and opportunities in our communities and target resources at those most in need. The Council will support residents to

stay independent for as long as possible through equipping people to help themselves and intervening early to address issues as they arise rather than waiting until they reach a critical stage.

- **Transforming local services** – as a Commissioning Council our focus is on reaching the best outcomes for our residents whilst delivering value for money to the taxpayer. This means delivering differently and working with a range of public, private, and voluntary sector organisations to ensure we can meet our priorities.
- **Promoting community engagement**, independence and capacity – we want to support residents and the wider community to become more independent and self-sufficient. This means residents having more of a say in the future of their local area, and where appropriate, taking on more responsibility for local services.

1.2 In 2014/15, each Theme Committee agreed a five year Commissioning Plan covering the period 2015-20. Commissioning plans set out the strategic priorities and outcome performance measures for each Committee, with targets to be refreshed annually. On 15 December 2014, following consultation, the Assets, Regeneration and Growth Committee approved its five-year Commissioning Plan. It sets strategic priorities and outcome measures for the following service areas – Growth and Regeneration, Entrepreneurial Barnet and Asset Management – with targets to be refreshed annually. The strategic priorities are:

#### **Growth and Regeneration**

- Regeneration schemes are delivered to a high standard, maximising benefits to the community.
- New communities at Brent Cross Cricklewood and Colindale are desirable and attractive places to live, work and spend time, which set the standard for future development across London.
- Regeneration and growth schemes are supported by appropriate, high quality infrastructure.

#### **Entrepreneurial Barnet**

- Barnet is established as the best place in London to be a small business.
- Key town centres are thriving, with reduced numbers of vacant units.
- Residents and local businesses and residents play an active role in shaping their High Street as a place to live, work, shop and spend leisure time.
- Residents have the skills and support to a get good job or a better job, and that people who contribute to the life of the borough are able to live here so that the borough remains a place where people and businesses want to live, work and invest.

### **Asset Management**

- The council's asset portfolio is managed and considered as a whole rather than considering assets in isolation.
- The Strategic Asset Management Plan (SAMP) drives a reduction in use of space to achieve savings.
- The SAMP drives reduced running costs and increase energy efficiency.
- The SAMP maximises letting income, balanced against community or social value.
- Efficiency is achieved by sharing assets across the public sector.
- The council's assets are used to support longer term regeneration and growth.
- Community assets are used transparently to support a range of activities that contribute to delivery of the council's corporate objectives.

- 1.3 Each Theme Committee is asked to agree a 2017/18 addendum to their plans, which sets out the Q4/end position against 2016/17 targets and updated targets for 2017/18. This will give Committees the opportunity to review and consider their priorities for the year ahead and the associated targets against which progress will be measured. The addendum to the Assets, Regeneration and Growth Committee Commissioning Plan for 2017/18 is provided at Appendix B.

### **Summary of Q4 position against 2016/17 targets**

- 1.4 Appendix A provides a review of performance against the commissioning intentions and outcome measures in the 2016/17 Commissioning Plan Addendum.

### **Growth and Regeneration**

- 1.5 Barnet's growth and regeneration programme combines a programme of physical regeneration schemes, housing developments on surplus council land and economic development initiatives, including town centre improvements. The annual report on the Growth and Regeneration Programme was presented to Assets, Regeneration and Growth Committee on 24<sup>th</sup> April 2017 and showed the progress being made across the programme. In 2016/17 1,212 homes were delivered through the Growth and Regeneration Programme. This includes 615 homes delivered through the Dollis Valley, Grahame Park, Millbrook Park, Stonegrove Spur Road and West Hendon regeneration schemes.

## **Asset Management**

- 1.6 Assets are and have been managed in accordance with the Strategic Asset Management Plan. Over the period 2016/17:
- A site allocations / property review board has been established in order to identify greater efficiencies in the utilisation of assets.
  - A surplus assets board has been established to shortlist future options for sites that no longer have utility for the council.
  - A backlog of rent reviews and lease renewals has been cleared, which has increased letting income from the commercial estate.
  - Implementation of the Community Asset Strategy has begun, which balances community and/or social value against rental income and utilisation.
  - Efficiencies have been achieved by sharing assets across the public and education sector, notably with the Clinical Commissioning Group and Middlesex University.
  - The One Public Estate (OPE) programme has identified opportunities to rationalise parts of the NHS estate and potentially release land for housing.
  - Re-baselining of building compliance has taken place across all assets for which the council is responsible in order to ensure the safety of assets as far as is practicable.
- 1.7 Internal management boards have been established to better match council needs with available assets and to agree proposals for assets that are ultimately deemed to be surplus to council requirements. Management of property and valuation has been significantly improved. A large backlog of rent reviews and lease renewals has been completed and a cycle of planning and approval of annual routine property services activity has been established. Building compliance for the whole of the maintained estate has been re-baselined in order to inform a comprehensive planned maintenance programme for 2017/18. A formal process for approving future annual planned maintenance programmes has also been established.

## **Asset Rationalisation**

- 1.8 Work on the new office block in Colindale is well underway with completion due in Autumn 2018. At that time, the majority of staff will move to Colindale as a base location but most will also adopt agile working practices that allow them to work more frequently from other locations including their homes, cafés or other offices. An office hub will also be established in the east of the borough, together with small numbers of touch down work spaces in other locations, for staff to utilise when accessing customers in specific localities. Overall, this will result in significant revenue savings for the council as expensive leased-in properties can then be surrendered. The relocation from the Mill Hill Depot to the new, more efficient, Oakleigh Road site will also take

place in Summer 2017, which will provide state of the art, bespoke facilities for the Street Scene service.

## **Community Assets**

1.9 The Community Asset Strategy (CAS) Implementation Plan is well underway, its purpose being to carry out rent reviews and lease renewals for community asset tenants, whilst recognising the benefit they bring to the community in the form of fair and transparent rental subsidies. Support is also being provided to tenants to allow them to develop sustainable business cases that not only demonstrate current viability but will also facilitate better future business planning. Other specific projects have also progressed:

- A User Group for the new community centre planned for Tarling Road has been established, with work on the new centre now planned to start in Summer 2017.
- The former civil defence building at Daws Lane will be transferred to the NW7 community group, subject to a number of conditions being fulfilled. The group plan to exercise the Community Right to Build in order to obtain community endorsed planning consent, which will be the first time this has been done in the borough.
- From Section 106 obligations, the new community asset at Chandos Avenue is underway and due to be handed over to the council in October 2017 as shell and core. Identification of tenants and a suitable fit-out and management strategy is underway. Construction of similar building at Sweets Way is currently planned to start in Feb 2019.
- Planning consent for a large community / health hub in Colindale, designed to replace the facilities currently in the Graham Park concourse, will be sought in late 2017, with a view to starting construction in 2018.
- In Brent Cross, community facilities are planned in both the north and south developments. Details are being finalised in consultation with the local community and will be included in the planning application currently scheduled for late in 2017.
- Resource has been allocated to develop options for relocating the Rainbow Centre, currently situated in the planned Dollis Valley regeneration area. The objective is to have a solution implemented by October 2019.

## **Entrepreneurial Barnet**

1.10 Entrepreneurial Barnet is the borough's cross-public sector approach to becoming the best place in London to be a small business. It should be noted that "small business" is used colloquially, and includes businesses with 0-10 employees which are formally classified as micro-businesses. An annual update report was presented to Assets, Regeneration and Growth Committee on 12<sup>th</sup> December 2016, and showed good process against each of the theme areas of Entrepreneurial Barnet. Some examples of what has been delivered to date in 2016/17:

- Supporting 56 apprentices on the Regeneration Programme as part of developer contributions.

- Securing a further 50 apprenticeships for future builds.
- Working with developers to produce Employment and Skills Action Plans for the regeneration in West Hendon and Brent Cross South.
- Working with local traders and residents to deliver a Town Centre Strategy for Burnt Oak and engagement with local residents and traders to develop a strategy for Finchley Church End.
- Partners have engaged with businesses through a programme of business engagement events and the second year of the Entrepreneurial Barnet programme which supports and celebrates the efforts of new businesses, with over 300 businesses engaged throughout the year.

### **Summary of 2017/18 priorities and targets**

- 1.12 Key priorities for 2017/18 include a continued focus on the delivery of housing. This is reflected in a new target for the number of homes completed, and a new indicator for monitoring the number of homes started on site through the development pipeline programme.
- 1.13 Supporting people to find work and supporting local businesses to grow remains a priority for 2017/18. Work with traders and residents to improve town centres continues.
- 1.14 A further emphasis for 2017/18 is on maximising the opportunity to generate income from the council's wide estate. Increased targets have been included around average re-let times for routine voids and the percentage of customers satisfied with the repairs services.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 A key element of effective strategic and financial management is for the council to have comprehensive business plans in place that ensure there is a clear strategy for addressing future challenges, particularly in the context of continuing budget and demand pressures (resulting from demographic and legislative changes), delivering local priorities and allocating resources effectively.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 There is no statutory duty to publish Committee Commissioning Plans but it is considered to be good practice to have comprehensive business plans in place for each Committee – which set out priorities and how progress will be measured – to ensure that the Council's vision for the future is clearly set out and transparent.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 Revisions to the Commissioning Plan will be communicated internally and with key stakeholders.
- 4.2 Following agreement, the Performance and Contract Management Committee will receive a progress report during the year against this Plan and associated in-year targets.
- 4.3 The Performance and Contract Management Committee will continue to review progress against the Council's Corporate Plan, and overview of the performance of both internal and external Delivery Units. This Commissioning Plan will enable the Performance and Contract Management Committee to focus on the key areas of performance for different service areas.
- 4.4 The Performance and Contract Management Committee has also set up a working group to oversee the four year review of the Council's contract with Re Ltd. The Re review is an opportunity to assess the performance and service delivery from the first four years of the contract and to ensure that the contract is best placed to meet the future needs of the Council.
- 4.5 As a result of the review, some of the targets for 2017/18 agreed as part of the Assets, Regeneration and Growth Committee Commissioning Plan may be subject to change.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

- 5.1.1 This report invites Members to review and approve the addendum to the Commissioning Plan for 2017/18, enclosed as Appendix B.

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 In addition to continuing budget reductions, demographic change and the resulting pressure on services pose a significant challenge to the Council. The organisation is facing significant budget reductions at the same time as the population is increasing, particularly in the young and very old population groups.
- 5.2.2 The Commissioning Plan has been informed by the Council's Medium Term Financial Strategy, which sets out the need to make savings of £53.9m between 2017/18 and 2019/20.
- 5.2.3 It is envisaged that the updated commissioning strategy for 17/18 can be contained within the previously approved ARG committee budget for the current financial year.

### **5.3 Social Value**

5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

### **5.4 Legal and Constitutional References**

5.4.1 All proposals emerging from the business planning process must be considered in terms of the Council's legal powers and obligations, including its overarching statutory duties such as the Public Sector Equality Duty.

5.4.2 The council's Constitution, in Part 15 Annex A, Responsibility for Functions, states the functions of the Assets, Regeneration and Growth Committee, including:

(9) To receive reports on relevant performance information on Delivery Units providing services under the remit of the Committee.

5.4.3 If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. In relation to this report, that is the Assets, Regeneration and Growth Committee.

5.4.4 The Assets, Regeneration and Growth Committee therefore has the responsibility for commissioning activity that falls under the remit of Assets, Regeneration and Growth giving cause for the setting of a Commissioning Plan.

### **5.5 Risk Management**

5.5.1 The Council has an established approach to risk management. Key corporate risks are assessed regularly and reported to Performance and Contract Management Committee on a quarterly basis.

### **5.6 Equalities and Diversity**

5.6.1 The general duty on public bodies is set out in section 149 of the Equality Act 2010.

5.6.2 A public authority must, in the exercise of its functions, have due regard to the need to:

a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.6.3 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
  - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 5.6.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 5.6.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, the need to tackle prejudice; and promote understanding.
- 5.6.6 Compliance with the duties in this section may involve treating some persons more favourably than others but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- 5.6.7 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 5.6.8 It also covers marriage and civil partnership with regard to eliminating discrimination.
- 5.6.9 In agreeing the Corporate Plan, the Council is setting an updated strategic equalities objective and reiterating our commitment to delivering this. The strategic equalities objective is as follows:
- Citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.
- 5.6.10 All aspects of the Assets, Regeneration and Growth Commissioning Plan will take account of equality requirements and be carried out in accordance with the Council's Strategic Equalities Objective (SEO). Outcomes will be

monitored and reported as appropriate to Assets, Regeneration and Growth Committee.

## **5.7 Consultation and Engagement**

5.7.1 The original Corporate Plan and Commissioning Plans were informed by extensive consultation through the Budget and Business Planning report to Council (3 March 2015).

5.7.2 The consultation aimed to set a new approach to business planning and engagement by consulting on the combined package of the Corporate Plan, Commissioning Plans, and budget. In particular it aimed to:

- Create a stronger link between strategy, priorities and resources
- Place a stronger emphasis on commissioning as a driver of the business planning process.
- Focus on how the Council will use its resources to achieve its Commissioning Plans.

5.7.3 To allow for an eight week budget consultation, consultation began after Full Council on 17 December 2014 and concluded on 11 February 2015. Further consultation on the budget for 2017/18 has been undertaken following Policy and Resources Committee on 1 December 2016.

## **6. BACKGROUND PAPERS**

6.1 Assets, Regeneration and Growth Committee, 12<sup>th</sup> December 2016, Item 14, Entrepreneurial Barnet – Annual Update and Forward Plan  
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8640&Ver=4>

6.2 Full Council, 7 March 2017, Corporate Plan Addendum 2017/18  
<http://barnet.moderngov.co.uk/documents/s38385/Appendix%20N%20Corporate%20Plan%20Addendum.pdf>

6.3 Assets, Regeneration and Growth Committee, 24th April 2017, Item 7, Annual update report on the Growth and Regeneration Programme  
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8641&Ver=4>

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## Appendix A: Assets, Regeneration and Growth Committee Commissioning Plan - Annual Performance Report 2016/17

The tables below provide a review of the **Assets, Regeneration and Growth** Committee Commissioning Plan for 2016/17 against each of the Commissioning Priorities:

- **Assets, Growth and Regeneration** - building more than 20,000 new homes by 2025 – the most in outer London – across our seven major regeneration sites, and more through a pipeline of future brownfield redevelopment
- **Economy and Town Centres** - ensuring that the number of good quality jobs keeps pace with population growth and that residents are supported to access them investing in our key Town Centres and making Barnet the best place in London to be a small business by making transactions with the council simpler

ASSETS, GROWTH AND REGENERATION			
Commissioning Priority	RAG	Commentary	Service
Ensure the supply of good quality, mixed tenure homes (achieved through growth and regeneration schemes)	Green	<p>The Annual Growth and Regeneration report has been presented to Assets, Regeneration and Growth Committee on 24 April 2017. 1,212 homes have been delivered through the regeneration programme over the year.</p> <ul style="list-style-type: none"> <li>• <b>Colindale</b> - design work is underway for a new community hub, including a new children’s centre; proposals have been developed for improvements to Colindale Avenue and a new health facility; and planning applications have been submitted for improvements to Montrose and Silkstream parks.</li> <li>• <b>Dollis Valley</b> – In total 108 new homes have been completed (59 in 2016/17) and Hope Corner Community Centre opened in September 2016.</li> <li>• <b>Grahame Park</b> - 60 homes, including 37 affordable homes, have been completed. Barnet and Southgate College has been relocated and a new Centre for Independent Living and a public library have been opened. There has been a delay in construction of the new council offices due to issues such as viability, grant funding, design and staff restructures within Genesis. These have mostly been resolved and the plots submitted to development management.</li> <li>• <b>Granville Road</b> - planning permission has been granted in August 2016 and the project is progressing.</li> <li>• <b>Millbrook Park</b> - 135 private homes and 50 affordable homes have been</li> </ul>	Re

		<p>completed.</p> <ul style="list-style-type: none"> <li>• <b>Stonegrove and Spur Road</b> - 169 homes were completed in 2016/17 and OneStonegrove, joint community centre and church, has opened.</li> <li>• <b>West Hendon – 142 homes were completed and a new interim community centre opened.</b></li> <li>• <b>Brent Cross Cricklewood</b> - a Joint Venture between the council and Argent Related has been formed in July 2016; Catalyst Housing Group and London and Quadrant have been selected as the respective Registered Providers for the replacement Whitefield Estate units and a Reserved Matters planning application for the updated Tempelhof Bridge was approved.</li> </ul>	
Build new mixed-tenure housing on surplus council-owned land (development pipeline)	Green Amber	<ul style="list-style-type: none"> <li>• <b>Infill Development on Housing Land.</b> 40 new homes have been developed across six infill sites, formerly underused garages and redundant play areas. These have been let as affordable units through the council’s letting policy. 10% of the homes are wheelchair accessible. A further 320 affordable homes will be delivered by 2020/2021 by Opendoor Homes, a registered provider subsidiary of The Barnet Group. The full business case to build 320 new affordable homes on council land was approved by ARG in December 2016. Planning Permission was obtained for 11 schemes in 2016/17.</li> <li>• <b>Tranche 1</b> of the development pipeline seeks to deliver 289 new homes of mixed tenure. Planning consent was obtained for the bulk of the new homes in June 2015 with Moxon Street following in November 2016. A pre-contract services agreement with Wates concluded in September 2016 when LBB opted not to proceed with Wates as the construction contractor. A report will be presented to September 2017 ARG committee detailing options for all 5 sites.</li> <li>• <b>Moreton Close Extra Care</b> is a 53-bed extra care scheme on the site of a former sheltered housing scheme. Former residents have been rehoused in suitable accommodation following individual assessments. The build contract has been awarded and work has commenced on site.</li> </ul>	Barnet Homes  Re  Barnet Homes
Ensure developers invest in the borough by providing apprenticeships and facilities for local communities (section 106 agreements)	Green	56 apprentices have been employed by development partners; 50 apprenticeship opportunities have been created and 130sqm of affordable workspace has been secured through s106 agreements.	Re

Ref		Indicator	Polarity	Period Covered	2016/17 Target	2016/17 Result	2015/16 Result	DOT Long Term (From 2015/16)	Benchmarking
SPI	REGENKPI07	Total number of new homes created through the development pipeline programme	Bigger is Better	Apr 2016 – Mar 2017	37	32 (G)	New for 2016/17	New for 2016/17	No benchmark available 5 of the 37 homes were completed in March 2016
SPI	REGENKPI08	Total number of affordable homes created through the development pipeline programme	Bigger is Better	Apr 2016 – Mar 2017	37	32 (G)	New for 2016/17	New for 2016/17	No benchmark available 5 of the 37 homes were completed ahead of schedule in March 2016
SPI	CG/C24	Running costs of estate (designated civic buildings only) <sup>1</sup>	Smaller is Better	Apr 2016 – Mar 2017	£4.47m	£5.49m (GA)	New for 2016/17	New for 2016/17	No benchmark available
The overspend relates to the new Mill Hill depot programme (666k), additional security for civic buildings (£387k) and other civic estate miscellaneous costs.									
SPI	CG/C25	Income from the estate <sup>2</sup>	Bigger is Better	Apr 2016 - Mar 2017	£3.37m	£3.46m (G)	New for 2016/17	New for 2016/17	No benchmark available

Economy and Town Centres			
Commissioning Priority	RAG	Commentary	Service
Create an entrepreneurial environment that supports growth by “getting the basics right” so businesses are able to access information about council services easily, at first contact and at times that suit them	Green	The Barnet Business Directory and plans for a Business Portal have continued. In addition, marketing information for the Business Advice Service has been published.	Commissioning Group

<sup>1</sup> There is an aspirational commitment to manage all council owned buildings under a single corporate landlord model. If this proves to be practicable, targets will be calculated and adjusted accordingly.

