

DELEGATED POWERS REPORT NO.

**SUBJECT: Planning Performance Agreement – Barnet and Southgate College Site, Grahame Park Way (Barratt North London)**

**Control sheet**

**All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to the Governance Service for publishing**

<b>All reports</b>		
1. Business Governance receive draft report	Name of GSO Date	Kirstin Lambert 02/09/2013
2. Business Governance cleared draft report as being constitutionally appropriate	Name of GSO Date	Kirstin Lambert 02/09/2013
3. Finance clearance obtained ( <i>report author to complete</i> )	Name of Fin. officer Date	Michael Millar 22/08/2013
4. Staff and other resources issues clearance obtained ( <i>report author to complete</i> )	Name of Res. officer Date	N/A
5. Trade Union response received (Staffing issues only)	Name of TU rep. Date	N/A N/A
6. Legal clearance obtained from ( <i>report author to complete</i> )	Name of Legal officer Date	Abiodun Kolawole 21/08/2013
7. Policy & Partnerships clearance obtained ( <i>report author to complete</i> )	Name of P&P officer Date	Kirstin Lambert 02/09/2013
8. Equalities & Diversity clearance obtained ( <i>report author to complete</i> )	Name of officer Date	N/A
9. The above process has been checked and verified by Director, Head of Service or Deputy ( <i>report author to complete</i> )	Name Date	Martin Cowie 22/10/2013
10. Signed & dated report, <u>scanned or hard copy</u> received by Business Governance for publishing	Name of GSO Date	22 October 2013
11. Report published by Business Governance to website	Name of GSO Date	29 October 2013
<b>Officer reports:</b>		
12. Head of Service informed report is published and can be implemented.	Name of GSO Date	29 October 2013
<b>Cabinet Member reports:</b>		
13. Expiry of call-in period	Date	N/A
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet & Head of Service	Name of GSO Date	N/A N/A
	Date	N/A

**ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER  
(EXECUTIVE FUNCTION)**

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**Subject** **Planning Performance Agreement –  
Barnet and Southgate College Site,  
Grahame Park Way (Barratt North  
London)**

**Officer taking decision** Assistant Director of Strategic Planning and  
Regeneration

**Date of decision** 22 October 2013

<b>Summary</b>	This report seeks approval to proceed with a Planning Performance Agreement with Barratt North London for the redevelopment of the Barnet and Southgate College site on Grahame Park Way.
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**Officer Contributors** Peter Alsop – Acting Major Developments Manager  
Nicholas Ray – Principal Planning Officer

**Status (public or exempt)** Public

**Wards affected** Colindale

**Key decision** No

**Enclosures** Draft Planning Performance Agreement

**Reason for exemption from call-in (if appropriate)** Not applicable

Contact for further information: Nicholas Ray 0208 359 3955 or Peter Alsop 0208 359 4658

Serial No.
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## **1. RELEVANT PREVIOUS DECISIONS**

- 1.1 Cabinet, 22 February 2010 (Decision item 9) – approved and recommended to Council to adopt the Colindale Area Action Plan (AAP), which includes strategic planning policy and targets for the regeneration of Grahame Park and the wider Colindale Area.
- 1.2 Council, 2 March 2010 (Decision item 146) – approved and adopted the Colindale AAP as a statutory planning document within the Local Development Framework.
- 1.3 Cabinet Resources Committee, 17 July 2012 (Decision item 7) – resolved:
  - 1.3.1. To note progress on the Grahame Park regeneration scheme as set out in the report.
  - 1.3.2. That, subject to securing from the Homes and Communities Agency for Get Britain Building equity funding, approval is given for the Deputy Chief Executive to agree the necessary changes to the Grahame Park Principal Development Agreement to allow this funding to be accessed.
  - 1.3.3. That, subject to the receipt of Get Britain Building funding, the Deputy Chief Executive be authorised to agree the terms of the Council investment of up to £5m into the Grahame Park Regeneration Scheme to be match funded by Choices for Grahame Park Limited (“CFGP”) to underwrite sales risk.
  - 1.3.4. To approve the expenditure improvement works to Colindale Avenue to bring forward the regeneration of the area.
  - 1.3.5. That the Deputy Chief Executive be authorised to negotiate (in conjunction with the Council’s development partner for the Scheme, CFGP) with Barnet and Southgate College the terms to deliver i) a new college in the area known as Phase 1b of the Grahame Park Estate Regeneration Scheme and ii) a land swap agreement to develop the existing Barnet College site for residential development to ensure retention of the College in the area as a key element in the regeneration of Colindale.
  - 1.3.6. Subject to 1.3.5, that the Leader of the Council and the Deputy Chief Executive be authorised to agree the variation of the Grahame Park Principal Development Agreement to facilitate the relocation of the Barnet and Southgate College within Grahame Park (site 1b).
  - 1.3.7. To note the proposed review of the masterplan for the next stage (Stage B) of the Grahame Park Regeneration Scheme.

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

- 2.1 Colindale is designated as an Opportunity Area in the London Plan and represents one of Barnet’s priority regeneration areas, consistent with our overall objective to promote responsible growth, development and success across the borough. The Council has prepared an Area Action Plan (AAP) to guide the regeneration of the area which will result in the provision of 10,000 new homes over the next 15 years, along with other supporting development. The Site is identified in the Colindale AAP as one of the key sites for delivering growth in the form of family housing and a 2-form entry primary school.

- 2.2 The regeneration of Colindale and the redevelopment of the Barnet and Southgate College Site, supports the Corporate Plan 2013-2016 priority outcome 'to maintain a well designed, attractive and accessible place, with sustainable infrastructure across the borough.'
- 2.3 The Council's vision for Colindale builds on the success of the wider borough as a place where people want to live. A place of high educational achievement and employment opportunities, which offers a blueprint for a London suburb of the future – a self-contained suburb in easy reach of one of the largest commercial centres in the world.
- 2.4 It is the shared ambition of Barnet and Southgate College and the London Borough of Barnet to facilitate a relocation of the College's Grahame Park campus within Grahame Park. The existing facility on Grahame Park Way is no longer fit for purpose.
- 2.5 Colindale AAP Policy 4.1 supports the relocation of Barnet and Southgate College to a new purpose built building close to Colindale Tube Station. Barnet and Southgate College wish to relocate and consolidate their existing accommodation on their Grahame Park Way campus to a new, more accessible site within their catchment area, as supported in the Colindale AAP. They are now in discussions with the Council and its development partner, Choices for Grahame Park, in relation to securing Plot A8 within Phase 1B of the Grahame Park Estate regeneration.
- 2.6 The relocation of the College frees up the existing campus on Grahame Park Way for redevelopment. The AAP promotes the provision of a 2-form entry primary school on the site, as well as family housing up to a density level of 100 dwelling per hectare. Barratt North London has a formal 'subject to planning' agreement for the purchase of the College site and wish to enter into pre-application discussions with the Council.

### **3. RISK MANAGEMENT ISSUES**

- 3.1 The Colindale AAP identifies 1.6 hectares of land on the Site to be safeguarded for the delivery of a school. This school site is needed to ensure that sufficient school places can be provided in Colindale to meet the increased population from planned growth in the area. There is a risk that if the Site is not developed, this school plot will not be made available.
- 3.2 A Planning Performance Agreement (PPA) is required in order to deal with the pre-application discussions with Barratt North London and their advisors to inform the preparation of a masterplan and detailed planning application for the redevelopment of the Site. Barratt North London have devised a programme that envisages a planning application for the Site being submitted in October 2013. There is a risk that, without a PPA, the developers will progress and submit a planning application for the site which does not meet the objectives of the Colindale AAP and therefore does not deliver the necessary items of infrastructure needed for the area.
- 3.3 The provision of a Planning Performance Agreement to fund Council Officer time (and other consultants as required) will ensure that comprehensive and timely advice is provided to meet the developers timescales and will ensure that the

Council is able to negotiate and secure infrastructure within the development which is required to support regeneration in the wider Colindale AAP area.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

- 4.1 Equalities issues are covered by LBB's existing agreement with Comensura. The Council will make all "reasonable adjustments" which may be appropriate to avoid discrimination in the recruitment process and will interview all applicants with protected characteristics who meet the minimum criteria for a job vacancy. The Council is committed to providing equality and fairness for all in employment and ensures that applicants with protected characteristics receive fair treatment and that they will be considered solely on their ability to do the job.
- 4.2 Local people and community groups will be involved and engaged during the design process for the preparation of the proposals for the new college facility and will be consulted on the formal planning application for the site in accordance with the statutory requirements.

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

- 5.1 The Planning Performance Agreement will require the Applicant to pay the Council the sum limited to £25,000 (twenty-five thousand pounds), payable in installments, as a contribution towards the funding of the Council's appointed officers for the purposes of providing pre-application advice to inform the preparation of the planning applications for the Site.
- 5.2 The PPA will run up to the point of determination of the Planning Application.
- 5.3 Subject to the payment of the monetary sums set out above the Council will ensure that it devotes sufficient officer resources to ensure compliance with the project programme, including the appointment of a temporary Principal Planning Officer.
- 5.4 There are no ICT or property implications arising from this appointment.