<sup>2</sup> Income targets are agreed annually and are managed as part of contract performance

Commissioning Priority	RAG	Commentary	Service
Invest in town centres by ensuring they are well-connected and accessible and the public realm is attractive with a sustainable mix of retail, leisure, business and residential uses	Green	The “Town Centre Offer” has been published. This will make it easier for local groups to drive forward projects to improve their local area. Investment in town centres has focused on Burnt Oak and the development of proposals for Finchley Church End. Physical improvements in Burnt Oak are underway and a further request for funding has been taken to Assets, Regeneration and Growth Committee on 24 April 2017. Finchley Church End strategy will be presented to Members in Autumn following an event for stakeholders. The Golders Green Town Centre Strategy is currently being developed.	Commissioning Group
Understand the impacts and opportunities of expected devolution of business rates in 2020 on the local business community	Green	Following the election there have been a number of changes to the legislative programme. We will continue to liaise with London Councils and Government on the future of business rates retention.	Commissioning Group
Support local business by putting in place initiatives that create the conditions for a thriving local labour market, where residents have the skills employers need and access to support with overcoming any issues they may face	Green	<p>A range of activities have been held over the year, most recently:</p> <ul style="list-style-type: none"> <li>• Apprenticeship Week took place 6-10 March 2017, with partners delivering a range of activities to promote apprenticeship routes.</li> <li>• Entrepreneurial Barnet Competition finals took place on 7 March 2017. All finalists will receive mentoring support. Business ideas included pastoral support for Middlesex University students using an eye catching app, two dance companies and a handwriting course</li> <li>• Re announced the launch of a business offer covering their full range of services for businesses such as a Small Business Advisor, support and assistance with license applications, training, pest monitoring and assistance with planning needs.</li> <li>• Re held a business breakfast in February 2017. The sessions covered how to win business with the council, and business responsibility.</li> </ul> <p>The Government’s March 2017 budget included a skills devolution deal for London, which will give London and the sub-regions more control over skills funding and skills activity.</p>	Re

Commissioning Priority	RAG	Commentary	Service
Help people into work via The Welfare Reform Task Force and BOOST	Green	<p>The lower benefit cap has been fully implemented, with all residents receiving letters and offers of support to find work. Multi-agency support to key groups has continued, including for Care Leavers, 'Families First', those affected by welfare reforms, new claimants of Universal Credit and those living in priority wards (e.g. Burnt Oak and Childs Hill).</p> <p>The Burnt Oak Opportunity Support Team (BOOST) has engaged with 824 people and supported 298 people into work. On 13 April 2017 the second BOOST team launched in Childs Hill. This team will support people in the south of the borough to make the most of the opportunities from the regeneration of Brent Cross.</p>	Commissioning Group

Ref	Indicator	Polarity	Period Covered	2016/17 Target	2016/17 Result	2015/16 Result	DOT Long Term (From 2015/16)	Benchmarking
CPI CG/S27	Percentage of total spend with local businesses	Bigger is Better	As at 31 March 2017	Monitor	23%	New for 2016/17	New for 2016/17	No benchmark available
CPI Re/S14 (Annual)	Business satisfaction with the council and area (local survey)	Bigger is Better	-	TBC <sup>3</sup>	Not reported	-	-	No benchmark available
CPI Re/S1 (Annual) / SK1	Business survival rate across the borough (end of year 3)	Bigger is Better	Apr 2016 - Mar 2017	4%pts more than comparable boroughs (5%)	7.6%	1.9%	Improving	No benchmark available
CPI Re/S3 (Annual) / SK3	Vacancy rates on high street	Smaller is Better	Apr 2016 - Mar 2017	2.5% better than comparable boroughs (7.9%)	5.7% (G)	4.6%	Worsening	Comparable boroughs 7.15% vacancy rates (2015/16, DCLG) <sup>4</sup>

<sup>3</sup> New methodology for survey to be confirmed

<sup>4</sup> Comparable boroughs = Brent, Bromley, Ealing, Haringey, Harrow, Lewisham

Ref		Indicator	Polarity	Period Covered	2016/17 Target	2016/17 Result	2015/16 Result	DOT Long Term (From 2015/16)	Benchmarking
CPI	CG/S1 (Quarter)	Unemployment (of people on out of work benefits)	Smaller is Better	Jan - Dec 2016	Monitor	4.9%	5.8%	Improving	London 5.7% National 4.8% (Jan - Dec 2016, Nomisweb)
CPI	Re/S2 (Annual) / SKPI 2	Youth unemployment	Smaller is Better	Apr 2016 - Mar 2017	1%pt better than comparable boroughs (18%)	16% (G)	18%	Improving	No benchmark available
SPI	CG/C26	Barnet council apprenticeships	Bigger is Better	Apr 2016 - Mar 2017	15	15 (G)	New for 2016/17	New for 2016/17	No benchmark available
SPI	TSLKPI02	Appropriate response to statutory deadlines in relation to the Licensing and Gambling Act (dealt with to pre-set standards)	Bigger is Better	Apr 2016 – Mar 2017	100%	100% (G)	100%	Same	No benchmark available
SPI	Re/C35	Average time taken to process requests for Full Official Searches (online and post) in Land Charges (days)	Smaller is Better	Apr 2016 – Mar 2017	3 days	3 days (G)	4.31 days	Improving	No benchmark available
SPI	Re/C5 (Annual) / SKPI 5	Re – Service satisfaction	Bigger is Better	Apr 2016 – Mar 2017	80%	69%	56.3%	Improving	No benchmark available

The lowest scoring service area was Planning, with a score of 53%. The survey showed that 72% of customers who received a planning approval were satisfied compared with only 5.2% of customers who had their planning application rejected. There has been an improvement in performance since 2015/16 (56.3%).

**Key:**

**Activities**

RAG Rating	Description
Green	Action on track or met
Green Amber	Action delayed, Low Impact
Red Amber	Action delayed, Medium Impact
Red	Risk of Not Delivering Or High Impact

**Indicators**

Ref	RAG Rating	Percentage of Targeted Improvement Achieved	
CPI = Corporate Plan Indicator for 2016/17	Green	100% or more	Target is met or exceeded
SPI = Commissioning Plan Indicator for 2016/17	Green Amber	>80% <100%	Target not met, but 80% or more of targeted improvement achieved
	Red Amber	>65% <80%	Target not met, but 65-80% of targeted improvement achieved
	Red	<65%	Target not met, and less than 65% of targeted improvement achieved

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# ASSETS, REGENERATION & GROWTH COMMITTEE

## Commissioning Plan 2015 – 2020

### 2017/18 addendum & targets

This document is an addendum to the **Assets, Regeneration & Growth Committee Commissioning Plan 2015 – 2020**, which sets out a revised narrative and updated indicators/targets for 2017/18. The full Commissioning Plan can be found here: <https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/corporate-plan-and-performance.html>

## **1. CONTEXT FOR COMMISSIONING PLAN**

### **Delivering quality services**

Barnet has an ambitious council that aspires to deliver excellent modern services to residents at the best possible value to the tax payer. The borough has some of the best schools in the country and operates on a sound financial footing, at a time when our budget is effectively being reduced by 50 per cent as the government attempts to control expenditure, whilst demand continues to increase. With the highest population of any London borough, and an ever-increasing demand for services – particularly care for the elderly, this is a great achievement.

Barnet is a growing borough and our local economy is strong. Our vision is for a council that works to ensure everyone can benefit from the opportunities that growth and investment will bring. This means the council helping people to help themselves whilst still protecting what people value in Barnet – its excellent schools, its excellent parks and open spaces, and its character as an outer borough of the world's greatest city.

To achieve this, we will need to change the way we work over the next few years so that we deliver the services residents expect whilst becoming even more efficient.

But as we continue to reduce the day to day running costs of the council to make savings, we are investing heavily in the future infrastructure of the borough. As well as building new housing, leisure centres, schools and community buildings, the council is also investing in improvements to our pavements and roads and our green spaces. We are putting a machine into action that will melt the road surface to allow a quick and permanent pothole repair. This will save the temporary repairs that are done quickly with a permanent job done later. We are taking a strong enforcement approach against those who litter, fly-tip, or illegally store containers on the highway. The vast majority of Barnet residents act responsibly but for those at don't, we will take action.

We will ensure that developers, big and small, pay for any damage caused to our roads and pavements through a deposit scheme. We will have tighter control of skips and building materials so that they do not cause a hazard for pedestrians and road users. Parking charges will gradually change to encourage the use of smaller, cleaner, cars. Poor air quality is a London-wide problem and needs to be sorted out regionally and by the borough.

### **Responsible growth, regeneration and investment**

As the funding we receive from the government eventually reduces to zero, the council will focus on making sure that it collects enough Council Tax and Business Rates to maintain local services. Essentially, this means building new homes and offices in the regeneration areas. The council's regeneration programme will see £6bn of private sector investment over the next 25 years, which will create around 20,000 new homes and up to 30,000 new jobs. It will also generate £17m of additional income annually for the council by 2020, with one-off income of £55m. The schemes at Colindale, Stone Grove, West Hendon and Dollis Valley are well on the way to completion. Plans are well advanced at Brent Cross to modernise the shopping centre and build new homes both owned and rented. There will also be offices on the other side of the North Circular. This is exciting, but it is essential that the transport infrastructure, schools and medical services are in place as people move in. Through our capital investment programme we will invest £833.7m in the borough between now and 2020, using the proceeds of growth to re-invest in infrastructure.

There is a need for more apprenticeships to engage our young people and bring them in to the workforce, as well as making it easier to access skills development. We have already put in place services to support our residents into work. For example, the Burnt Oak Opportunities Support Team (BOOST) has helped nearly 200 people into work since its launch in June 2015 and the Welfare Reform Taskforce has helped over 1,000 people find a job.

## **Building resilience in residents and managing demand**

Barnet council is facing a £53.9 savings gap to 2020, and this is not simply due to continued reductions in government funding. Changing demographics and a growing population – particularly among the very young and the very old – continues to put pressure on local public services.

As we continue to be more efficient and prioritise, we will always protect our vulnerable residents. Our aim is to target our resources at those most in need, and support residents to stay independent for as long as possible. This means equipping residents to help themselves and intervening early to address and respond to issues as they arise, rather than waiting until they reach a critical stage. We are working with other parts of the public sector to achieve this through more joined up services, as well as incurring fewer costs by working together more efficiently.

An example of this is the Barnet Integrated Locality Team which works to co-ordinate care for older adults with complex medical and social care needs, helping them to stay well in their own homes, thereby easing demand for costly residential care and reducing pressure on the NHS. Likewise, the REACH team and Youth Service provide a joined up approach to increasing family resilience against crime, whether this be as victims or offenders, including situations with multiple issues such as domestic violence, substance misuse, mental health, and gangs.

## **Transforming local services**

As a Commissioning Council our focus is on reaching the best outcomes for our residents whilst delivering value for money to the taxpayer through working with a range of public, private, and voluntary sector organisations.

For some services, this has meant a partnership with the private sector, for example our contracts with Capita to provide our back office and customer services has saved the council £31m since 2013. These are savings that would otherwise have had to come from the more ‘visible’ services that our residents rely on.

We have also recently entered into a partnership with Cambridge Education, a specialist education company, to deliver our Education and Skills services. By 2019/20 this partnership is guaranteed to save the council £1.88m per year through marketing and selling services to more schools and other local authorities, which will create income.

We are aiming to move towards 80% of contact with the council being online or through other digital means by 2020. This is more efficient and flexible for residents, and saves the council money which can then be targeted at residents most in need. We will ensure there will be access arrangements for those who cannot get online.

## **Promoting community engagement, facilitating independence and building community capacity**

The council will continue to face up to its responsibilities in the coming years but we can't do it on our own. The borough's residents and businesses will need to do their bit – helping to keep our

streets and parks tidy, recycling more, and looking out for our neighbours – to ensure we are equipped to rise to the challenges of the next few years. But this also means residents having more of a say in the future of their local area, and we will increase our support for those residents and groups who want to take on a more active role.

## 2. OUR APPROACH TO MEETING THE 2020 CHALLENGE

The council's Corporate Plan sets the framework for each of the Theme Committees' five year commissioning plans. Whether the plans are covering services for vulnerable residents or about universal services such as the environment and waste, there are a number of core and shared principles, which underpin the commissioning outcomes.

**The first is a focus on fairness:** Fairness for the council is about striking the right balance between fairness towards the more frequent users of services and fairness to the wider taxpayer and making sure all residents from our diverse communities – young, old, disabled and unemployed benefit from the opportunities of growth.

**The second is a focus on responsibility:** Continuing to drive out efficiencies to deliver more with less. The council will drive out efficiencies through a continued focus on workforce productivity; bearing down on contract and procurement costs and using assets more effectively. All parts of the system need to play their part in helping to achieve better outcomes with reduced resources.

**The third is a focus on opportunity:** The council will prioritise regeneration, growth and maximising income. Regeneration revitalises communities and provides residents and businesses with places to live and work. Growing the local tax base and generating more income through growth and other sources makes the council less reliant on Government funding; helps offset the impact of budget reductions and allows the council to invest in the future infrastructure of the borough.

**Planning ahead is crucial:** The council dealt with the first wave of austerity by planning ahead and focusing in the longer-term, thus avoiding short-term cuts and is continuing this approach by extending its plans to 2020.

## 3. OUR PRINCIPLES

The **principles** of **Fairness, Responsibility** and **Opportunity** are at the heart of our approach. We apply these principles to our **Corporate Plan priorities** of: **delivering quality services; responsible growth, regeneration and investment; building resilience in residents and managing demand; transforming local services;** and **promoting community engagement, independence and capacity.**

These priorities are underpinned by a commitment to **continual improvement in our customer services** and to be **as transparent as possible with the information we hold and our decision-making.**

### Fairness

- fairness for the council is about striking the right balance between fairness towards more frequent users of services and to the wider taxpayer
- **building resilience in residents and managing demand** – between 2011 and 2016 we've successfully saved over £112m through effective forward planning. In order to meet the £61.5m budget gap to 2020, we will target resources on those most in need and support

residents to stay independent for as long as possible

- this will require a step change in the council's approach to early intervention and prevention, working across the public sector and with residents to prevent problems rather than just treating the symptoms.

### Responsibility

- the council will focus not only on getting the basics right, but also **delivering quality services**, and striving to continuously improve the standard of services
- **promoting community engagement, independence and capacity** - as the council does less in some areas, residents will need to do more. We're working with residents to increase self-sufficiency, reduce reliance on statutory services, and tailor services to the needs of communities
- in doing so, the council will facilitate and empower residents to take on greater responsibility for their local area.

### Opportunity

- the council will capitalise on the opportunities of a growing local economy by prioritising regeneration, growth and maximising income
- **responsible growth, regeneration and investment** is essential for the borough – by revitalising communities and providing new homes and jobs whilst protecting the things residents love about Barnet such as its open spaces. New homes and business locations also generate more money to spend on local services, which is increasingly important as the money received directly from government reduces to zero
- we will use the proceeds of growth to invest in local infrastructure and maintain Barnet as a great place to live and work as we continue to deal with budget reductions to 2020
- we will explore the opportunity this presents to **transform local services** and redesign them, delivering differently and better
- we will focus on making services more integrated and intuitive for the user, and more efficient to deliver for the council and the wider public sector.

The Equality Act 2010 and the Public Sector Equality Duty impose legal requirements on public organisations to pay due regard to equalities. The Corporate Plan is fundamental to the council's approach to deliver equalities. It enables the principles of equalities and valuing diversity to be reflected and mainstreamed into all council processes. It also outlines the council's Strategic Equalities Objective (SEO) that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.

Through the SEO, Barnet aims to provide the best start for our children and access to equal life chances to all our residents and taxpayers who live, work and study in Barnet. Progress against the SEO is monitored annually in an Annual Equalities Report which is publicly reported to Council and the SEO is also reflected through our Commissioning Plans and priorities for each Theme Committee. Management Agreements with our Delivery Units have a number of commitments which reflect the importance of equalities and how the Commissioning Plans will be achieved in practice, and performance indicators have been set and published for each Delivery Unit.

## 4. VISION FOR ASSETS, REGENERATION & GROWTH

- Housing and employment are essential elements to achieving a good quality of life.
- We want to ensure everyone in Barnet has access to a good job or a better job, and that people who contribute to the life of the borough are able to live here, in good quality homes

they can afford, so that the borough remains a place where people and businesses want to live, work and invest.

- We want to make sure local businesses have the support they need to succeed, helping to create jobs and grow the economy.
- Through responsible regeneration, we will revitalise communities and improve the quality of life for people living in the areas of greatest need in Barnet, while creating opportunities for residents and businesses across the borough.

## 5. COMMISSIONING PRIORITIES

### Summary

- We're building **more than 20,000 new homes by 2025 – the most in outer London** – across our **seven major regeneration sites**, and more through a **pipeline of future brownfield redevelopment**.
- We're ensuring that the number of **good quality jobs keeps pace with population growth** and that residents are supported to access them.
- We're making **Barnet the best place in London to be a small business** joining up everything that we do to support local businesses and entrepreneurs, and to improve our town centres.

### Assets, Growth and Regeneration

**The council's asset portfolio is managed as a whole and used to support longer term growth and regeneration, with schemes delivered to a high standard, maximising benefits to the community, and supported by appropriate, high quality infrastructure.**

- **Barnet has the largest population of any London borough**, with 376,065 residents in 2016, and our population is growing, driven by a high birth rate, increased life expectancy and migration into the borough from elsewhere in the UK and internationally.
- We are ensuring that the supply of good quality, mixed tenure homes keeps pace with this growth. This will be achieved through **seven major growth and regeneration schemes**, including Brent Cross Cricklewood, Colindale and Mill Hill East. In 2017/18 we will also be
- We are also **building new housing on surplus council-owned land as part of the Development Pipeline Programme**. Opendoor Homes was established as a Registered Provider subsidiary of Barnet Homes in March 2017 and has plans to deliver 320 homes for affordable rent by 2021 across a number of sites. The first homes will start on site in July 2017.
- Through the use of Section 106 agreements, we're **ensuring that developers invest in the borough** by providing apprenticeships and job opportunities for local people, facilities for local communities, and work space for small businesses and start-ups.
- Capital receipts and revenue income from development will **outstrip increased demand for services**, helping to ensure the financial sustainability of the council.

### Economy, employment, skills, and Town Centres

**Our aim is that Barnet is established as the best place in London to be a small business. By developing a labour market with the skills and behaviours that employers are seeking, and with a strong culture of entrepreneurship, the desirability of Barnet as a place to start and run a business will grow and incomes will rise. Our key town centres are thriving, with residents and**

local businesses playing an active role in shaping them as a place to live, work, shop and spend leisure time.

- A thriving local economy is essential to **maintaining the supply of jobs**, and income for the council, that will help to support the future prosperity of the borough.
- Entrepreneurial Barnet aims to ensure that **Barnet is the most attractive place in London to start up and run a small business<sup>1</sup>**, building on the high levels of skill, mobility and flexibility that characterise the local labour market.
- Getting the basics right so **businesses are able to access information about council services, pay bills, obtain licences and other consents, and report issues easily**, and at times that suit them, will help to create an entrepreneurial environment which is supportive of growth.
- **Investing in our town centres** is a key part of this, ensuring that they are well-connected and accessible using a range of transport options, and the public realm is attractive with a **sustainable mix of retail, leisure, business and residential uses**.
- We will work to understand the **impacts and opportunities of expected devolution of business rates** in 2020 on the local business community.
- Supporting local business will help to ensure that the number of good quality jobs – of which we expect **30,000 to be created in the borough over the next 20 years** – keeps pace with population growth; however **some residents will need extra help** to take advantage of the employment opportunities that growth will bring.
- To this end, we have put in place a range of initiatives aimed at creating the conditions for a **thriving local labour market**, where residents have the skills employers need and access to support with overcoming any issues they may face.
- The Welfare Reform Task Force – a co-located, multi-agency service made up of council, Barnet Homes and Jobcentre Plus staff – **helped over 960 Barnet residents into work between June 2013 and June 2017**. Every £1 invested in the service, which **engaged with 96% of residents affected by the Benefit Cap and helped 35% into work**, returns £3 to the public sector through reduced welfare spending.
- BOOST, a localised version of the Task Force operating in Burnt Oak (the area of Barnet with the highest level of unemployment), **helped over 300 residents into work in its first year**. The service was **co-designed with its users** so it is better suited to their needs and, ultimately, more likely to be successful. This year we are working to replicate the model in the Childs Hill / Cricklewood area.
- Helping people into work and suitable accommodation helps to **manage demand on other public services**, such as the NHS and the council’s housing needs service.

## 6. KEY SUCCESSES IN PAST YEAR

### Assets, Growth and Regeneration

- In the past year 615 new homes were been delivered across the estate regeneration projects Estates (Dollis Valley, Grahame Park, Granville Road, Stonegrove/Spur Road, West Hendon). In addition
  - Demolition work started on site at **Dollis Valley**, as part of Phase 2; and Hope Corner Community Centre was officially opened (in September 2016).

<sup>1</sup> “Small business is used colloquially, to include businesses with 0-10 staff which are technically classified as micro-businesses. This is consistent with the approach taken by the Federation of Small Businesses, most of whose members have fewer than ten staff.

- The new Barnet and Southgate College, Centre for independent living and public library were officially opened and construction works commenced on site for the new council offices in Colindale.
- The new **Granville Road** programme was presented to the LLP Board (in October 2016); and planning conditions and timescales scoped out.
- An early learning hub was created in **Stonegrove/Spur Road**, with a new nursery and primary school established in the grounds of London Academy Secondary School. The OneStonegrove, joint Community Centre and Church, was officially opened.
- A new interim community centre opened in **West Hendon** and 34 leaseholders from Phase 4 (CPO 2) moved into the new shared equity properties.
- The **Brent Cross Cricklewood** programme will see the comprehensive regeneration of 151 hectares to create a new sustainable town centre for Barnet and North London including substantial residential and commercial uses. In the last year,
  - A Joint Venture between Barnet Council and Argent Related was formed to deliver Brent Cross South (in July 2016)
  - A planning application to re-phase key delivery elements from Brent Cross North to Brent Cross South and amend certain planning conditions was approved (in February 2017)
  - Reserved Matters Application for Templehof Bridge was approved in February 2017
  - Catalyst Housing Group selected as the preferred Registered Provider for the Whitefield Estate residents in Brent Cross North (CPO 1)
  - London and Quadrant selected as the preferred Registered Provider for the Whitefield Estate residents in Brent Cross South (CPO 2)
  - Design work for the new Thameslink Station and associated critical infrastructure continues.
- The regeneration programme will generate more than **£11m in recurrent income by 2025**, and **£50m in one off income by 2020** to be invested in infrastructure. 40 homes were completed in Tranche 0 (HRA infill) and demolition work commenced at the new Moreton Close extra care facility. A planning application for the development at our Moxon Street was approved in October 2016.

## Economy, employment, skills, and Town Centres

- The second annual **Entrepreneurial Barnet Competition** was run, in partnership with Middlesex University and Barnet and Southgate College.
- Newly freed up space in libraries at Golders Green, North Finchley, East Finchley, and Chipping Barnet was made available as **workspace for small businesses** via the Libraries Strategy.
- The ‘Get In, Go Far’ apprenticeship campaign was promoted. The Opportunities for Young people project continued to offer early support to young people at risk of becoming NEET (Not in Education, Employment and Training).
- **£20m worth of investment in high speed broadband** was secured through Virgin Broadband’s “Project Lightning”.
- The **Burnt Oak town centre improvement project** commenced. The council is now working with the GLA to deliver new Town Centre Strategies in Finchley Church End, Golders Green and Edgware.
- Through the “Town Centre Offer”, the council supported a number of **local town centre initiatives**, including the Mill Hill Neighbourhood Forum with £20,000 of match-funding to allow them to undertake the Salcombe Gardens Improvement works.
- Almost **1,200 people were helped into work** by Barnet employment initiatives (as at February 2017).

- Public Health continued to invest in support, via Jobcentres and the Mental Health Trust, which promoted health and work side by side. Joint training was provided on signposting for good health and Mental Health First Aid.

## 7. STRATEGIC PARTNERSHIPS

The London Borough of Barnet is committed to developing strategic partnerships as a model for delivery. In addition to RE, our strategic partnership for delivering controlled growth, the council has developed a series of partnerships in specific areas of the borough. The Grahame Park regeneration is being delivered in partnership with Genesis Housing and the Dollis Valley estate is being renewed in partnership with Countryside and L&Q working together. Both of those partnerships will deliver new affordable homes together with homes for sale. The council recognises that strategic partnerships are essential to delivery and intends to develop further partnerships in the coming year as more development and regeneration opportunities arise.

Partnership arrangements are not restricted to development and, having had great success working with Barnet Homes and the Jobcentre for example, we will seek to deliver more Entrepreneurial Barnet activity in partnership with Third Sector and voluntary organisations in future.

In addition, the council has various shared use and lease arrangements with Middlesex University (MU) for office accommodation. This helps to minimise office costs and generates some income for the council. Potential partnering / shared use arrangements with NHS colleagues are also being negotiated for the new Colindale office, community facilities in Colindale and elsewhere in smaller community centres as the opportunity arises. Opportunities to locate elements of council services within the NHS estate are also being actively investigated.

## 8. TRANSFORMATION PROGRAMME

The council's *transformation programme* will help to deliver the savings required by the Medium Term Financial Strategy. The key benefits of the Assets, Regeneration & Growth Portfolio, along with the expected costs of delivery and financial benefits are outlined in the tables below.

### Key benefits

Area	Key benefit
Employment and skills	Support people to find work through continued investment in initiatives including the multi-agency employment support team in Burnt Oak and a new team in Cricklewood.
Development Pipeline	Contribute to the council's target for delivering new homes by building mixed tenure housing on smaller council owned sites across the borough.
Community Asset Strategy	Support community and voluntary sector organisations to make best use of the council's property portfolio, including the development of new Community Centres, whilst ensuring that financial and community benefits are maximised.

## Transformation Programme cost and Medium Term Financial Plan benefits

Project	Investment	Total financial benefit
<p><b>West London Alliance, Jobs Skills and Growth Transformation Projects</b> Working People, Working Places (BOOST), Skills Escalator, Opportunities for Young People and the Mental Health and Employment Trailblazer</p>	<p>Investment from council, in kind support from partners, funds for the London Councils Direct Bidding European Social Fund projects.</p>	<p>Projects to improve employment outcomes and increase incomes. A positive Cost Benefit Analysis has been produced based on reduced costs to the public purse.</p>
<p><b>Estates Projects</b></p>	<p>Investment from Capital Programme</p>	<p>Changes to the council's wider estate and opportunities to generate greater income from an expanded commercial portfolio are expected to generate significant income and savings. In addition the move to Colindale should generate savings of approximately £1,000,000 per annum.</p>
<p><b>Regeneration Schemes</b></p>	<p>Investment from Regeneration Schemes</p>	<p>The council's regeneration schemes and private sector developments in which the council are proactive are projecting a significant increase in Business Rates and Council Tax over the period 2016 - 2020. The revenue increase will help the LBB manage service budgets</p>

## 9. INDICATORS FOR 2017/18

The tables below outline how the Committee contributes to achieving the priorities of the Corporate Plan: **Delivering quality services** (Responsibility); **Responsible growth, regeneration and investment** (Opportunity); **Building resilience in residents and managing demand** (Fairness); **Transforming local services** (Opportunity); and **Promoting community engagement, independence and capacity** (Responsibility).

**Key:**

CPI = Corporate Plan Indicator

SPI = Commissioning Plan Indicator

### Responsible growth, regeneration and investment (Opportunity)

**ASSETS, GROWTH AND REGENERATION - The council's asset portfolio is managed as a whole and used to support longer term growth and regeneration, with schemes delivered to a high standard, maximising benefits to the community, and supported by appropriate, high quality infrastructure.**

Ref		Indicator	2016/17 Target	2016/17 Result	2017/18 Target	2019/20 Target	Service
CPI	KPI001 (A&A)	Compliance with planning application statutory timescales	75%	83% (G)	75%	75%	Re
CPI	REGEN KPI01	New Homes Completed <sup>2</sup>	NEW FOR 2017/18	NEW FOR 2017/18	2,313	TBC	Re
SPI	NEW - TBC	Homes started on site through the development pipeline programme <sup>3</sup>	NEW FOR 2017/18	NEW FOR 2017/18	Monitor	TBC	Commissioning Group
CPI	CG/C25	Income from the estate	£3.37m	£3.46 (G)	£3.75m	Increase	Commissioning Group - Estates
SPI	CG/C24	Running costs of estate (designated civic buildings only)	£4.47m	£5.49 (GA)	£3.85	Decrease	Commissioning Group - Estates

<sup>2</sup> Re contract indicator – currently targets set to 2017/18 only.

<sup>3</sup> New indicator – target set as Monitor for 2017/18 whilst baseline identified.

## Responsible growth, regeneration and investment (Opportunity) and Transforming local services (Opportunity)

Economy, employment, skills, and Town Centres - Barnet is established as the best place in London to be a small business. Our key town centres are thriving, with residents and local businesses playing an active role in shaping them as a place to live, work, shop and spend leisure time.

Ref		Indicator	2016/17 Target	2016/17 Result	2017/18 Target	2019/20 Target	Service
CPI	Re/S1 (Annual)	Business survival rate across the borough (number of Barnet businesses surviving for more than 2 years)	4%pts more than comparable boroughs	7.6% (G)	5%pts more than comparable boroughs (in DQ Sheet)	5%pts more than comparable boroughs	Re
CPI	Re/S3 (Re/SK3) (Annual)	Reduce the number of "Vacant High Street Properties" across the borough	2.5% better than comparable boroughs	5.7% (G)	2.5% better than comparable boroughs	2.5% better than comparable boroughs	Re
CPI	Re/S14 (Annual)	Business satisfaction with the council and area (local survey) <sup>4</sup>	TBC	Not reported	Monitor	TBC	Re
CPI	CG/S27	Percentage of council spend (excluding direct debits) with local businesses	Monitor	23%	Monitor	Monitor	Commissioning Group
SPI	Re/C35 (KP001 LC)	Average time taken to process requests for Full Official Searches (online and post) in Land Charges (days)	3 days	3 days (G)	3 days	Sustain	Re
CPI	CG/S1	Unemployment (percentage of people on out of work benefits)	Monitor	4.9%	Monitor	Monitor	Commissioning Group
SPI	CG/C26	Barnet council apprenticeships	15	15 (G)	44	TBC	Commissioning Group

<sup>4</sup> New methodology for survey to be confirmed. Target set as Monitor for 2017/18 whilst baseline identified.

	<p style="text-align: center;"><b>Assets,Regeneration and Growth Committee</b></p> <p style="text-align: center;"><b>24 July 2017</b></p>
<p style="text-align: center;"><b>Title</b></p>	<p><b>Youth Zone</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Strategic Commissioning Director of Children and Young People</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>Burnt Oak/Colindale</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Urgent</b></p>	<p>No</p>
<p style="text-align: center;"><b>Key</b></p>	<p>Yes</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>Appendix 1 - Site Plan                  Appendix 2 - Draft Heads Of Terms                  Appendix 3 - OnSide supporting statement                  Appendix 4 - Visuals</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Lee Robinson – Commissioning, Strategy &amp; Policy Advisor                  Email: <a href="mailto:lee.robinson@barnet.gov.uk">lee.robinson@barnet.gov.uk</a>                  Tel: 0208 359 7465</p>

<p><b>Summary</b></p>
<p>An in-principle decision is sought to agree the Heads of Terms for a proposed lease with OnSide ('developer') for the development of a Youth Zone to be located on Montrose Playing Fields.</p>

Any agreement shall be subject to, and conditional upon, OnSide obtaining planning consent for its proposal in accordance with the attached Heads of Terms (**Appendix 2**) for a new youth and community facility, as well as being conditional upon any other necessary statutory consents that may be required.

Further details of their proposals are contained in the main body of this report.

On 7 September 2015 the Asset, Regeneration and Growth Committee agreed to give in principle support for the development of a Youth Zone to be built in either Burnt Oak or Colindale and for up to £4.2million of infrastructure reserves to be invested in the Youth Zone Project.

On 30 November 2015 the Asset, Regeneration and Growth Committee approved the preferred location, Montrose Playing Fields as the most suitable site for Barnet Youth Zone, allowing OnSide (“the developer”) to move the project forward and the core principles outlined in the report to committee as a framework for developing the lease agreement between the Council and OnSide for Barnet Youth Zone. The Committee requested that the final terms of the lease agreed with OnSide be submitted to a future Assets, Regeneration and Growth Committee for final approval.

Due diligence is being undertaken and an independent valuation will be required prior to transfer to comply with the s.123 Local Government Act 1972.

### **Recommendations**

- 1. That, subject to OnSide obtaining all relevant planning consents and funding, the Committee approve Heads of Terms on the basis of a development agreement for a Youth Zone building to be constructed by the tenant, following which a long term lease is granted at a nominal rent with an operational agreement. Warranties in favour of the Council would be provided by the building contractor and the tenant’s professional team. This is subject to appropriate safeguards in the documentation to ensure the Council’s long term financial and property interests are protected.**
- 2. That the Committee note that Montrose Playing Fields has been advertised as a public open space for disposal purposes and no objections were received.**
- 3. That the Committee confirms that its authority be delegated to the Resources Director and the Strategic Director for Children and Young in consultation with the Chairman of the Assets Regeneration and Growth Committee to negotiate and enter into final documents as mentioned in Recommendation 1 subject to confirmation of OnSide funding, and to apply for consent from the Secretary of**

**State for Communities and Local Government if required.**

**4. That the Committee note that a Planning Application has been submitted for Youth Zone Project by OnSide which is due to be considered by Planning Committee on 26th July 2017.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 This report appends the proposed heads of terms for the long lease of land to facilitate a Youth Zone, located in Montrose Playing Fields. At its meeting on the 7th September 2015, the Assets, Regeneration and Growth Committee approved in principle support for the development of a Youth Zone supported by a capital investment by the Council of £4.2m, with Youth Zone to provide additional funding. At its subsequent meeting on the 30<sup>th</sup> November 2015, the Committee approved the preferred location of Montrose Playing Field and agreed the core principles set out in the report, for developing the lease agreement with Barnet Youth Zone, the charitable organisation that is developing the Youth Zone for Barnet.
- 1.2 The arrangements set out in the heads of terms have been developed through a process of negotiation between the Council and OnSide. Key features of the heads of terms include a lease period of 125 years, a peppercorn rent and a forfeiture clause to cover the circumstances should the Youth Zone no longer operate.
- 1.3 The heads of terms reflect the business case considered by the Committee on the 7<sup>th</sup> September 2015 and the 30<sup>th</sup> November 2015, and OnSide advise that they broadly reflect the OnSide Youth Zone arrangements entered into with other local authorities e.g. Wigan, Manchester and Oldham. The OnSide proposal contains a pre-requisite for a long lease without a break clause in order to secure the substantial external private funding required to develop and maintain the Youth Zone. (See Appendix 3) Whilst break clauses are a common feature in leases granted by the Council, in order to attract this funding into the borough for the benefit of children and young people, on balance, it is proposed to proceed with the OnSide approach while protecting the council's interest with restricted use clauses, appropriate covenants and forfeiture rights. This option provides the most pragmatic solution to progress a priority project for the Council. This is mentioned further at paragraph 5.5.
- 1.4 Final detailed terms of the development agreement and lease are still to be agreed and approval for the delegation of the final terms of these and the other required documents is sought. The terms of the documents will have a key role ensuring that the Council is fully protected against adverse risks that financial and property transactions may be exposed to. The Council will seek verification that OnSide have received full capital funding.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 To allow the development of the land at Montrose Playing Fields to proceed by approving Heads of Terms and granting delegation for the finalising of the legal documentation.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Seek a long lease at a peppercorn rent with a break clause to enable the Council to more easily take control of the lease in the event of a breach of contract. This option would not be acceptable to OnSide and would effectively terminate the Youth Zone proposal and therefore, on balance, is not recommended.
- 3.2 Seek a shorter term lease with review periods. This option would not be acceptable to OnSide and would effectively terminate the Youth Zone proposal and therefore, on balance, is not recommended.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Approval of final details of lease and development agreement from the Resources Director and the Strategic Commissioning Director of Children and Young People in consultation with the Chairman of the Assets Regeneration and Growth Committee.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Council's Corporate Plan 2015-20 states that the Council, working with local, regional and national partners, will strive to ensure that Barnet is a place

- of opportunity, where people can further their quality of life
- where people are helped to help themselves, recognising that prevention is better than cure
- where responsibility is shared, fairly
- where services are delivered efficiently to get value for money for the taxpayer

- 5.1.2 The grant of long term lease will support the corporate plan by working with national partners.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 As agreed at Committee on 7 September 2015 the London Borough of Barnet

will fund up to £4.2 million towards the £6 million capital build. OnSide are investing £4.8million, split between a capital contribution (£1.8m), and assumed operational revenue requirements (£3m). It will be the responsibility of the Barnet Youth Zone, the newly formed charitable organisation, to secure the ongoing operational (revenue) funding from outside the local authority, meaning there is no on-going revenue commitment from the Council. Barnet Youth Zone (Company No. 10445685) was registered as a charity on the 1st June 2017 (Charity registration number: 1173239).

5.2.2 OnSide propose that the Council pays its share of the funding during the course of building work on a stage payment basis as construction of the proposed new building progresses and as reasonably requested by Barnet Youth Zone. An indicative construction cash flow forecast for such funding is to be appended to the development agreement and reviewed and updated as necessary during the development. It is proposed that any request for payment of such Funding by Barnet Youth Zone be submitted to the Council's Director of Finance or other appropriate officer and shall be supported by appropriate statements and invoices within five (5) working days of the Council requesting such statements and invoices.

### **5.3 Social Value**

5.3.1 The activities and opportunities provided by the Youth Zone will offer early intervention and prevention services to young people in Barnet. As well as the universal activities offered, there will be targeted work addressing specific needs, supporting young people to make the right choices concerning their health and well-being, thinking about their future working life and helping young people see the role they can play in their community. OnSide advise that outcomes from previous Youth Zone's have included;

- Increase in youth employment
- Improved educational attendance and attainment
- Reduced truancy and exclusion
- Improved self-confidence.

### **5.4 Legal and Constitutional Reference**

5.4.1 Local authorities are given powers under Section 123(1) of the Local Government Act 1972, as amended, to dispose of land held by them in any manner they wish. A constraint is that, except with the consent of the Secretary of State, a council cannot dispose of land, other than for the grant of a term not exceeding seven years, for a consideration less than the best that can reasonably be obtained.

5.4.2 Section 2.1 of The Management of Assets, Property and Land Rules contained in the Councils constitution states that The Management of Assets, Property and Land Rules provide the governance structure within which the Council may acquire, lease, act as landlord, licence, develop, appropriate, change use of, or dispose of Assets within its Asset Portfolio.

- 5.4.3 It is proposed that the grant of the lease will be at a peppercorn rent for a term of 125 years effective from the proposed date of completion of the development in 2018, subject to appropriate terms being negotiated to protect the long term interest of the Council.
- 5.4.4 Council Constitution, The Management of Asset, Property and Land Rules, Appendix 1 requires disposals at undervalue to be approved by the Assets, Regeneration and Growth Committee. Following completion of the independent valuation approval to the transaction approval will be delegated as detailed in recommendation 3 of this report.
- 5.4.5 State aid and public procurement implications are addressed in paragraph 5.5.2 and 5.5.3 below.
- 5.4.6 Section 123 of the Local Government Act 1972 requires that on disposal of its land (which includes leases, with exceptions which don't apply here) the Council should be paid the best price reasonably obtainable, unless the consent of the Secretary of State for Communities and Local Government is obtained. The 'Local Government Act 1972 general disposal consent (England) 2003 disposal of land for less than best consideration that can be reasonably obtained' permits disposal of land at undervalue where the disposal will be for the economic, social or environmental wellbeing of the residents of the Borough where the difference between the unrestricted value of the interest to be disposed and the consideration accepted is £2 million or less. If the proposed disposal falls within this it will not be necessary to seek an express consent for disposal from the Secretary of State for Communities and Local Government.
- 5.4.7 Lease agreement implications are referred to in 5.5.4, 5.5.5 and 5.5.6

## 5.5 Risk Management

- 5.5.1 There is a risk that planning permission will not be granted. However, consultation with the community and ward councillors have shown that there is widespread support for the development. OnSide has undertaken all necessary pre-application engagement with Local Authority Planning and other statutory planning consultees. The planning application has been submitted and it is anticipated this will go to committee on 26 July 2017.
- 5.5.2 HB Public Law has carefully considered the nature of the proposal and advised that the risk of the development falling foul of state aid rules is low because the economic activities to be carried on by Barnet Youth Zone are predominantly local activities and the council aid does not distort or threaten to distort competition as it is not liable to have an effect on trade between Member States because the sports and leisure facilities, and related community social and personal service activities, to be provided by Barnet Youth Zone at the facility, will serve a predominantly local audience and is unlikely to attract customers or investment from other Member States.

- 5.5.3 Public procurement rules can apply to development agreements in certain circumstances including when they are council-led in terms of specification and design of the works. Here, OnSide will be solely responsible for the specification and design and build of the facility and, as a charity, OnSide is not subject to the public procurement rules. Therefore OnSide can conduct the procurement of the professional services and the construction without full compliance with public procurement rules.
- 5.5.4 The advice from HB Public Law (5.5.5 and 5.5.6) has outlined the risks from the lease agreement. Negotiations with OnSide have balanced securing Youth Zone as a priority project and protecting the Council's interest. It should be noted that the council retains freehold of the land and the terms of the lease enable recovery through forfeiture (subject as mentioned in 5.5.6) of both land and building should Barnet Youth Zone fail to deliver in the future.
- 5.5.5 The Council as landlord and funder needs to have remedies in case the project does not deliver the outcomes mentioned in para 5.3, for example if the property were not used for the use permitted by the lease, which includes target numbers of visits and local unique users. The most certain control the landlord could have is the ability to end the lease by breaking it, if the property is not used as agreed or certain other tests are met. If contested, and the court finds that the trigger event did occur, the lease ends and no further tests are applied. The lease would need to be outside the security of tenure of the Landlord & Tenant Act 1954. OnSide have explained that their donors are used to OnSide's key principles (as distinct from the core principles listed in the November 2015 report), which do not include a break clause. OnSide have indicated that they would not be able to proceed if the lease departs from their key principles. OnSide's statement at Appendix 3 refers. Alternative remedies for breach of covenant exist but are less effective. An injunction can be sought to restrain use which is not permitted by the lease (which would need to be pursued promptly), but not to prevent the premises from being unused or little used. The Council is not likely to suffer financial loss as a result of a breach of the use covenant so would probably not be able to claim damages. Another remedy would be forfeiture which is mentioned at paragraph 5.5.6 below.
- 5.5.6 OnSide's model lease includes forfeiture. This means the landlord can seek to end the lease for various reasons as mentioned at 12 and 18 of the draft heads of terms or that the premises have not been used for a year. A number of steps to be taken first which involve allowing another entity to take over the lease or allowing a chance to put right a breach. The tenant can ask the court to decide whether the lease is ended, and the court will consider not only whether the tenant breached the lease but also a range of other factors in deciding whether the lease ends.

It is less likely that the lease can be ended by forfeiture even if a breach of the lease has taken place. The lease is likely to end by forfeiture only if the proposed use has failed and neither Barnet Youth Zone, OnSide nor any funder wish to resurrect the enterprise.

5.5.7 Risk of contractual issues arising during construction and post completion of the building. Barnet Youth Zone are responsible for the procurement and construction of the building. The responsibilities of Barnet Youth Zone and the council are being captured in an operational agreement that is being developed alongside the lease.

5.5.8 Whilst the council is contributing £4.2m of capital funding, OnSide/Barnet Youth Zone are responsible for raising the remaining costs of construction. The funding to deliver the project by OnSide is set out in the reports considered by the Committee on the 7<sup>th</sup> September 2015 and the 30<sup>th</sup> November 2015. On Side is confident of securing its contribution based on its successful fund raising to date for Barnet Youth Zone, and the number of Youth Zones successfully developed and funded elsewhere.

## 5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; advance equality of opportunity between people who share a relevant protected characteristic and those who do not foster good relations between people who share a relevant protected characteristic and those who do not.

5.6.2 It is not considered that the signing of the lease will not give rise to any issues under the Council's Equality Policy and do not compromise the Council in meeting its statutory equalities duties.

## 5.7 Consultation and Engagement

5.7.1 The proposal was advertised by the Council as a public open space for disposal purposes. There was no public objection to the disposal of the land.

## 5.8 Insight

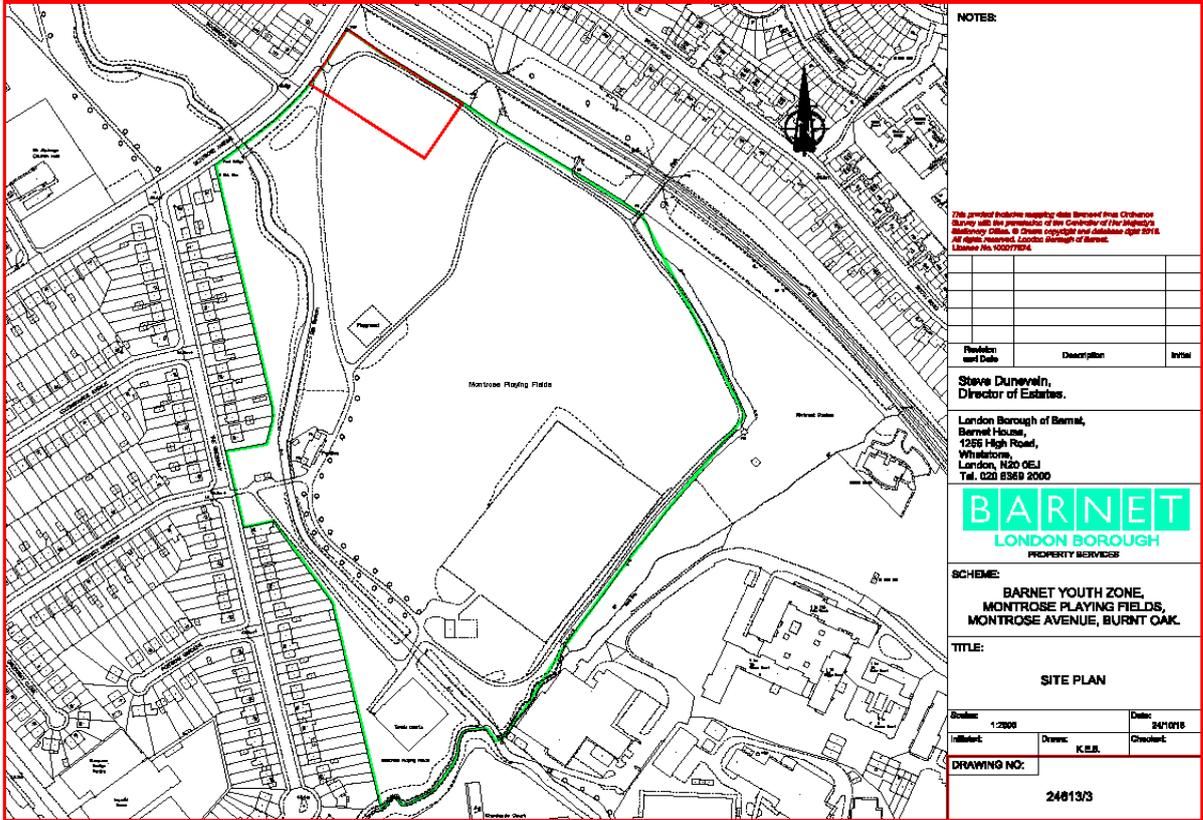
5.8.1 Insight data, such as deprivation levels, child poverty and child obesity have been used to help inform the proposal to locate the Youth Zone at Montrose Playing Fields.

## 6. BACKGROUND PAPERS

6.1 Youth Zone- Asset, Regeneration and Growth Report, 7<sup>th</sup> September 2015  
<http://barnet.moderngov.co.uk/mgConvert2PDF.aspx?ID=25570&ISATT=1#search=%22youth%20zone%22>

6.2 Youth Zone- Asset, Regeneration and Growth Report, 30<sup>th</sup> November 2015  
<http://barnet.moderngov.co.uk/mgConvert2PDF.aspx?ID=27711&ISATT=1#search=%22youth%20zone%22>

# Appendix 1 - Site Plan



**NOTES:**

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Revision	Description	Date

Steve Dunsen, Director of Estates,  
London Borough of Barnet,  
Barnet House,  
1256 High Road,  
Whetstone,  
London, N20 0EJ  
Tel. 020 8369 2000



**SCHEME:**  
BARNET YOUTH ZONE,  
MONTROSE PLAYING FIELDS,  
MONTROSE AVENUE, BURNT OAK.

**TITLE:**  
SITE PLAN

Scale:	1:2000	Date:	04/10/18
Author:		Drawn:	K.E.B.
Checked:			

**DRAWING NO.:**  
24813/3

## Appendix 2 - Draft Heads Of Terms

### HEADS OF TERMS

#### DRAFT

##### Subject to Contract and Without Prejudice

Proposal lease of Barnet Youth Zone- Land at Montrose Playing Fields, Montrose Avenue Burnt Oak, London,

- 1 LANDLORD:** The Mayor & Burgesses of The London Borough of Barnet  
North London Business Park  
Oakleigh Road South  
London  
N11 1NP  
  
Tel: 020 8359 2665
- 2 LANDLORD'S SOLICITOR:** Legal Services to Barnet and Harrow Council  
Harrow Council  
PO Box 2  
Civic Centre  
Station Road  
Harrow  
HA1 2UH  
  
(DX 30450 HARROW 3)  
  
For the attention of (legal office to be formally instructed following Councils approval).
- 3 TENANT:** Barnet Youth Zone  
Suite Gb,  
Atria,  
Spa Road,  
Bolton  
BL1 4AG  
Telephone No: 01204 362128  
email: [rob.carter@onsideyouthzones.org](mailto:rob.carter@onsideyouthzones.org)  
Company No: 10445685  
Charity Reg No: 1173239
- 4 TENANT'S SOLICITOR:** -----  
Teacher Stern  
37 – 41 Bedford Row  
London  
WC1R 4JH  
For the attention of Phil Berry  
Tel: (0)20 7242 3191  
Fax: T.B.A.
- 5 THE PROPERTY:** Land at Montrose Playing Fields, Montrose Avenue, Burnt Oak edged red on the attached plan (final plan to be attached).

6 RENT: Peppercorn rent (if demanded)

7 TERM: 125 years from [DATE],

8 USER: D2 use (subject to planning permission).

Not to carry on upon the Property any noisy noxious offensive or dangerous trade or occupation provided that the lawful use of the Property for the purposes permitted below shall not be a breach;

Not to use the Property for any illegal or immoral purpose

Use on a not for profits basis for the purposes of a charity formed for the provision of facilities for children and young people in the London Borough of Barnet and surrounding areas providing a universal activity based service complemented by a range of targeted support services to help and educate them by promoting their full physical, intellectual and social potential.

To further the parties' mutual intentions in relation to community use and benefit, the Tenant shall:

- (a) promote the wider community use of the Premises to engage help and educate children and young people up to the age of nineteen (19) (twenty five (25) for young people with a disability and/or learning difficulty) in the London Borough of Barnet and surrounding areas through leisure time activities;
- (b) at all times use reasonable endeavours to work with other appropriate local statutory and voluntary organisations to allow children and young people to enjoy a range of activities in their leisure time and have access to a range of targeted support services;
- (c) operate a membership policy whereby an annual fee (currently £5) and a fee per visit (currently 50 pence) is paid by each member provided that such fees are agreed by the Landlord in writing such agreement not to be unreasonably withheld or delayed.
- (d) at all times comply with appropriate policies and procedures for the safeguarding of children young people and vulnerable adults in respect of the Authorised Use.

The Tenant is to keep the Property open within the usual operation hours.

**9 MAINTENANCE AND REPAIR**

The Tenant is to repair and keep in repair the building and grounds.

At all times during the Term to keep the Property (including for the avoidance of doubt all buildings structures landscaping, any areas which are unbuilt upon and other erections forming part of the Property) clean and tidy and keep in a state of good repair and to make good:

- (a) any damage it causes to the Property and/or
- (b) any deterioration to the condition of the Property that may arise from commencement of the lease

provided that the Tenant shall not be in breach of this covenant if and for so long as disrepair arises due to damage caused to the Property by any of the Insured Risks and the Tenant is diligently pursuing its insurance claim and reinstating such damage;

To notify the Landlord in writing immediately if any structural damage occurs to the Property.

**10 SERVICES:**

The Tenant is to be responsible for the payment of all gas, electricity, water and any other services provided to the premises as well as for the payment of rates.

**11 ALTERATIONS:**

The Tenant shall not carry out any substantial additions or material external alterations to the Property without the consent of the landlord.

**12 ALIENATION:**

The assignment of the lease will be subject to the Council consent. Assignment of the lease will only be granted to an organisation of similar status and financial standing.

Subletting is permitted. Any sub-lease or rental agreement for use of the land (and building thereof) can only be with other organisations that help and educate children and young people by providing them with activity-based or other support services to promote their physical, intellectual and social potential; the rates charged by the Youth Zone Charity must be appropriate. Any profit made through subleasing or letting space should only be used to directly fund further Core Universal Services.

If there is any breach regarding this compliance or is otherwise in fundamental, irremediable breach of its obligations in relation to the Authorised Use, the Council will be able to forfeit the lease subject to a step-in right in favour of OnSide Youth Zones (company number: 06591785, charity number: 1125839) which can only be exercised if the Council is reasonably satisfied that:

- a) OnSide has the resources to operate the Premises for

the Authorised Use; and

- b) OnSide has the financial ability whether from its own resources or from grants or donations to operate the Premises for the Authorised Use.

The lease will only remain vested in the Tenant whilst it holds and can demonstrate it has registered charity status.

- 13 INSURANCE:** The Tenant is to insure the Property for the usual insured risks. The Tenant will note the Landlord's interest on the policy and produce evidence of cover.  
The tenant must indemnify the Council against any claims that may arise from the premises.
- 14 STATUTORY OBLIGATIONS:** The tenant must comply with any Statutory Obligations and regulatory issues applicable in respect of running a property for the Authorised Use.
- The Tenant will be obligated to observe the standard equality and diversity obligation as follows:
- (a) to perform its obligations under the lease (including those in relation to the provision of any arrangements or agreements with community users in accordance with:
    - (i) all applicable equality Law (whether in relation to race, sex, gender reassignment, age, disability, sexual orientation, religion or belief, pregnancy, maternity or otherwise);
    - (b) take all necessary steps, and inform the Council of the steps taken, to prevent unlawful discrimination designated as such by any court or tribunal, or the Equality and Human Rights Commission or (any successor organisation).
- The Tenant will observe all statutory obligations relating to Health and Safety together with all applicable rules and regulations relating to such matters and make available to the Council its published health and safety policy within 5 days of request
- 15 BREAK CLAUSES:** There will be no break clause provided that the lease contains the following restrictions on the use of the land:  
A minimum of 40hrs of Core Universal Services are provided each week of every year outside of normal school hours from the land (and building thereon);  
The Youth Zone provides services to 1,000 unique Barnet residents and has a minimum of 15,000 visits per year.
- 16 AGREEMENT COSTS:** Each party will bear its own costs.

17 **OTHER:**

Any other terms as reasonably required by the Council's Legal Department.

Any breach of the terms of this agreement must be remedied within 1 month, or agreed reasonable time period otherwise the agreement will be terminated.

PLAN TO BE INSERTED (TO BE FINALISED)

Governance:

Grant of Lease conditional upon Council reviewing and being satisfied with the Charitable Purposes/Statement of its Charitable Objectives. Any change to those must be approved by Council and Charity Commission.

Ongoing compliance with Charities Act 2011 and Charity Commission Regulations.

18. **FORFIETURE:**

Lease can be terminated inter alia if Tenant

- (i) ceases to be a Charity; or
- (ii) becomes insolvent; or
- (iii) if the Tenant materially breaches any condition of the Lease or materially breaches any of its obligations in the Lease and fails to remedy such breach within such reasonable time as the Landlord may specify; or
- (iv) if the Tenant fails to use the Premises for the Authorised Use or for Community Use for a continuous period in excess of twelve months.

### **Appendix 3 - OnSide key principles for lease arrangements**

OnSide (15 June 2017)

“Youth Zones have always been built on land that has been leased by the local authority to the operating charities that run the Youth Zones for 125 years at a peppercorn rent, with no break clauses but very restrictive user provisions, appropriate covenants and forfeiture rights to ensure the land is only used for the purpose as originally intended - to deliver positive activities and better life-chances to young people on a charitable basis.

These basic principles are fundamental to the sustainability of the Youth Zone which is why they are insisted upon by the trustees of OnSide, the trustees of the Barnet Youth Zone charity, the trustees of The OnSide Foundation who act as custodians of the funding raised by OnSide, and the individuals and businesses who provide that funding. These lease terms strike an appropriate balance between the entirely proper need to protect public assets and the levels of security and commitment expected by OnSide and its supporters.

The principles are fundamental to these parties because they demonstrate the Council's absolute long-term commitment to the project. Without this clear commitment, potential funders, of either the capital investment or ongoing operating costs, will be wary of investing, because of the threat they perceive to the Youth Zone's ability to continue to operate in the long term. Break clauses can have an adverse impact on the operating charity's security of tenure, the acceptability of the leasehold title to potential mortgagees, such as grant funders seeking security, but most importantly they provide no opportunity for relief to be granted by the Court, as is the case in the event of attempted forfeiture. For these reasons, they are not feasible for a charity that needs to bring in the level of external funding required to build and operate a Youth Zone for the benefit of generations of young people. Instead, and still having the need to protect the Council's long-term interests firmly in mind, provisions are put in place to ensure that the Council can forfeit the lease in the event of a fundamental failure of the Youth Zone charity. It is recognised that recovering possession of property by forfeiture can be more difficult than by operating a break clause but OnSide and its supporters believe that is entirely how it should be and if the project has fundamentally failed, relief against forfeiture would be denied by the Court and possession granted to the Council.

Youth Zones are established to operate for the long-term, based as they are on the model of the Bolton Lads & Girls Club which has recently celebrated its 128th year, and these basic principles in the lease are there to ensure sustainability and thereby meet the mutual aspirations of the project partners and supporters.”

## Appendix 4 - Barnet Youth Zone (Unitas) – visuals





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	<p><b>Assets, Regeneration and Growth Committee</b></p> <p><b>24 July 2017</b></p>
<p><b>Title</b></p>	<p><b>Development Pipeline Tranche 3 - Affordable Housing Programme</b></p>
<p><b>Report of</b></p>	<p>Deputy Chief Executive</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Urgent</b></p>	<p>No</p>
<p><b>Key</b></p>	<p>Yes</p>
<p><b>Enclosures</b></p>	<p>Annex 1 – Tranche 3 Full Business Case updated June 2017 Appendix 1A and 1B Annex 2 – Proposed Plan of Sheaveshill Court “Order Land”</p>
<p><b>Officer Contact Details</b></p>	<p>Derek Rust, Deputy Chief Executive Officer Tel: 020 8359 4826 <a href="mailto:derek.rust@barnethomes.org">derek.rust@barnethomes.org</a></p> <p>Mike Gerrard, Finance Director - interim Tel: 020 8359 7428 <a href="mailto:mike.gerrard@barnethomes.org">mike.gerrard@barnethomes.org</a></p> <p>Christine Coonan, Development Manager Tel: 0208 359 7528 <a href="mailto:christine.coonan@barnethomes.org">christine.coonan@barnethomes.org</a></p>

<p><b>Summary</b></p> <p>Opendoor Homes has been established as a Registered Provider which will operate as a wholly owned subsidiary of the Council’s Arms Length Management Organisation (ALMO) Barnet Homes.</p> <p>As part of plans to develop 320 new affordable homes for rent on council owned land, supported by a loan from the Council, this report seeks the approval of the transfer of land</p>
--

at Mount Pleasant and land at Westbrook Crescent to Opendoor Homes.

It **also** seeks authority to make a Compulsory Purchase Order for the Sheaveshill Court pramsheds. The use of a Compulsory Purchase Order will be an option of last resort and will only be utilised where third party interests cannot be acquired through private treaty negotiations.

## **Recommendations**

### **A RECOMMENDATION FOR TRANSFER OF LAND AT MOUNT PLEASANT AND WESTBROOK CRESCENT TO OPENDOOR HOMES**

**That the Assets, Regeneration and Growth Committee:**

- 1. Approve the updated full business case for Tranche 3 Development Pipeline for the Council to dispose of the sites at Mount Pleasant, EN4 9HQ and Westbrook Crescent, EN4 9AP (the Sites) to Opendoor Homes a wholly owned subsidiary of Barnet Homes in accordance with the parameters of the updated full business case.**
- 2. Delegate authority to Deputy Chief Executive to dispose of the Sites to TBG Open Door Ltd a wholly owned subsidiary of Barnet Homes, in accordance with the parameters of the updated full business case and pursuant to the Development Agreement dated 24 May 2017 together with authority to obtain any statutory or other consents required to dispose of this site under Housing Act 1985 and to use such of the general consents available for the disposal of the Site.**
- 3. Resolve that the land is suitable for appropriation if necessary as it is no longer required for the purpose for which it was originally held.**
- 4. Approve the use of Right to Buy receipts to fund building works in advance of the proposed Loan Facility as described in Paragraph 1.10 below.**
- 5. Declare of the Sites which constitute Open Space land surplus to requirements and that, subject to the statutory advertisement and consultation, the Committee approve the disposal of such sites.**
- 6. Delegate authority to the Deputy Chief Executive to obtain any statutory or other consents required to dispose of the Sites both under Housing Act 1985 where the Sites comprise land held under the HRA and also under s123 of the Local Government Act 1972 where land is held in the general fund. To delegate authority to use such of the general consents available for the disposal of the Site and where required to apply for consent to disposal to the Secretary of State.**
- 7. Delegate authority to the Deputy Chief Executive to appropriate for planning purposes or any other relevant purposes of land included in the Site to enable disposal and to facilitate the building of new homes in accordance with the planning permission and the Development Agreement and to take all**

necessary steps that may be required to ensure statutory compliance in order to dispose of the Site and to take all necessary steps that may be required to dispose of the Site.

8. Delegate authority to the Deputy Chief Executive to implement the statutory advertising and consultation procedure in respect of any of the Site comprising Open Space land and if any objections are received to consider the same in consultation with the Chairman of the ARG committee and if then it is considered suitable; to proceed with the formal appropriation of the land to complete the disposal of the Sites.

## **B RECOMMENDATIONS AS REGARDS TO SHEAVESHILL PRAMSTORES COMPULSORY PURCHASE ORDER:**

**That the Assets, Regeneration and Growth Committee:**

1. Authorise the making of a compulsory purchase order to purchase the Pram Sheds at Sheaveshill Court, and as shown on Annex 2 to secure the delivery of Sheaveshill Court New Housing Development Scheme;
- 2 Authorise the appropriate Chief Officer to negotiate and complete a Compulsory Purchase Order Indemnity Agreement to ensure that TBG Open Door Ltd indemnify the Council for the full financial costs incurred in preparing, making and implementing the CPO.
3. Authorise the commencement of all preparatory work required for the making of the CPO(s), including (but not limited to):
  - appointing a land reference company to review all relevant proprietary interests with a view to producing a draft schedule and plan for the CPO(s);
  - the service of requests for information notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 on those who may be affected by the proposed CPO(s);
4. Authorise the appropriate Chief Officer to issue and sign the order, notices and certificates in connections with the making, confirmation and implementation of the CPO.
5. Authorise the appropriate Chief Officer to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a General Vesting Declaration or service of a notice of entry relating to the CPO if it was considered appropriate to do so;
6. Delegate authority to the appropriate Chief Officer to take any further necessary actions to secure the making, confirmation and implementation of the CPO.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Assets, Regeneration and Growth Committee (ARG) on 12 December 2016 approved the full business case produced by Opendoor Homes (ODH) to build 320 affordable homes for rent and transfer a number of parcels of land owned by the Council on which ODH will build these new homes. The initial cost of building the new homes will be met through a loan to ODH from the Council.

- 1.2 Not all the sites proposed for transfer to ODH to provide a total of 320 new homes were approved by ARG Committee in December 2016 as suitable for development, and this report seeks approval for the transfer of additional land at Mount Pleasant to ensure that ODH are able to deliver the 320 homes agreed and maintain a viable business case that supports this.
- 1.3 A revised full business case which takes account of the inclusion of the land at Mount Pleasant and Westbrook Crescent is attached for approval.
- 1.4 Land at Sheaveshill Court forms part of the Tranche 3 programme. The estate includes large areas of under-utilised areas including garage courts, undefined parking, unused amenity space, pram sheds and vacant land.
- 1.5 Planning Permission was achieved on 26 April 2017, a building contractor has been procured and it is now necessary to complete the land acquisition to allow the development to proceed.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Council's Housing Strategy 2015-2025 identifies the need to increase housing supply and to deliver homes that people can afford. The proposals contained in this report will facilitate the delivery of new homes for affordable rent in the borough. The affordable rent will be set at 65% of the market rent, in line with the Council's affordable rents policy.
- 2.2 The delivery of new affordable rented homes will help to meet the objective in the Council's Housing Strategy to prevent and tackle homelessness, by reducing the use of temporary accommodation.
- 2.3 The Council owns various small garage sites and areas of unoccupied land, which are either unused or attract anti-social behaviour. These parcels of land are in or near existing Council-owned residential accommodation and whilst serving very little useful purpose are in good locations for affordable housing, being close to established transport, education and retail facilities. These sites present a good opportunity for the development of affordable housing.
- 2.4 ARG have already approved the Full Business Case and the transfer of 20 sites to ODH, at its meeting on 12 December 2016, and the addition of land at Mount Pleasant will ensure that the viability of the business case is maintained and the full 320 new affordable homes are delivered.
- 2.5 Mount Pleasant comprises a parcel of land near existing Council-owned residential accommodation and is close to established transport, education and retail facilities. The site presents a good opportunity for the development of affordable housing and Barnet Homes have already obtained planning permission for 12 new homes, and has received tenders for construction works on the land at Mount Pleasant as set out in the Full Business case.

- 2.6 Westbrook Crescent is a garage site which is also near existing Council-owned residential accommodation and is close to established transport, education and retail facilities. The site presents a good opportunity for the development of affordable housing and Barnet Homes have already obtained planning permission for 2 new homes, and has received tenders for construction works on the land at Westbrook Crescent as set out in the Full Business case.
- 2.7 A number of actions are required before the development of the proposed development at Sheaveshill Court can commence. One of these actions is the acquisition or extinguishment of any third party interests which includes the pram sheds.  
All the pram sheds on the estate are to be demolished. Approximately 29 of the pram sheds are owned by leaseholders although many are derelict and not being used.
- 2.8 Negotiations have begun with the leaseholders to accept replacement pram sheds or financial consideration. So far 10 leaseholders have accepted the offer of a new pram shed to be built as part of the new development. Given the number of leaseholders that have either failed to respond to the letters the remaining course of action to acquire the pram sheds is to progress matters via a CPO.
- 2.9 The pram sheds form a critical part of the proposed development. The new housing development can only sensibly be achieved in a timely fashion with the acquisition of the pram sheds. Although negotiations with the leaseholders will continue, it is advisable to begin the first stages of CPO action if voluntary negotiations fail, to avoid a potential “ransom situation” and possible delays to the project, and so that the scheme can be implemented.
- 2.10 The costs of acquiring or re providing the pram sheds and all reasonable costs incurred by leaseholders to vary the leases will be paid for by TBG Opendoor Ltd.
- 2.11 Consultants will be appointed to assist the Council with the preparation, making and progression of any CPO. Officers are seeking authority for the TBG Opendoor Ltd to appoint a land referencing agent to identify third party proprietary interests, and act for the Council to serve appropriate notices.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Council could consider taking no action, but this would not deliver new affordable homes in support of the Council’s Housing Strategy, and would impact on the viability of the Full Business Case developed by ODH.
- 3.2 The Council could consider disposing of the sites to another housing provider, whoever this would but would not provide the financial benefits of on-lending and the “homelessness dividend” previously reported to ARG.
- 3.3 The Council could consider selling the land on the open market, but this would result on a smaller number of affordable homes being provided, particularly as

challenges on the site associated with the need to move services would be likely to impact on the viability of providing affordable housing in line with planning requirements.

- 3.4 The Council could develop itself but this option would not provide the additional financial benefits of on-lending and the “homelessness dividend” contribution to the costs of homelessness of the Opendoor Homes proposal.
- 3.5 Transfer of land at Mount Pleasant and Westbrook Crescent to ODH is the preferred option as ensure that ODH are able to deliver their programme of building 320 new affordable homes and the benefits associated with this.
- 3.6 Vacant possession of the pram shed land must be achieved in order to deliver the proposed affordable housing at Sheaveshill Court. Although the Council and its development partner will seek to acquire the relevant interests through private treaty negotiation, in order to secure delivery of the scheme within the programmed timescales the use of CPO powers as a last resort will mitigate against any potential risk that it may not be possible to acquire all interests by agreement.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 Subject to ARG approval of the recommendations in this report, the land at Mount Pleasant will be transferred to ODH for inclusion in their development programme.
- 4.2 ODH will proceed with the development of 14 new affordable homes for rent on the land, which will be let to households nominated via the Council’s Housing Allocations Scheme.
- 4.3 Following approval by ARG of the proposal to acquire pram sheds using Compulsory purchase powers, delegated authorities will be sought for the final CPO proposals, including the making of an application to the Secretary of State for confirmation of the Order. Subject to those formal decisions and to formal confirmation of the CPO(s), vesting dates will be agreed and appropriate legal notices issued.

#### **5 IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Council’s Corporate Plan 2015-20 states that the Council, working with local, regional and national partners, will strive to ensure that Barnet is a place:
  - Of opportunity, where people can further their quality of life
  - Where people are helped to help themselves, recognising that prevention is better than cure
  - Where responsibility is shared, fairly
  - Where services are delivered efficiently to get value for money for the taxpayer

- 5.1.2 The Council's Corporate Plan also sets out how residents will see a responsible approach to regeneration, with new homes built and job opportunities created.
- 5.1.3 The London Plan and Barnet's Local Plan recognise the need for more homes in the capital. Managing housing growth and the provision of new homes is the first objective set out in Barnet's Core Strategy. The London Plan and Core Strategy set challenging targets for the delivery of new housing, with the former having increased the minimum annual target for Barnet to 2,439 homes per annum.
- 5.1.4 The highest priority of the Council's Housing Strategy is increasing the supply of housing with the population of Barnet forecast to increase by 19% over the next 25 years.
- 5.1.5 Barnet's Health and Wellbeing Strategy recognises the importance of access to good quality housing in maintaining Well-Being in the Community.
- 5.1.6 Lack of affordable housing is highlighted in Barnet's Joint Strategic Needs Assessment (JSNA) as one of the top three concerns identified by local residents in the Residents' Perception Survey.
- 5.1.7 The Tranche 3 development programme will be managed by Barnet Homes with strategic management and oversight from the Development Pipeline Project Board, reporting to ARG to review the programme milestones and costs. When Opendoor Homes achieves Registered Provider status it is proposed that the delivery of the programme will be in six groups and reporting will be at this level. Barnet Council as lender and provider of land will receive quarterly financial and programme monitoring information and more regular exception reporting should this be necessary. This will have particular relevance to variations to the Business Plan and any specific implications on the loan, the gifting of Right to Buy receipts or the release of sites for Opendoor Homes to develop.
- 5.1.8 Progress updates will be included in the Council's Annual Regeneration Report with analysis of spend against the budget and completions against the target.

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 As reported to ARG previously, an exercise was been completed by 31ten Consulting, an independent development consultancy, on behalf of the Council to review the level of the loan required for Opendoor Homes and the potential interest rate that should be used. The loan was approved by the Council and the loan agreement completed on 24 May 2017.
- 5.2.2 This included a sensitivity and scenario analysis to establish the potential risks to any loan from the Council to Opendoor Homes, the new Registered Provider. The review also assessed different scenarios on the financial model

such as varying the build cost, development delays and different interest rates. The review concluded that Barnet Homes could borrow £57.5m in stages

- 5.2.3 ODH Board approved a revised business plan on 15 May 2017.
- 5.2.4 ODH will pay the council a homelessness dividend of £2,000 a year for each new home completed for the life of the loan, as well as interest above the rate at which the Council is able to borrow from the Public Works Loans Board on the loan provided by the Council.
- 5.2.5 Procurement of the design and build contractors has followed OJEU compliant process.
- 5.2.6 Opendoor Homes' professional construction cost consultants will provide a tender report and a value for money statement for each site before the building contract is let.
- 5.2.7 The revised Full Business Case for the project is attached to this report to take account of the addition of land at Mount Pleasant and Westbrook Crescent.
- 5.2.8 The Council will recover the costs incurred in preparing, promoting and implementing the CPO (including the recovery of professional fees and staff time), by entering into an indemnity agreement with TBG Open Door Ltd. The Committee is therefore requested to authorise the appropriate Chief Officer(s) to negotiate and complete the CPO Indemnity Agreement on behalf of the Council.
- 5.2.9. As reported in 2.6, the use of CPO powers is a last resort. Any costs that need to be funded initially by the Council will be charged to the HRA, which will then be reimbursed by the developer, TBH Open Door Ltd.

### **5.3 Social Value**

- 5.3.1 ODH will seek to provide employment opportunities for local people and opportunities for small and medium enterprises through the procurement of the construction contract for the delivery of affordable housing. Tender documentation includes a requirement that the contractor undertakes to use all reasonable endeavours to ensure that local labour represents 20% of the total number of person-weeks required on site.
- 5.3.2 Contractors will also be invited to state what further social value they can deliver, and an assessment of this will form part of the selection criteria in the procurement process.

### **5.4 Legal and Constitutional References**

- 5.4.1 Council Constitution, Responsibility for Functions, Annex A – The Assets, Regeneration and Growth Committee has responsibility for “Asset

Management – all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council”.

- 5.4.2 Council, Constitution, The Management of Assets, Property and Land Rules provide the governance structure within which the Council may acquire, lease, act as landlord, licence, develop, appropriate, change use of or dispose of Assets within its Asset Portfolio. The Rules inter alia are aimed at enabling the Council’s holdings of land and property to be maintained and developed in a manner which enhances Social Value Section 2.8 states that the “Strategic Asset Management Plan will govern decisions on the future direction of the development of the Council’s Built Environment”.
- 5.4.3 Site specific legal and title matters for the sites included in the programme have been explored through joint working with LBB Customer & Support Group, Barnet Homes and HB Public Law. Devonshires Solicitors will report on title for Opendoor Homes which includes matters such as appropriation and any open space issues which have generically been addressed in the ARG report in December 2016.
- 5.4.4 The Housing Committee is responsible for the Housing Strategy (incorporating the Homelessness Strategy) and working with Barnet Homes to ensure the optimum provision of housing and associated facilities for those who require social housing.
- 5.4.5. The land at Mount Pleasant and Westbrook Crescent is designated land in the HRA. Section 32 of the Housing Act 1985 permits the Council to dispose of land held for housing purposes provided it has the consent of the Secretary of State (“SoS”) unless the site falls under the General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1985 (2013). This Order allows for the disposal of land held within the HRA in certain circumstances and specific rules and unless a specific general consent applies an application will have to be made to the SoS for site specific consent to dispose. Where HRA land is disposed of at an undervalue the Council must have regard to the Sections 24 and 25 of LGA 1988 Act (if privately let accommodation is to be provided) and also the State Aid provisions when making any transfers at an under-value. Any other land must be disposed of land at market value.
- 5.4.6 The Council has the power through various enactments to make Compulsory Purchase Orders and to apply to the Secretary of State for confirmation of those orders.
- 5.4.7 Section 17 of the Housing Act 1985 empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain.
- 5.4.8 Government guidance on the use of compulsory purchase orders is set out in the “Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat or, compulsion” 2015 (“the Guidance”). The Guidance states that compulsory purchase orders should only be made where there is a compelling case in the public interest.

## 5.5 Risk Management

### 5.5.1 The key risks for the project as a whole are concerned with

- **Finance** – that the costs of developing the sites are too high: building price escalation and cannot be contained within the business plan taking account of the contingency sums available

Mitigation – a number of financial scenarios have been modelled to prove that the Opendoor Homes business plan can contain cost increases. The loan agreement allows for further contingency borrowing.

- **Loan repayment** – that the loan becomes unaffordable to Opendoor Homes and default of payment arises

Mitigation – the business plan allows for sufficient deductions to be made from rental income, including a realistic assessment of voids, management and maintenance allowances, major repairs sinking fund and service charge costs.

- **Programme delay** – incurring increased loan interest costs without rental income

The project team will monitor the progress of works on site, anticipating problems and managing solutions. Sanctions (LADs) will be put in place to ensure that works are kept to programme

- **Future Government policy** regarding affordable housing rents or other significant changes of legislation

Mitigation – the business plan allows for a certain amount of rent control but a prolonged rent freeze would require the business plan to be remodelled and repayment terms renegotiated.

- **Contractor failure** – contractors become insolvent or are affected by wider economic uncertainty

Mitigation - The financial status of contractors will be scrutinised and performance bonds put in place to cover the additional costs of contractors going into liquidation

- **Delay** in achieving Registered Provider status

Mitigation - The HCA has approved the first stage of the registration process. The programme could commence following the Tranche 0 model whereby Barnet Homes acts as development agent for the Council using HRA funds and Right to Buy receipts.

- 5.5.3 All risk will be managed by LBB in its role as funder and Opendoor Homes in its role as a regulated Registered Provider. Risks will be escalated through the governance arrangement outlined in the project structure chart. High risks will be reported to LBB through regular highlight reports and financial returns.
- 5.5.4 The business plan has been subjected to external validation and stress testing to understand the potential impact of these risks and the potential mitigations that could be brought forward to manage them.
- 5.5.5 In respect of the CPO proposed for pram sheds at Sheaveshill, a CPO is essential to enable satisfactory completion of the project. Whilst it is hoped that all outstanding property interests can be acquired by negotiation, the project cannot proceed with the risk that negotiations may not prove successful in all cases and the scheme be brought to halt. To avoid this potential risk to the financial viability of the scheme and its satisfactory delivery officers are seeking a resolution in principle to the making of up of a CPO in order to work towards progressing the redevelopment of the scheme
- 5.5.6 As previously mentioned in this report a CPO Indemnity Agreement is being sought for all CPO costs to be recovered

## **5.6 Equalities and Diversity**

- 5.6.1 A full equalities impact assessment was completed for The Housing Strategy 2015-2025 which identified that the Strategy would have a positive impact on all sections of Barnet's Community.  
<http://barnet.moderngov.co.uk/documents/s26454/Appendix%20F%20Full%20EIA%20revised.pdf>
- 5.6.2 Allocation of properties acquired will be made in accordance with the Council's Housing Allocations Policy. Analysis of data has shown that women and members of Barnet's black and minority ethnic communities are over represented among those living in temporary accommodation. Over 70% of households in temporary accommodation are from non-white households, compared to around 40% of the Borough's population as a whole. Of those in temporary accommodation the main applicant is female in 65% of households.
- 5.6.3 It is not expected that these groups will be adversely affected by implementing the policies set out in this report. However the impact will be monitored to ensure that these groups are not adversely affected.  
All units of accommodation that are procured will meet minimum standards and in placing households into accommodation out of the borough the Council will consider the needs of protected groups.
- 5.6.4 Ten per cent of the homes to be built will be suitable for wheelchair users. All houses and ground floor flats will be built to Lifetime Homes standards. The new affordable housing units delivered by Opendoor Homes will be let in accordance with the Council's Allocations scheme, which has been subject to a full equalities impact assessment which included extensive consultation with

residents, housing applicants and other stakeholders, including local Housing Associations and third sector organisations.

5.6.5 The proposals in this report do not raise any negative impacts for equalities and demonstrate that the Council has paid due regard to equalities as required by the legislation. The proposals anticipate a positive impact for residents because they:

- Underline the Council's aim that all residents from our diverse communities – the young, old, disabled people and those on low incomes – benefit from the opportunities of growth.
- Contribute to Barnet's commitment to fairness - to be mindful of the concept of fairness and in particular, of disadvantaged communities - which was adopted at Policy and Resources Committee in June 2014.
- Form part of Barnet's Housing Strategy 2015-2025 which includes the objective to deliver homes that people can afford.
- Provide homes for people who are homeless and may be currently disadvantaged.

## **5.7 Consultation and Engagement**

5.7.1 A Stakeholder Engagement Plan has been prepared and is included as an appendix to the Full Business Case. The plan has been followed in respect of planning applications already sought and:

- Sets up a stakeholder engagement team
- Identifies key stakeholders
- Maps sites by ward and potential political sensitivities
- Reviews housing management concerns
- Combines an assessment and preparation of a risk register
- Agrees a bespoke engagement plan for each site
- Briefing of relevant ward members and committee chair, shadow chair and senior member

5.7.2 Public consultations have taken place before a planning application for each site, including Mount Pleasant and Sheaveshill. This has been a useful learning experience and the views of those consultees have been taken into account where feasible.

## **5.8 Insight**

5.8.1 The Council's Housing Strategy, which identifies the need for new affordable homes, is supported by a comprehensive evidence base, including a Housing Needs Assessment and a study of affordability carried out by the Council's insight team.

# **6 BACKGROUND PAPERS**

- 6.1 Council, 20 October 2015, Report of Policy and Resources Committee – The Barnet Group – Creation of new legal entity and subsidiary  
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8340&Ver=4>
- 6.2 Assets Regeneration and Growth Committee, 30 November 2015, Housing Development Pipeline- Barnet Homes  
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8311&Ver=4>
- 6.7 Policy and Resources Committee, 16 February 2016, Loan to Barnet Homes' Registered Provider (Opendoor Homes) for the development of new affordable homes  
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8351&Ver=4>
- 6.8 Assets, Regeneration and Growth Committee, 17 March 2016, Development of new affordable homes by Barnet Homes Registered Provider (“Opendoor Homes”)  
<http://barnet.moderngov.co.uk/documents/s30501/Development%20of%20new%20affordable%20homes%20by%20Barnet%20Homes%20Registered%20Provider.pdf>
- 6.9 Delegated Powers Report, 2 June 2016 Commissioning Director of Growth and Regeneration approved the substitution of some sites within the programme in order to ensure outcome targets can be met.
- 6.10 Assets, Regeneration and Growth Committee, 11 July 2016, Development of new affordable homes by Barnet Homes Registered Provider (“Opendoor Homes”)  
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8881&Ver=4>
- 6.11 Assets, Regeneration and Growth Committee, 12 December 2016, Development Pipeline Tranche 3 - Affordable Housing Programme

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**July 2017**  
**THE BARNET GROUP**

## **Tranche 3 Affordable Housing**

### **Full Business Case (FBC)**

**July 2017**

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Author:	<i>Christine Coonan</i>
Date:	<i>July 2017</i>
Service / Dept:	<i>Barnet Homes Development (New Build)</i>

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#### **Appendices:**

- 1A Tranche 3 Sites
- 1B Tranche 3 Project Plan

## **1. EXECUTIVE SUMMARY**

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- 1.1 This document is the updated Full Business Case for the Tranche 3 new build infill project, including the transfer to Opendoor Homes of sites from Barnet Council (LBB) for development. The sites are to be developed as affordable housing for Opendoor Homes, a subsidiary of Barnet Homes within The Barnet Group (TBG). LBB is the sole shareholder of TBG.

This report updates the Full Business Case presented to ARG in December 2016, which set out the case for transfer and development of 21 Housing Revenue Account (HRA) and General Fund (GF) sites from LBB to Opendoor Homes.

- 1.2 LBB is in a position to transfer the HRA and General Fund sites at nil consideration to Opendoor Homes following successful registration as a Registered Provider with the Homes & Communities Agency (HCA) in March 2017
- 1.3 The list of sites for disposal attached to the December ARG report included three sites which, following tendering, have now proved to be uneconomic due to high construction costs. Opendoor Homes has reconsidered two sites, which had been excluded from the list and wishes to bring these forward in lieu of the more expensive sites. The effect on the business plan is neutral. We are now proposing to add Mount Pleasant to Tranche 3 as a substitute in order to fulfil the programme objective of 320 new homes on Barnet's infill sites.

#### Benefits to London Borough of Barnet:

- Development of a higher value asset through a wholly owned subsidiary of the council
- Delivery of affordable housing
- Positive use of RTB receipts
- Consolidation of a vehicle to deliver further tranches of affordable homes
- An annual revenue return from each new home built.
- Reduced emergency accommodation cost in future years

#### Benefits to The Barnet Group

- Diversification of TBG into viable housing developer and long term strategic partner
- Stabilise loss of housing units and maintain economies of scale
- Culture to enable further dynamic of growing a business

- 1.4 This approach will maintain project outcomes and assures not only a strategic benefit to the Council by ensuring the delivery of affordable housing, but also maintains a positive financial benefit. The Council's subsidiary, The Barnet Group, and its secondary subsidiary, Opendoor Homes, also retain the benefits anticipated by this approach.
- 1.5 Tranche 3 is funded by on-lending from Barnet Council to Opendoor Homes and gifted Right to Buy receipts as grant, agreed in principle by Policy and Resources Committee at its meeting of the 16 February 2016.
- 1.6 Cost control of the programme is one of a number of risks to this programme which need to be managed. The substitution of sites will

ensure that costs are kept within budget and programme objectives are delivered.

## 2. BACKGROUND

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- 2.1 The cost of land is a significant factor in the provision of new homes, particularly in London. Significant savings can be made by developing on land already owned by the Council. Smaller pockets of land provide an ideal opportunity to integrate new affordable homes within established communities although they may present a high proportion of abnormal development constraints, such as service diversions, unstable ground conditions, difficult access and expensive design expectations from planners and site neighbours.
- 2.2 Opendoor Homes' objective is to build 320 new homes, all to be let at affordable rents, including 10% wheelchair accessible units, across circa 21 infill sites owned by the Council. This is funded by a combination of a loan, financed by the rental income stream from the new homes to be built, and RTB receipts as grant. Opendoor Homes has achieved planning permission for a number of the sites listed in the report approved by ARG in December 2016 and has sought tenders for them.
- 2.3 Tranche 3 is funded by on-lending from Barnet Council to Opendoor Homes and gifted Right to Buy receipts as grant. Policy and Resources approved the loan in principle at its meeting of the 16 February 2016. This decision was ratified by full Council at its meeting of 1 March 2016. ARG approved details on 12 December 2016.
- 2.4 Delivery of the new homes is dependent on meeting the following targets:
- Receipt of the loan funding to progress the scheme in advance of receipt of rental income – this is achieved by borrowing from LBB. The facility agreement and development agreement including all finance documents have now been completed.
  - HCA registration – now achieved.
  - Identifying sites which are suitable for residential development – 22 sites were originally identified of which 17 were put forward to ARG in December 2016. Five sites were considered too small to be viable or to have prohibitive site development costs. Approval was requested at ARG for transfer of 21 sites which were eventually identified for development. ARG approved transfer of all, with the exception of The Croft and Summers Lane. These two were approved in principle, subject to a business case for the replacement of temporary accommodation with affordable homes with approval delegated to the

Commissioning Director for Growth and Development and Interim Deputy Chief Executive. The Church End Library site was included in error and was therefore removed.

- Planning permission – 9 planning permissions have now been obtained for viable schemes which contribute to the required mix of units. Planning applications for a further 4 schemes have been submitted and are pending determination.
- Building costs within scheme parameters - Opendoor Homes sought some tenders for building works at an early stage. Initial bids were received in September 2016 and to date Opendoor Homes has now received tenders for 12 schemes
- Legal transfer of land - Sites will be transferred to Open Door Homes as soon as building contracts are ready to be let and vacant possession can be given. The first site, Elmshurst Crescent, was transferred on 30 June.

Site details are set out in Appendix 1A Tranche 3 Sites.

- 2.5 Opendoor Homes application to become a Registered Provider was approved on 7 March 2017. Barnet Council is now in a position to transfer the HRA and G/F sites at nil consideration to ODH following execution of the loan agreement. Barnet Homes appointed consultants before ODH was registered. ODH will be the employer for all appointments and contracts from now on.
- 2.6 Opendoor Homes has set up internal procedures for assessing the practical and financial viability of each site. These procedures include consultation with housing management and maintenance colleagues at Barnet Homes to ensure that new developments will meet the needs of future residents, be efficient to manage, reduce opportunities for anti-social behaviour and minimise future maintenance costs. The Housing Options service is involved in identifying the mix of new accommodation required to meet housing need.
- 2.7 Barnet Homes had access to the OJEU compliant Framework operated by the Notting Hill Housing Group and appointed two architectural practices, HTA Design LLP and BPTW Partnership, to design schemes which would obtain planning permission. These two firms have also provided planning consultancy services. Hunter & Partners Ltd, a multi-disciplinary firm of construction consultants, was employed to provide Employer's Agent services. Work was managed by an in-house Barnet Homes team, who were also responsible for liaison with Barnet Council's legal team, HB Public Law, and Property Services Group (PSG). HB Public Law produced site constraints reports, which were sense checked by PSG. Barnet Homes also employed Devonshires Solicitors to carry out due diligence, ensuring the sites have good and marketable title and are capable of being developed following transfer.

- 2.8 In developing the programme Opendoor Homes has sought to bring forward a mixed portfolio of sites within the constraints of an infill programme. A balance must be found to ensure that the disproportionate costs of the small sites can be compensated by less expensive medium and slightly larger sites that will bring a more viable overall average build cost. This is particularly important given that many of the sites are complex with difficult access. This often results in planning and title restrictions and potentially high levels of ground contamination. The high numbers of smaller sites also means that there is limited opportunity to make economies of scale and the programme is weighted at its commencement with schemes which are more expensive per unit. Our approach to procurement has sought to help mitigate this issue by seeking to involve a range of different sized contractors suited to the size and nature of the build.

### 3. STRATEGIC CASE

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The Strategic case sets out the rationale, business needs and constraints for the development of new homes on HRA land.

#### 3.1 LBB policy context

Barnet Council's Housing Strategy 2015 – 2025 states that Barnet has the largest population of any London borough with an estimated 393,000 residents in 2015. This is expected to grow by a further 19% over the next 25 years. The strategy also sets out the Council's ambition to build new affordable homes on council housing land.

The strategy states, 'The Council is committed to investing in new homes and will use the flexibilities in the housing revenue account and the receipts from sales from the Right to Buy to fund the building and acquisition of more affordable homes, as well as looking at alternative funding options such as working with public sector partners to release development land and establishing a Housing Association as a subsidiary of Barnet Homes.'

In Barnet's Commissioning Plan – 2015-20 the Borough states it will, 'will prioritise increasing the housing supply, including the use of our own resources to build new houses'.

#### 3.2 The cost of homelessness in Barnet: a snapshot of demand in Barnet

- A 49% increase in new homelessness applications between 2011/12 and 2015/16.
- In 2015/16 homelessness in Barnet cost approximately £5.8 million;

- A significant increase (38%) in the number of households in temporary accommodation (numbers have increased from 2,172 in April 2012 to their current level of 3,047 at the end of August 2016)
- As of April 2016, each new household placed in 2-bed emergency temporary accommodation will cost on average an extra £3,400 per annum to the Council's General Fund;
- Future budget pressure is likely to be as much as £5.9 million over the next 5 years – a shortfall that the Council will have to potentially fund from other budgets.

#### Supply pressures:

- Less affordable private rented sector homes – only 1% in Barnet are at or below LHA rate;
- 5th largest demand for use of temporary accommodation in the UK
- An overall 35% decrease in letting within Council stock from 2011/12 to 2015/16, most recently illustrated by a 26.1% reduction between the last two years (1047 to 774 social lettings);
- Barnet has below levels of social housing on average compared to other London boroughs.

3.3 In July 2014, The Assets, Regeneration and Growth Committee (ARG) agreed that a development pipeline would be established, making use of council owned land to meet housing need and to enable the Council to benefit directly from any uplift in land values associated with developing sites, rather than simply seeking a capital receipt through disposal on the open market. The programme includes the development of housing for affordable rent, shared ownership, and private sale and for private rent. The homes for affordable rent built as part of this (Tranche 3) project form part of this programme of housing development. ARG approved the Full Business Case on 12 December 2016.

#### 3.4 The Barnet Group's business aim

The Barnet Group Business Plan 2016 – 2021 commits to take the organisation from “good to great” through the delivery of three core themes:

- Putting people first
- Thinking differently and challenging ourselves
- Growing our business

There is a commitment to build or purchase 750 new homes by 2021 as part of growing our business. Tranche 3 represents a step change in

delivery of -new homes funded through a loan from the council (plus RTB receipts and GLA funding) to be managed and owned through our new registered provider Opendoor Homes.

3.5 The following constraints were identified in the December 2016 ARG report:

- Availability of transfer of LBB sites which are suitable for residential development of small schemes at nil consideration
- Obtaining planning permission for schemes with the required mix of units before construction can commence.
- Procurement of works within the funding available. There is a limit on how far building price inflation or the cost of unforeseen abnormal construction costs can be contained within the budget.

3.6 The following dependency was identified in the December 2016 ARG report:

- A robust financial business plan must be provided, which is acceptable to both the Council and the HCA.

3.7 The key risks for the project are concerned with

- Finance – that the costs of developing the sites might be too high and cannot be contained within the business plan, even taking account of the contingency sums available
- Planning - that planning permission is not forthcoming for the preferred scheme or are subject to challenge
- Programme delay – incurring increased loan interest costs without rental income

The business plan has been subjected to external validation and stress testing to understand the potential impact of these risks and the potential mitigations that could be brought forward to manage them.

## **4. CASE FOR CHANGE**

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The case for change sets out present circumstances and reasons for taking advantage of them.

4.1 LBB has available both surplus Housing Revenue Account (HRA) and General Fund (G/F) land and access to finance from the Public Works Loan Board, which it is able to lend on to Opendoor Homes. This

provided a window of opportunity to build more housing to address the challenges described above.

- 4.2 The Council's Housing Strategy includes an objective of providing housing to support vulnerable people. All new houses and ground floor flats in the Tranche 3 programme will meet the Lifetime Homes standard and at least 10% will be fully wheelchair adapted. This will support Adults and Communities in the financial savings required as part of the MTFS by reducing reliance on higher cost forms of care and support.
- 4.3 The proposals included in this business case will facilitate the delivery of new homes, which will all be let at affordable rents. They will be built to a high standard to protect Opendoor Homes' investment and reduce residents' fuel costs, as well as creating an improved environment in the neighbourhood.

## 5. ECONOMIC CASE

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The Economic case sets out the critical success factors for the decision, appraising various options and indicating which is preferred.

When considering the case for Tranche 3 Barnet Homes considered options as follows:

- Do nothing – as some of the smaller more constrained sites cost more than Tranche 3 cost parameters we could reduce the size of the programme accordingly and not draw down against the agreed loan.
- Continue with Linden/Pine, Warwick Close and Back Lane – these do not meet Tranche 3 cost parameters but have planning and could provide the required number of new homes. However this could jeopardise delivery of the programme as significant savings would have to be made elsewhere which could affect quality.
- Substitute Linden/Pine, Warwick Close and Back Lane schemes with Mount Pleasant scheme – this site has planning permission for 12 units and we have a contractor on board with costs that meet the Tranche 3 cost parameters. Barnet Homes is also discussing delivery options for the schemes that do not meet Tranche 3 cost parameters.

5.1 The following critical success factors have been established:

- Achievement of acceptable planning permissions, free from challenge, enabling all sites to be built out or to be sold at increased value
- Alignment of construction costs within financial appraisals to the approved business plan
- Completion of at least 320 new homes on HRA and G/F land by the end of the programme

- Delivery of net financial benefit to Barnet Council as outlined in the financial case
- 5.2 Opendoor Homes is the preferred vehicle for delivery as it meets all critical success factors:
- Barnet Homes' dedicated Development Team can and has worked as an independent applicant to achieve successful planning applications. Opendoor Homes' independent status allows the planning authority to consider applications with due professional distance.
  - Opendoor Homes will procure works in accordance with Barnet Homes' standing orders and in compliance with OJEU requirements where necessary. The lessons learnt from delivering the Tranche 0 programme will be deployed to ensure robust project management and cost containment.
  - Barnet Homes has long experience of managing affordable housing and knows its customer base well.

## 6. COMMERCIAL CASE

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- 6.1 Opendoor Homes has obtained planning permissions and received tenders for a number of sites, including: Basing Way, Elmshurst Crescent and Sheaveshill. Bugler has won tenders for all three of these at reasonable prices and prices within budget have also been received for Alexandra Road and West Close. However three more schemes: Back Lane, Linden Road/Pine Road and Warwick Close have come in over budget.

All three of these schemes exceed the forecast costs for them.

- 6.2 The updated list of sites is set out in Appendix 1A and the updated Tranche 3 Project Plan is set out in Appendix 1B.

The Outline Business Case was approved by ARG Committee on 17 March 2016. At that time, authority was delegated to the Commissioning Director Growth and Development to approve any site substitutions. The list of sites attached to the Outline Business Case then included Mount Pleasant and Westbrook Crescent; however they were excluded from the list of sites attached to the Full Business Case in December 2016 because it was considered that the expense of developing them would be prohibitive.

It is now proposed that the sites at Mount Pleasant and Westbrook Crescent are substituted for the schemes which greatly exceed appraisal parameters.

Mount Pleasant has been selected for the following reasons:

- It obtained detailed planning permission for 12 units on 20 April 2017.
- Legal due diligence has been carried out, establishing clean and marketable title.
- The costs of the scheme can be contained within the Business Plan.

Westbrook Crescent has been selected for the following reasons:

- It obtained detailed planning permission for 2 units on 7 February 2017.
- Legal due diligence has been carried out, establishing clean and marketable title.
- The costs of the scheme can be contained within the Business Plan.

#### 6.3.1 Site transfer

The Development Agreement between Barnet Council and Opendoor Homes contains the contract for transfer of the sites.

ARG will be requested to arrange suitable delegation of authority to transfer the sites at Mount Pleasant and Westbrook Crescent from the Council to Opendoor Homes.

#### 6.3.2 Site assembly

Sheaveshill All the pram sheds on the Sheaveshill site are to be demolished. Approximately 29 of the pram sheds are owned by leaseholders although many are derelict and not being used. All leaseholders have been contacted and offered either a replacement pramshed or consideration for their acquisition. At the time of writing, 10 leaseholders had accepted the offer of a replacement, however there is no obligation for them to accept the offer. Given that no other response to the letters has been received, the remaining course of action to acquire the pram sheds is to progress matters via a Compulsory Purchase Order.

The pram sheds form a critical part of the proposed development. The new housing development can only sensibly be achieved in a timely fashion with the acquisition of the pram sheds.

Although negotiations with the leaseholders will continue, it is advisable to begin the first stages of CPO action if voluntary negotiations fail.

#### 6.4 Awarding building contracts

The sites were allocated into 6 groups. These groups have now been re-ordered into 4 groups to reflect progress on planning and procurement. Please see Appendix 1B Tranche 3 Project Plan for details of the programme for each.

Each group is comprised of sites which have reached a similar stage in the development programme and where scheme costs can be contained within the overall budget.

#### 6.5 Barnet Council and Opendoor Homes have negotiated a development agreement for the construction of the new homes and a loan facility agreement to fund the construction. These agreements will be implemented through a gateway review process (see The Management Case below).

- Barnet Council is making a loan to Opendoor Homes to be applied to the cost of carrying out the building works and associated costs such as legal and professional fees, management costs, finance and interest costs. The loan will be secured as a fixed charge against the property to be developed in the Tranche 3 programme.
- The loan will be drawn down in monthly stages in accordance with the Brixx business plan cash flow forecast, so that funding is available to pay development fees and contractor's applications for payment. On each draw down the Council will benefit from the payment of an arrangement fee. Barnet Homes will provide a schedule of payments made at the end of each quarter for reconciliation purposes. Draw-down for subsequent quarters will be adjusted to reflect variations
- Interest will be paid on a quarterly basis and the loan is to be repaid in full by 30 March 2055 or later by agreement.
- Barnet Council will transfer each site to Opendoor Homes. Opendoor Homes will make an annual payment to the Council for the life of the loan for each completed property (subject to scheme viability) of £2,000 and will grant 100% nomination rights for all initial lettings and subsequent voids. Opendoor Homes is responsible for submitting planning applications, appointing professional consultants and building contractors and managing the new homes when constructed.
- A value for money statement will be prepared by an independent cost consultant including a tender report that includes benchmarked costs. At Practical Completion of each site the

cost consultant will provide a forecast of the Final Account. This procedure reflects the standard requirements of the Greater London Authority for grant claims and scheme audit.

## **7. FINANCIAL CASE**

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The financial case indicates the budgetary, financial and affordability considerations of this approach

### **7.1 Financing Tranche 3**

A loan facility agreement is in place and will be released as required to fund the build process. The phasing will be refined to meet the needs of Open Door Homes.

7.2 For every new home for affordable rent completed in the Tranche 3 programme, the Council will receive an annual payment [subject to scheme viability] from Opendoor Homes to support the General Fund costs of providing the Housing Options service.

7.3 The abortive costs incurred in the development of unviable schemes represent a very small percentage of overall scheme costs. These costs can be absorbed into the business plan contingency, but it is hoped that alternative funding can be found for these schemes, possibly as supported housing accommodation and the monies expended in obtaining planning permission will be recouped. If this course of action is not successful, the Council may decide to sell the sites. Detailed planning permission has given these sites a higher value than they would otherwise have had.

Please see Appendix 1B Project Plan for the programme

## **8. MANAGEMENT CASE**

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The management case provides the outline plans for programme management, governance, risk management and benefits realisation that will be required to ensure successful delivery.

8.1 Opendoor Homes is an independent Registered Provider regulated by the Homes and Community Agency (HCA). Opendoor Homes Board has an absolute responsibility to ensure that the programme is scrutinised, monitored and meets the requirements of the business plan including dealing with significant exceptions in line with the expectations of the Government's regulator the HCA. The Opendoor Homes programme is managed by the Group's established structures at officer level by the Development Planning Board and at Board

member level by the Opendoor Homes Board which includes suitably experienced members from a Registered Provider background.

8.2 Programme delivery is reported at Project Board meetings attended by representatives from LBB and Barnet Homes. Barnet Council as lender and provider of land will receive regular financial and programme monitoring information and more regular exception reporting should this be necessary. This will have particular relevance to variations to the Business Plan and any specific implications on the loan, the gifting of Right to Buy receipts or the release of sites for Opendoor Homes to develop

8.3 Reporting includes:

- 1 Overall progress against programme
- 2 Financial progress against programme, together with appraisals
  - a. Quarterly cost update
  - b. Cash flow including loan and RTB
- 3 Risks
- 4 Coordination with TBG and LBB

8.4 The Barnet Group reporting

The indicative loan drawdown outlined in the HCA business case is summarised above and works with the available Right to Buy (RTB) proceeds to fund the programme, subject to two key constraints of RTB funding:

- 30% limit on scheme funding
- 36 month time limit on spending the receipts

8.5 Gateway Review Process

There are two gateway review processes for each site

- Feasibility – when LBB offers substitute sites to Opendoor Homes. This gateway confirms that expenditure may be disbursed for the purposes of obtaining planning permission and tenders for building works
- Transfer/Building works – when Opendoor Homes' Development Planning Board has given approval to the scheme after formal scrutiny

This FBC constitutes both stages for the transfer of the Mount Pleasant site.

Barnet Homes' project team has sought and achieved approval from the internal Development Planning Board and an initial report has been made to the Development Pipeline Programme Board.

- 8.6 Barnet Homes continue to work to the programme set out in Appendix 1B.
- 8.7 The key benefits to be realised are outlined in the Strategic Case. Benefits will be monitored through a Benefits Tracker. Benefits include
- An increase in the supply of permanent affordable housing – 320 new homes
  - Increase in Council tax receipts
  - A decrease in the use of temporary accommodation –
  - On-lending and arrangement fee cash
  - Homelessness dividend
  - An increase in asset value that may enable future development capacity
  - An ongoing financial return to Barnet Council and retention of the proceeds of Right to Buy sales.
  - Social value – employment, apprenticeships etc.
  - Wheelchair units – 32 new wheelchair adapted homes
  - Additional New Homes Bonus
- 8.8 Financial risks will be monitored and escalated where financial impacts exceed agreed parameters, as evidenced by this updated full business case. Risk is being managed by LBB in its role as funder and OpenDoor Homes in its role as a regulated Registered Provider. Other risks will be escalated through the governance arrangement outlined in the project structure chart. High risks will be reported to LBB through regular highlight reports and financial returns.
- 8.9 Deliverables/benefits realisation – the process for managing benefits realisation

<b>Deliverable / Product</b>	<b>Quality Criteria</b>	<b>Author</b>	<b>Reviewers</b>	<b>Acceptor</b>
Interest on loan to be paid	Compliance with loan repayment schedule	Finance officer to make payment	Finance officer	Finance Director
Annual payment on anniversary of build completion [subject to viability]	Tenancy agreement signed by first tenant	Lettings officer to notify Finance Team	Lettings officer Finance officer	Ops Director Finance Director
Arrangement fee paid on each draw down of the loan		Finance officer to make payment	Finance officer	Finance Director

- 8.10 Opendoor Homes is required to provide annual returns to the HCA about the governance and financial viability of the organisation and maybe the subject of further scrutiny should there be any causes for concern arising.

## 8.11 Equalities

Equalities and diversity - The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people from different groups and foster good relations between people from different groups.

A full equalities impact assessment was completed for The Housing Strategy 2015-2025 which identified that the Strategy would have a positive impact on all sections of Barnet's Community.

Allocation of properties acquired will be made in accordance with the Council's Housing Allocations Policy. Analysis of data has shown that women and members of Barnet's black and minority ethnic communities are over represented among those living in temporary accommodation. Over 70% of households in temporary accommodation are from non-white households, compared to around 40% of the Borough's population as a whole. Of those in temporary accommodation the main applicant is female in 65% of households.

It is not expected that these groups will be adversely affected by implementing the policies set out in this report. However the impact will be monitored to ensure that these groups are not adversely affected.

All units of accommodation that are procured will meet minimum standards and in placing households into accommodation out of the borough the Council will consider the needs of protected groups.

Ten per cent of the homes to be built will be suitable for wheelchair users.

All houses and ground floor flats will be built to Lifetime Homes standards.

The new affordable housing units delivered by Opendoor Homes will be let in accordance with the Council's Allocations scheme, which has been subject to a full equalities impact assessment which included extensive consultation with residents, housing applicants and other stakeholders, including local Housing Associations and third sector organisations.

A full equalities impact assessment was completed for The Housing Strategy 2015-2025 which identified that the Strategy would have a positive impact on all sections of Barnet's Community.

The proposals in this report do not raise any negative impacts for equalities and demonstrate that the Council has paid due regard to equalities as required by the legislation. The proposals anticipate a positive impact for residents because they:

- Underline the Council’s aim that all residents from our diverse communities – the young, old, disabled people and those on low incomes – benefit from the opportunities of growth.
- Contribute to Barnet’s commitment to fairness - to be mindful of the concept of fairness and in particular, of disadvantaged communities - which was adopted at Policy and Resources Committee in June 2014.
- Form part of Barnet’s Housing Strategy 2015-2025 which includes the objective to deliver homes that people can afford.
- Provide homes for people who are homeless and may be currently disadvantaged.
- Also reflect the Development Pipeline EQIA.

*Record the information relevant to this document in this section*

<b>File path</b>	DRAFT Tranche 3 Full Business Case 170519 Exempt
<b>Reference</b>	
<b>Version</b>	Version 3
<b>Date created</b>	12 June 2017
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### **Document History**

*If the document has been altered or amended please track the versions and changes in this section*

<b>Date</b>	<b>Version</b>	<b>Reason for change</b>	<b>Changes made by</b>
22/05/17	1	First draft	CC
26/05/17	2	Second draft	CC
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13/07/17	4	Fourth draft	CC

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**Approvals:**

By signing this document, the signatories below are confirming that they have fully reviewed the Full Business Case for xxxxxx project and confirm their acceptance of the completed document.

Name	Role	Signature	Date	Version

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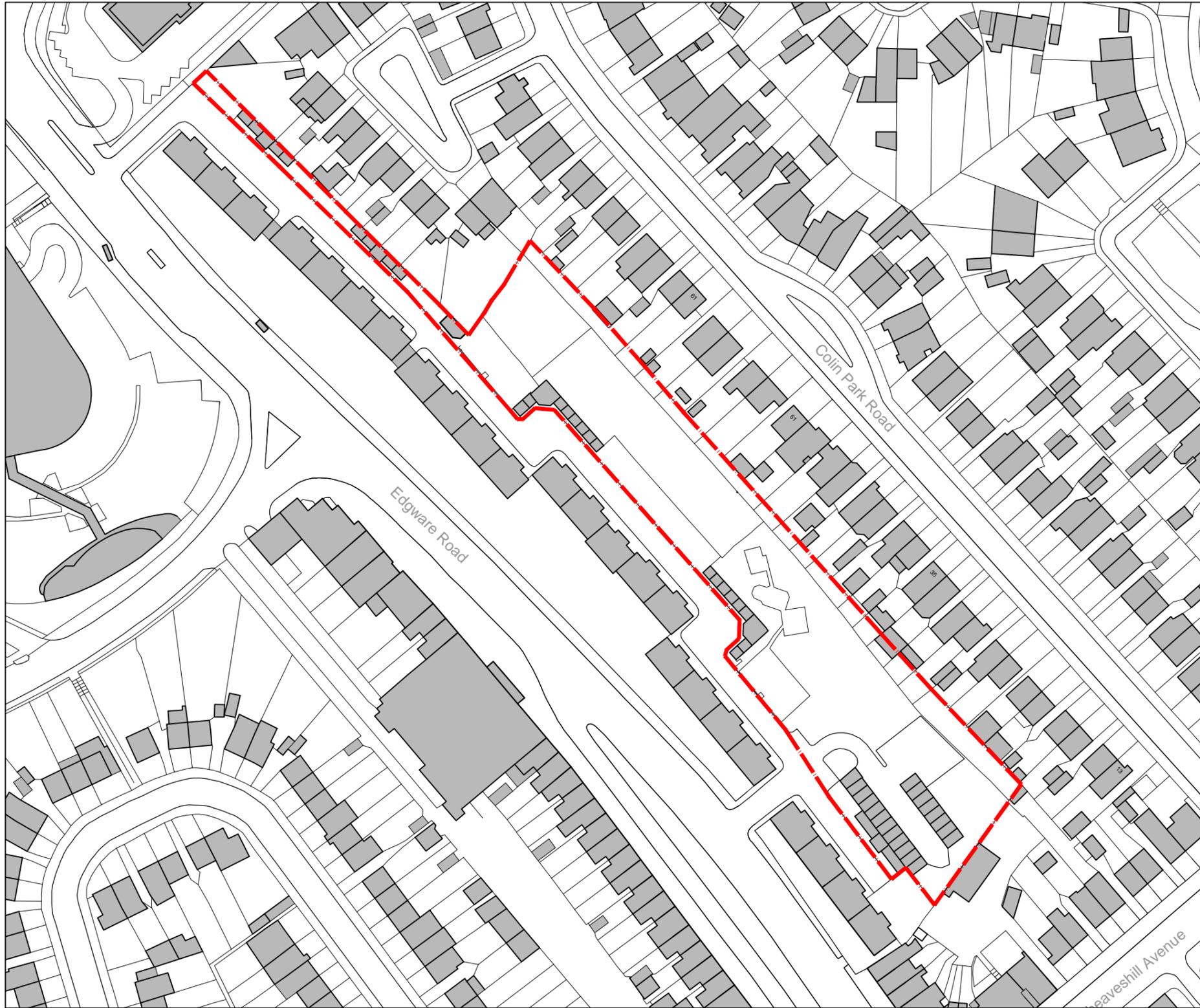
## APPENDIX 1A

Schemes	Postcode	Ward	General Fund/HRA	Current use	No.units proposed
<b>First Schemes</b>					
Basing Way garages	N3 3DB	Finchley Churc	HRA	garages	14
Elmshurst Crescent	N2 0LN	East Finchley	HRA	garages	13
Alexandra Road	N10 2EY	LB Haringey	HRA	garages	4
Sheaveshill Court	NW9 6SJ	Colindale	HRA	garages	34
<b>5 schemes</b>					<b>65</b>
<b>Second Schemes</b>					
Mount Pleasant	EN4 9HQ	East Barnet	HRA	amenity space	12
West Close	EN5 3BY	Underhill	HRA	garages	3
West Farm Place	EN4 9DS	East Barnet	HRA	garages	4
Westbrook Crescent	EN4 9AP	East Barnet	HRA	garages	2
Norfolk Close	N2 8ET	East Finchley	HRA	amenity space	8
Underhill Court	EN5 2BD	Underhill	HRA	amenity space	4
The Croft	HA8 0FH	Burnt Oak	G/F	temporary accom	35
<b>7 schemes</b>					<b>68</b>
<b>Third Schemes</b>					
Hanshaw Drive	HA8 0AP	Burnt Oak	HRA	garages	6
Adamson Court	N2 9BW	East Finchley	HRA	temporary accom	10
Brunswick Park Rd	N11 1JH	Brunswick Parl	HRA	house and garden	8
Friern Court	N20 0NJ	Totteridge	HRA	amenity	12
Summers Lane	N12 0JY	Woodhouse	G/F		16
Burnt Oak Registry	HA80AU	Burnt Oak	G/F	redundant registr	32
Basing Way Green	N3 3DB	Finchley Churc	HRA	amenity space	61
<b>7 schemes</b>					<b>145</b>
<b>Final schemes</b>					
Prospect Ring	N2 8BP	East Finchley	HRA	amenity space	42
<b>1 scheme</b>					
<b>Total</b>					<b>320</b>

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Key

--- Boundary Line

# London Borough of Barnet (Sheaveshill Court) CPO 2017 - Order Land

drawing title Sheaveshill Court

drawing number

revision

client / project

1:1250

scale @ A3

project number

originated by

## FOR INFORMATION

status



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	<p><b>Assets, Regeneration and Growth Committee</b></p> <p><b>24th July 2017</b></p>
<p><b>Title</b></p>	<p><b>2-10 Hermitage Lane, NW2 2ET</b></p>
<p><b>Report of</b></p>	<p>Deputy Chief Executive</p>
<p><b>Wards</b></p>	<p>Childs Hill Ward</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Urgent</b></p>	<p>No</p>
<p><b>Key</b></p>	<p>No</p>
<p><b>Enclosures</b></p>	<p>Appendix A - Site Plan and Site Boundary Line</p>
<p><b>Officer Contact Details</b></p>	<p>Abid Arai, Development Programme Director (Re)  <a href="mailto:Abid.Arai@barnet.gov.uk">Abid.Arai@barnet.gov.uk</a> 0208359 4980</p>

<p><b>Summary</b></p> <p>The report seeks the necessary approval to progress the development opportunity at Hermitage Lane NW2. A proposed scheme has been taken through a pre-application process and has received a favourable response from the planning authority.</p>
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<p><b>Recommendations</b></p> <ol style="list-style-type: none"> <li>1. That Committee notes the initiation of this project</li> <li>2. Subject to the approval of funding from Policy and Resource Committee, the committee authorises procurement of a multi-disciplinary professional team if required to progress the development opportunity to an Outline Business Case.</li> </ol>
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## **1. WHY THIS REPORT IS NEEDED**

### **1.1 The Opportunity**

- 1.1.1 The existing site comprises of a poor quality mixed use block with retail uses at ground floor with 2 flats above, a builders yard to the rear and 4 bungalows managed by Barnet Homes. The combined site has good redevelopment potential and an initial design confirms that 27 private and 15 affordable housing units together with ground floor retail and associated car parking spaces could be provided.
- 1.1.2 The redevelopment would therefore provide an increase in affordable housing provision, significant development profit and a much improved street scene with a high quality design.
- 1.1.3 Whilst the redevelopment site would be profitable in its own right, the Council is aware that a site to the rear, 6 Devonshire Place, is currently being marketed and could be useful to acquire to facilitate the development. An initial offer was made which was rejected but we understand that matters are not proceeding with the selected party and there is now the opportunity to acquire this site. However further work would need to be carried out to see if combining this site would add value to the proposed scheme or whether it could potentially be developed in isolation.

### **1.2 Landlord and Tenant Issues**

- 1.2.1 Whilst the Council owns the entire site there are a number of tenancies which will need to be terminated for the redevelopment to proceed. The current situation is as follows:
- 1.2.2 The Tenant at 10 Hermitage Lane, a builder's yard, has served a s.26 notice on the Council requesting a new 12 year tenancy when their existing lease expires on 23rd June 2017.
- 1.2.3 The Council has served a counter notice on the grounds of redevelopment and is awaiting a court date at which time the Council will need to show that it has a settled intent to redevelop the site, planning permission has been granted for the redevelopment and a building contract has been let. On this basis the court is likely not to award a new lease to the tenants but they could be offered a short term tenancy to remain in occupation until construction is due to commence.
- 1.2.4 The tenancy for 2-8 Hermitage lease expires on 21st July 2017 and as the tenants are in rent arrears, negotiations are being undertaken to take surrender of these premises with the possibility of a short term licence being put in place until the property is required for construction.
- 1.2.5 The four bungalows are owned by the Council and managed through Barnet Homes. Therefore it is considered that vacant possession can be obtained subject to the tenants being offered suitable alternative accommodation.

## 1.3 Planning

- 1.3.1 The site has been initially assessed for highways and ecology issues and at this stage no adverse impacts are foreseen although more detailed survey work will need to be undertaken. The initial scheme design has been well received and the proposed redevelopment has been consulted on with the Council's planning department as part of pre-application process and a positive response was received in March 2017.
- 1.3.2 Therefore a full application is likely to be favourably considered taking into account the pre-application comments on the design.

## 2. REASONS FOR RECOMMENDATIONS

- 2.1 Barnet has the largest population of any London borough with 393,000 residents. This figure is expected to grow by 76,000 over the next 25 years; an increase of 19%. With a third of the borough designated green belt, Barnet Council has to be innovative in how more homes can be built in the borough whilst retaining the borough's distinctive outer London character.
- 2.2 As detailed in the Housing Strategy (2015-2025), and in response to the need for more housing in Barnet and in London as a whole, Barnet Council has committed to increasing the supply of housing in the borough, particularly affordable housing whilst maximising the Council's land resources. With this in mind a Development Pipeline Programme was established identifying Barnet owned sites that could provide locations for housing development schemes. The programme directly supports the Corporate Plan objective of responsible growth and regeneration.
- 2.3 As a strategic housing authority, the London Borough of Barnet has considered how best to meet future housing demand based upon limited resources available in terms of land.
- 2.4 The London Plan and Barnet's Local Plan recognise the pressing need for more homes in the capital. Managing housing growth and the provision of new homes is the first objective set out in Barnet's Core Strategy. The Business Case summarises the Council's approach to achieving these objectives by increasing Housing supply and maximising the Council's land resources to meet future housing demand whilst creating a long term revenue stream. The development of this site for residential purposes will provide much needed accommodation in the Borough and a commercial rental stream from the retail unit.
- 2.5 In line with all levels of policy - national, Mayoral and local policy and guidance, the development will optimise the use of this property and provide much needed private and affordable housing

### **3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 Barnet Council are committed to building new homes and supporting infrastructure to meet the increasing demand for local housing. All available sites are being considered and proposals are being compiled where viable.

3.2 Options available to the Council are;

a) Do nothing

Renew the existing leases; this option would not contribute to the supply of new housing overall, or to the Council's ambition to build more homes. The existing site will require investment from the Council to maximise the commercial value of the leased units at market rates.

b) Do Minimum

Sale on the open market: whilst this could deliver a Capital receipt, the Council would be forgoing the wider economic benefits through delivery of a mixed tenure scheme. The Council would also be forgoing revenue through the letting of the commercial units.

c) Do Maximum

Direct delivery of a mixed tenure homes and commercial units, maximises potential development profit by bringing the best product to the market. The opportunity to acquire the land to the rear potentially creates a marriage value between the two sites and delivers a more comprehensive development.

### **4. POST DECISION IMPLEMENTATION**

4.1 Subject to approval, the Re will procure a multi-disciplinary professional team to progress the design and submit a planning application, subject to approval of an Outline Business Case. The Project will be governed through a project delivery board and managed in line with the Council's project management toolkit and gateway reviews.

4.2 The anticipated total contract duration for the development of the site is 20 months as per the programme detailed below.

4.3 The proposed timeline 2017 - 2019;

- Commission July 2017
- Outline Business Case October 2017
- Planning submission November 2017
- Technical stage 4 design Feb - May 2018
- Full Business Case July 2018

- Start on site October 2018
- Project completion 2019

#### 4.4 Key activities following approval will be;

- Development of the design RIBA stages 1-3 &, stages 4-7 post planning
- Stakeholder engagement and Communications
- Refinement of the procurement strategy and preparation, evaluation of tender documents
- Approval of an Outline Business Case
- Submission planning application
- Development of a Technical design
- Commercial and contractual negotiations with the contractor
- Full Business Case
- Obtaining vacant possession of 2-10 Hermitage Lane and the four Barnet Homes bungalows
- Development of a Sales & marketing strategy, including product specification
- Management of post-construction handover including establishing a robust management strategy
- Preparation of a site constraints report for 2-10 Hermitage Lane to ascertain whether there are any title provisions which may inhibit development and whether any third party consents are needed for disposal.

## 5. IMPLICATIONS OF DECISION

### 5.1 Corporate Priorities and Performance

- 5.1.1 The Corporate Plan 2015-2020 has a strategic objective to “promote responsible growth, development and success across the Borough”. It states that the Council working with local, regional and national partners, will strive to ensure that Barnet is a place of opportunity, where people can further their quality of life and where services are delivered efficiently to get value for money for the taxpayer. The proposal will help meet these objectives by providing good quality private and affordable lifetime homes, through a community co-design process that strengthens community relations and confidence in the Council.
- 5.1.2 The Growth Strategy for Barnet recognised that growth is vital for ensuring the future prosperity of the Borough, and maintain Barnet as a successful London suburb.
- 5.1.3 The Council’s Local Plan adopted in 2012, sets out a 15 year ‘vision’ to help shape the kind of place that Barnet will be in the future. It supports the delivery of new homes including affordable dwellings and the use of brownfield land for high quality and sustainable suburban development.
- 5.1.4 The Council’s Housing Strategy, agreed in 2015 has the overarching objective of providing housing choices that meet the needs and aspirations of Barnet residents and sets out how the Council will deal with a number of challenges including high

prices, a shortage of affordable housing and the potential threats to the qualities that make the Borough attractive.

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 The financial appraisals performed as part of the review suggests that the proposed development is viable and is forecast to deliver an overall surplus and long term rental income from the retail units.
- 5.2.2 A full report will be presented to the Policy and Resource Committee at a later date seeking budget approval prior to commencing any procurement activity as required.
- 5.2.3 The total development budget is being finalised and will comprise construction costs, fees, loan interest, and other associated costs. It is proposed that this outlay will be funded through a combination of internal and external (prudential) borrowing until cash receipts from the sale of developed housing is realised. It has been assumed that all project costs will be capitalised in accordance with Section 16 of the Local Government Act 2003.
- 5.2.4 The EU procurement regime, implemented in the UK by the Public Contracts Regulations 2015, applies to contracts let by contracting authorities for works, services and supplies. Any procurement to be conducted as part of this project must be in accordance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules
- 5.2.5 The process for procuring a contractor to build the new homes will be updated in the Outline Business Case.
- 5.2.6 All homes delivered will be built in accordance with the London Housing Supplementary Planning Guidance March 16 or any subsequent updates that may be introduced
- 5.2.7 Value for money will be delivered through the procurement and market testing of the contractors builds costs.
- 5.2.8 The Council developing the site rather than sharing with a development partner represents best value for the Council.
- 5.2.9 Both Council Tax and New Homes bonus grant will be reported back in the Full Business Case.
- 5.2.10 Legal possession of 2-10 Hermitage Lane and the four Barnet Homes bungalows need to be obtained in order for the development to proceed.

### 5.3 Social Value

5.3.1 This proposal aims to deliver policy compliant housing sites and in addition the list below sets out the other expected social benefits from this development:

- Opportunity to facilitate new products being introduced to promote first time buyers i.e. Home buy/First buy
- Contributing to the housing needs of residents and making savings in Temporary Accommodation costs
- 10% wheelchair accessibility
- The proposal will be subject to a planning obligation to provide employment and skills opportunities for local residents in line with the Councils Employment and Skills Supplementary Planning Document.
- Continue to work with commercial businesses to ensure that the town centre benefits from growth, whilst supporting the relocation of any affected businesses within the borough
- Will help increase revenue for local businesses

### 5.4 Legal and Constitutional References

5.4.1 Section 2.8 of The Management of Assets, Property and Land Rules, contained in the Council's constitution states that the "Strategic Asset Management Plan will govern decisions on the future direction and development of the Council's Built Environment"

5.4.2 Local authorities are given the general power under Section 123 of the Local Government Act 1972 (as amended) to dispose of land held by them in any manner they wish. This statutory provision requires that, except with the consent of the Secretary of State for Communities and Local Government, a council cannot dispose of land, other than for the grant or assignment of a lease not exceeding seven years, for a consideration less than best that can reasonably be obtained. Disposal of the units built for sale on the open market complies with section 123. Whether any additional consents are needed for disposal, for example under the Housing Act 1985, should be investigated as part of a site constraints report.

5.4.3 Council Constitution, The Management of Asset, Property and Land Rules, Appendix 2, Table B sets out the acceptance thresholds which provide authority for the action. Financial arrangements in excess of £100,000 must be approved by Assets, Regeneration and Growth Committee.

5.4.4 Under article 15A of the Council's constitution the Assets, Regeneration and Growth Committee can authorise procurement activity within the remit of the Committee, and authorise any acceptance and variations or extensions if within

budget in accordance with the responsibilities and thresholds set out in the Contract Procedure Rules.

## 5.5 Risk Management

5.5.1 Key risks will be reported to the Development Pipeline Board via a monthly highlight report.

5.5.2 A detailed risk register will be produced and approved upon project initiation, key project risks are;

<b>Risk</b>	<b>Mitigation</b>
Build cost inflation	Undertake a procurement exercise and monitor Build cost indices (BCIS) and Tender price inflation (TPI), ensuring we have a cost led design
Planning not granted/ Judicial Review	Early engagement & consultation with Local Planning authority and stakeholders for buy in
Vacant possession is not obtained on 2-10 Hermitage Lane and Barnet Homes bungalows	Work with the Council's legal advisor to negotiate a surrender of the lease. Work with Barnet Homes to find suitable alternative accommodation for the tenants of the four bungalows
Sales Risk	Seek external advice to ensure we have suitable marketing intelligence in place at all design stages

## 5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; advance equality of opportunity between people who share a relevant protected characteristic and those who do not foster good relations between people who share a relevant protected characteristic and those who do not.

5.6.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and to keep them under review in decision making, the design of policies and the delivery of services.

5.6.3 The re-provision of additional high quality housing in the Borough will assist first time buyers, many of whom are currently priced out of the market. In addition, much needed affordable rented housing will also be provided, as well as promotion of further construction jobs in the borough.

5.6.4 At this stage, the proposal does not raise any issues under the Council's

Equalities Policy and does not have a bearing on the Council's ability to demonstrate that it has paid due regard to equalities as required by the legislation. No immediate equality impacts are anticipated as a result of this proposal, however a full EIA will be considered in due course.

## 5.7 Consultation and Engagement

- 5.7.1 The proposed residential and mixed-use scheme will be designed following detailed market research identifying local market trends and demand. Members including ward Councillors, local MPs, key local groups, adjoining schools and residents will be consulted in progressing the application. Their views will be sought on the development of proposals. Key issues are likely to be traffic and parking implications, mix of accommodation and density, affordable housing, trees, and impact on existing neighbouring amenity. These issues will be addressed in the design proposals.
- 5.7.2 Public exhibitions will be organised to seek resident's views, in relation to the proposals, constraints and opportunities including indicative layout and house type designs.
- 5.7.3 In taking forward the sites to planning a number of issues will need to be considered in designing the scheme following the consultation process, notably:
- The range of housing typologies (houses, flats)
  - The types of tenure (private-for-sale, affordable-for-rent and shared ownership)
  - The distribution of housing types and tenures across the portfolio of sites.
  - Design and architecture
  - Traffic movement
  - Parking provisions
  - Existing and proposed residential amenity
  - Amenity space
  - Trees and landscaping
  - Impact on heritage assets
  - The re-provision of commercial space
- 5.7.4 A Communications/stakeholder engagement plan will be put in place. The plan will set out the strategy for engagement through the delivery stages.
- 5.7.5 Initial high level internal engagement has been undertaken with the Development Pipeline Programme Board, the Leader and Deputy Leader as part of the Tranche 4 programme which included Hermitage lane. Local ward councillors will also be consulted on the evolving scheme design and to establish any particular local issues that will need to be addressed.
- 5.7.6 However, prior to engaging with occupiers/tenants internal stakeholders will be consulted and their views will inform the design and planning process.

5.7.7 A detailed consultation programme will be produced to support the scheme delivery through the planning process, construction, handover and sales and marketing to enable the team to minimise risks and manage local expectations as well as avoid any negative or reputational issues.

## 5.8 Insight

5.8.1 Considered data relating to the Council's Housing Needs Assessment – LBB Housing Department.

5.8.2 Considered data relating to property values – LBB Property Services, GL Hearn and Market intelligence/Capita Asset Services.

5.8.3 Considered data relating to build costs – Build Costs Information Services – Royal Institute of Chartered Surveyors.

5.8.4 The Council's Housing Strategy, which identifies the need for new affordable homes, is supported by a comprehensive evidence base, including a Housing Needs Assessment and a study of affordability carried out by the Council's insight team.

## 6 BACKGROUND PAPERS

6.1 Assets Regeneration and Growth Committee, 9 July 2014, Strategic Asset Management Plan

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=7960&Ver=4>

6.2 Assets Regeneration and Growth Committee, 8 September 2014

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=7885&Ver=4>

6.3 Assets Regeneration and Growth Committee, 15 December 2014, Strategic Asset Management Plan

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=7886&Ver=4>

6.4 Assets Regeneration and Growth Committee, 16th March 2015

<http://barnet.moderngov.co.uk/documents/s21974/BARNET%20DEVELOPMENT%20PIPELINE%20-%20TRANCHE%201.pdf>

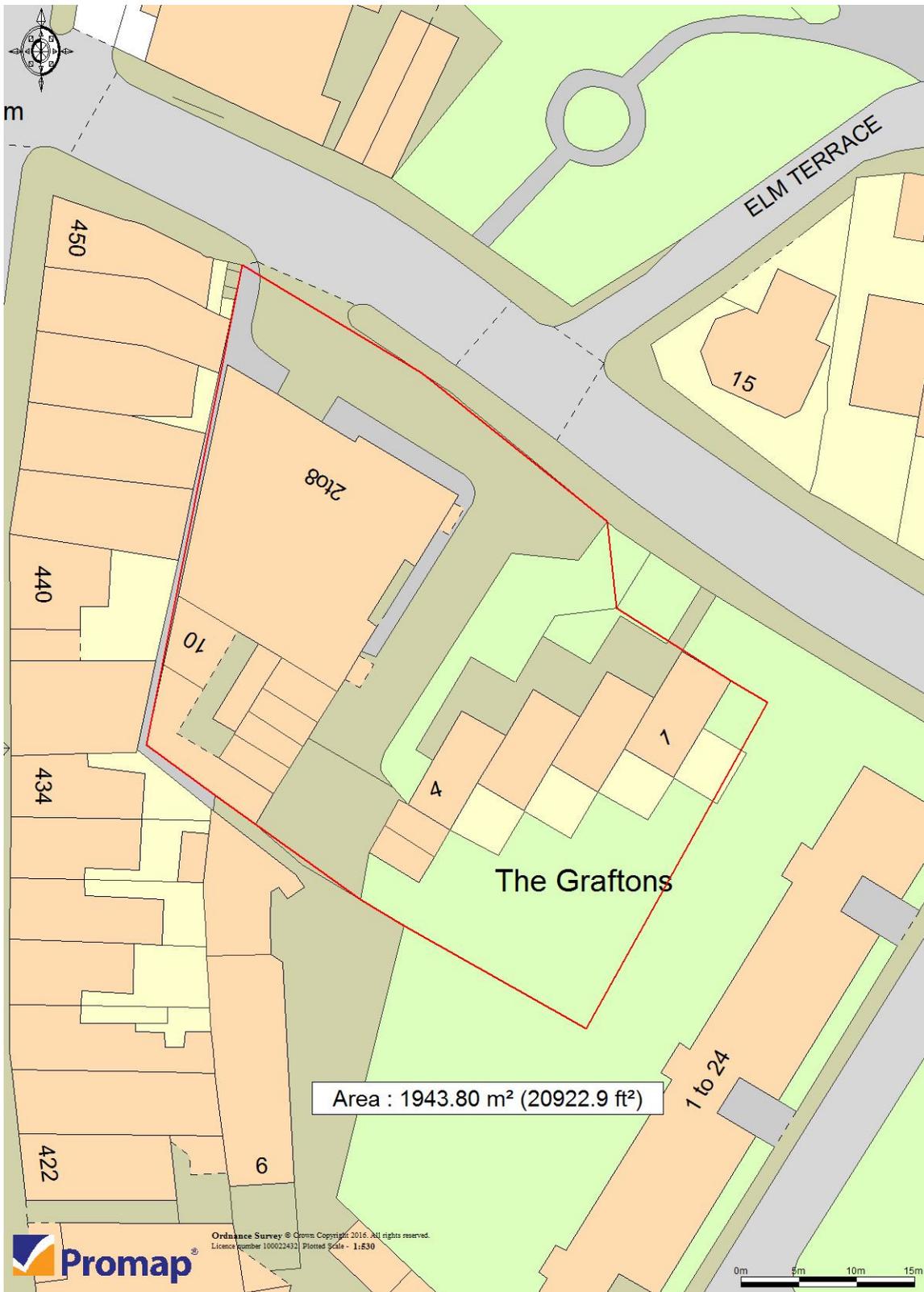
6.5 Assets Regeneration and Growth Committee, 1<sup>st</sup> June 2015

<https://barnet.moderngov.co.uk/documents/s23460/150521%20Barnet%20Development%20Pipeline%20Tranche%201%20-%20ARG%20V9.pdf>

6.6 Assets Regeneration and Growth Committee, 7<sup>th</sup> September 2015

<https://barnet.moderngov.co.uk/documents/s25552/BARNET%20DEVELOPMENT%20PIPELINE%20-%20MOXON%20STREET.pdf>

Appendix A – Boundary Site plan



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## ASSETS, REGENERATION & GROWTH COMMITTEE

**24<sup>th</sup> July 2017**

<b>Title</b>	<b>WEST HENDON COMPULSORY PURCHASE ORDER 2 &amp; 2a (CPO2 and CPO2a) COMMUNICATIONS UPDATE</b>
<b>Report of</b>	Cath Shaw - Commissioning Director, Growth and Development
<b>Wards</b>	West Hendon
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix 1 – CPO2 and CPO2a Communications Update
<b>Officer Contact Details</b>	Simon Bailey, Regeneration Manager simon.bailey@barnet.gov.uk, 0208 359 7671  Emily Morris, Regeneration Officer emily.morris@barnet.gov.uk, 0208 359 4473

### Summary

A report went to ARG on the 17<sup>th</sup> March 2016 seeking authority to make two Compulsory Purchase Orders at West Hendon, CPO2 & CPO2a. The committee referred the report to Full Council on the 4<sup>th</sup> of April 2016. Full Council agreed the recommendations.

Full Council also requested that an update of all communications undertaken at West Hendon, with particular regard to CPO activities, was presented to all future ARG meetings until further notice. This was to ensure that all necessary consultation action was being undertaken to keep residents informed of the outcomes for them, what options were on the table for them, and how they would be supported.

The use of the Compulsory Purchase Orders is an option of last resort and will only be utilised where third party interests cannot be acquired through private treaty negotiations.

## **Recommendations**

**That the Asset, Regeneration & Growth Committee agrees:**

- 1.1 To note the communication activities undertaken regarding the West Hendon Regeneration Scheme attached at Appendix 1**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 Full council on the 4th April 2016 requested that a communications update for West Hendon, with particular regard to CPO activities, is presented to all subsequent Asset, Regeneration & Growth Committee meetings until further notice.

### **2. REASONS FOR RECOMMENDATIONS**

- 2.1 CPO2 and CPO2a are required to provide certainty with regard to site assembly in order to deliver the benefits of the regeneration to the estate and the wider area. Without a Compulsory Purchase Order as a 'backstop', there would be no realistic prospect to assemble the site through private treaty negotiations.
- 2.2 The Council is obliged under the terms of its Development Agreement with Barratt Metropolitan Limited to progress the CPO for West Hendon.
- 2.3 CPO2 will apply to residential properties at 33-125 Tyrell Way and 11-72 Warner Close and will be promoted using statutory powers under the Town and Country Planning Act 1990. CPO2a is required to deliver the major highways works required as part of the West Hendon Regeneration Scheme. In accordance with the Section 106 Agreement for West Hendon Barratt Metropolitan LLP (BMLLP) are required to deliver the highway works as part of Phase 4 of the Regeneration Scheme.
- 2.4 In order to ensure the smooth running of the CPO process and/or private treaty negotiations the committee are requested to review and note the communications plan and be reassured that all appropriate communication activity is taking place to ensure amicable agreement with residents with interests within the CPO area, and beyond.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The submission of a communications update for the West Hendon CPO process was a request of Full Council. No other option needs to be considered or is required.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 ARG Committee will review the communications update at each ARG, as the CPO/private treaty negotiations progresses. Any recommends made by ARG Committee regarding the approach to communications/consultation at West Hendon will be incorporated into the communications strategy where feasible.

#### **5. IMPLICATIONS OF DECISION**

##### **5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in the substantive report to 17<sup>th</sup> March ARG.

##### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 As set out in the substantive report to 17<sup>th</sup> March ARG.

##### **5.3 Social Value**

- 5.3.1 As set out in the substantive report to 17<sup>th</sup> March ARG.

##### **5.4 Legal and Constitutional References**

- 5.4.1 As set out in the substantive report to 17<sup>th</sup> March ARG.

##### **5.5 Risk Management**

- 5.5.1 As set out in the substantive report to 17<sup>th</sup> March ARG.

##### **5.6 Equalities and Diversity**

- 5.6.1 As set out in the substantive report to 17<sup>th</sup> March ARG.

##### **5.7 Consultation and Engagement**

- 5.7.1 Consultation has and will continue to be undertaken with the residents and wider community to ensure that the Scheme reflects local needs. In this regard, the Council and the Development Partners appointed an Independent Resident Advisor to work with the residents on the estate. A Partnership and Residents Board has been established who meet on a regular basis to discuss the regeneration proposals with the Council and its partners. A summary of consultation activity is at Appendix 1.

## **6. BACKGROUND PAPERS**

Full Council, 4 April 2016, West Hendon Compulsory Purchase Order 2 & 2a (CPO2 and CPO2a)

<https://barnet.moderngov.co.uk/documents/s30993/Report%20to%20Council%20-%20ARG%20CPOs.pdf>

Asset, Regeneration and Growth Committee, 17 March 2016, West Hendon Compulsory Purchase Order 2 & 2a (CPO2 and CPO2a)

<http://barnet.moderngov.co.uk/documents/s30497/West%20Hendon%20CPO%202%20a%20CPO2%20and%20CPO2a.pdf>

Cabinet Resources Committee, 16 December 2013, West Hendon Regeneration Project

## Appendix 1 – CPO2 & CPO2a Communications Update – July 2017

Dedicated West Hendon Website: <http://west-hendon.co.uk/>

Method of Communication	Purpose of Communication	Stakeholder	Date/s	Frequency	Comments
Closed Partnership Board	The Board comprises of key stakeholders which support, represent and promote the interests of all residents living on the estate.	London Borough of Barnet, Re, Barratt Metropolitan LLP, Barnet Homes, Resident Representatives, ITA	10/05/2017 07/06/2017 05/07/2017	Monthly	Development Partners provide relevant information and reports as required by the board, subject to data protection and commercial sensitivities.  BMLLP's fire consultant delivered a presentation on fire safety in the new builds. Barnet Homes informed the Board on fire safety within the existing blocks. Mobilise have also informed the Board on the creation of a Neighbourhood Investment Strategy which aims to develop a clear vision and list of priorities that residents have for the local area and future community facilities.
Open Partnership Board	The Partnership Board holds an open meeting to discuss regeneration matters with the wider community	London Borough of Barnet, Re, Barratt Metropolitan LLP, Barnet Homes, Resident Representatives, ITA, Wider Community	26/04/2017 19/07/2017	Quarterly	Development Partners provide relevant information to the wider community, subject to data protection and commercial sensitivities.  Fire safety and advanced acquisitions at West Hendon were discussed.
Construction Working Group	A forum for residents to discuss construction activities and programme with the Barratt's construction team	Barratt London, Wider Community	18/05/2017 15/06/2017 20/07/2017	Monthly	Minutes for the Construction Working Group can be found on the dedicated West Hendon Regeneration website at <a href="http://west-hendon.co.uk/construction/construction-working-group/">http://west-hendon.co.uk/construction/construction-working-group/</a>
Regeneration Newsletter	A newsletter that is sent to all West Hendon residents notifying them of key development and community information		July 2017	Quarterly	A Regeneration Newsletter, created by the Development Partners, is sent to all residents on the West Hendon estate. The newsletter provides relevant information to the wider community. The latest newsletter advertised the Neighbourhood Investment Strategy, the approval of the Phase 4 Reserved Matters Application and the Community Trust Fund.
Leaseholder Negotiations	Ongoing leaseholder negotiations to purchase properties through private treaty acquisitions.	London Borough of Barnet, Re, GVA, West Hendon Leaseholders, Barratt Metropolitan LLP	Ongoing	Ongoing	34 leasehold interests fall within CPO2. 9 leasehold properties have been acquired. An additional 16 Heads of Terms have been agreed.

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**London Borough of Barnet  
Assets Regeneration and  
Growth Forward Plan  
September- December 2017**

Contact: Sheri Odoffin 020 8359 3014 [sheri.odoffin@barnet.gov.uk](mailto:sheri.odoffin@barnet.gov.uk)

Title of Report	Overview of decision	Report Of ( <i>officer</i> )	Issue Type (Non key/Key/Urgent)
4th September 2017			
Brent Cross Cricklewood	Brent Cross South first phase proposal	Commissioning Director, Growth and Development	Key
Development Pipeline Tranche 1, Housing Full Business Case	The report updates committee on progress to date and seeks the necessary authority to progress with the proposed redesign & commercial agreement.	Commissioning Director, Growth and Development	Non-key
The Graham Park Community Hub	Health Outline Business Case	Commissioning Director, Growth and Development	Non-key
Delivery of Affordable Housing – Private Investment Solutions	<p>This report presents both short-term and long-term leasing models through which the Council would lease affordable housing, purchased on the open market by private investment funds.</p> <p>The paper seeks approval for the Council to enter into such leasing agreements with private investment funds to increase the supply of affordable housing.</p>	Commissioning Director, Growth and Development	<b>Non-key</b>
Extra Care pipeline	The paper will seek approval of strategic outline case for the development of Cheshir House to provide additional extra care homes	Commissioning Director, Growth and Development	<b>Non-key</b>

Title of Report	Overview of decision	Report Of ( <i>officer</i> )	Issue Type (Non key/Key/Urgent)
Outline Business Case Report for Stag House Extra Care	Adult Services has commissioned an Extra Care scheme to be delivered on the site of Stag House, Burnt Oak. The purpose of the paper is to release funds subject to Full Business Case so that the scheme can be delivered.	Commissioner Director Adults Communities and health	<b>Non-key</b>
The grant of leases to generate income from the development of billboards on Council land	Regional Enterprise (Re) would like to encourage advertising developers to invest in the borough by developing high quality digital advertising structures on Council land.	Director of Resources	Non-key
Microsites Programme, Business Justification Case	The Business Justification Case seeks authority for expenditure of subsidy in the form of Right to Buy receipts and Section 106 commuted sums to develop a number houses for affordable rent across underutilised garage sites. The numerous economic and social benefits are set out in the report. Approval to develop the sites has already been approved in principle.	Deputy Chief Executive	Key
Assets, Land and Property Transactions for Approval	For approval	Commissioning Director, Growth and Development	<b>Non-key</b>

27th November 2017

Title of Report	Overview of decision	Report Of ( <i>officer</i> )	Issue Type (Non key/Key/Urgent)
Brent Cross Cricklewood - Quarterly Update	<p>To receive a quarterly update on the Brent Cross Cricklewood Programme, and take such decisions as are required.</p> <p>To note any decisions of the Brent Cross South Shareholder Board and provide an update on community engagement.</p>	Commissioning Director, Growth and Development	<b>Key</b>
West Hendon Compulsory Purchase Orders - Quarterly Community Engagement Update	Update on community engagement in relation to West Hendon Compulsory Purchase Orders.	Commissioning Director, Growth and Development	<b>Key</b>
Donoghue - Exploring options to re-locate - Update Report	Committee to consider the Business Case.	Commissioning Director, Growth and Development	<b>Non-key</b>
Referral from Chipping Barnet Area Committee for a Decision on Options for dealing with 56 Bedford Avenue A Long Term Empty Property	Approve For CPO If 'Sufficient Progress is not Made in renovating the property'	Commissioning Director, Growth and Development	<b>Non-key</b>
12th March 2018			

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

## AGENDA ITEM 18

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## AGENDA ITEM 19

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