#### **6. LEGAL ISSUES**

- 6.1 The White Paper, (2007) 'Planning for a Sustainable Future' introduced Planning Performance Agreements (PPAs) to put in place a more effective and collaborative mechanism for handling complex planning applications. Although it has no statutory framework (provided that Developers and LPAs operate within the restrictions of Local Authority Finance), it allows both the developer and Local Planning Authority (LPA) to agree a project plan and programme which will include the appropriate resources necessary to process the planning application to a firm timetable. It gives greater certainty on timescales, costs or supporting evidence from experts. It is another stage in the Government's drive to reform the planning system.
- 6.2 Every LPA has the power to charge for negotiating a PPA. This is under the powers conferred by Section 93 of the Local Government Act 2003. These are the same powers under which LPAs can charge for pre-application discussions, but

charges must be on a not for profit basis and income from these must not exceed the cost of providing the service.

## **7. CONSTITUTIONAL POWERS**

- 7.1 Constitution, Responsibility for Functions, Section 7, Powers Delegated to Officers – in relation to the Planning Performance Agreement, paragraph 7.1 provides that Chief Officers can take decisions without consultation with the Cabinet Member concerned where it is in respect of operational matters within the Chief Officers sphere of managerial or professional responsibility and is not significant in terms of budget or policy.
- 7.2 Constitution, Responsibility for Functions, Section 7, Powers Delegated to Officers – in relation to the deployment of staff for the purposes of providing pre-application advice to inform the preparation of the planning applications, paragraph 7.3 provides that Chief Officers may use whatever means they consider appropriate to discharge those functions within their scheme of delegation including engaging and deploying staff; deploying other resources within their control; and placing contracts and procuring other resources within or outside the Council.

## **8. BACKGROUND INFORMATION**

- 8.1 Barnet and Southgate College wish to relocate and consolidate from their existing campus on Grahame Park Way to a new site, Plot A8, within Phase 1B of the Grahame Park Estate regeneration. The relocation will release their Grahame Park Way site for housing led redevelopment as well as a new 1.6ha plot for a school.
- 8.2 The Barnet and Southgate College site is identified as a key site for redevelopment in the Colindale Area Action Plan and is earmarked to deliver housing, with an emphasis on family housing, as well as a primary school. Barratt North London (the Developer) wishes to commence pre-application discussions in relation to the preparation of a scheme and the submission of a detailed planning application for the redevelopment of the Site.
- 8.3 The Developer has developed a business plan and programme which requires a planning application for the above site to be prepared and dealt with in a tight timescale. In order to meet these timescales the Developer is willing to enter into a Planning Performance Agreement (PPA) to fund the cost of Council officer time to deal with this work. The PPA will enable the Council and the Developer to: agree requirements and timescales in the form of a project programme for the provision of pre-application advice to inform the emerging planning applications; establish appropriate measures for monitoring compliance with the respective parties' obligations under the agreement; and establish review mechanisms in respect of the project programme and the scope/terms of the agreement.
- 8.4 By entering into a PPA with Barratt North London, the Council will enable the Barnet and Southgate College Site to be brought forward for development in a timely fashion. The redevelopment of the Site will contribute to the Council's housing delivery targets and will deliver infrastructure to support the growth in Colindale.
- 8.5 By entering into a PPA with the Developer, the Council will enable sufficient officer

resources can be made available to ensure that the redevelopment can be delivered in a timely fashion.

- 8.6 The applicant has agreed to fund the costs of Council Officer time on the project up to a maximum of £25,000 (twenty-five thousand pounds) in total. This will cover the cost of appointing a temporary Principal Planning Officer to deal with the work, as well as other officers from relevant Council departments including Highways Officer time as may be agreed with the Developer. In addition, this will cover the appointment of a viability consultant to appraise the Developer's viability assessment concerning the provision of affordable housing and other infrastructure.
- 8.7 The agreed pay rates for Officer time and the Project Programme are set out in the attached draft Planning Performance Agreement. If a temporary planning officer is required to support the delivery of the programme they will be obtained through the LBB Temp Desk.

## **9. LIST OF BACKGROUND PAPERS**

- 9.1 Colindale Area Action Plan (March 2010).
- 9.2 Any person wishing to inspect the background papers listed above should telephone Nicholas Ray on 020 8359 3955

## **10. OFFICER'S DECISION**

### **DECISION TAKER'S STATEMENT**

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

### **I authorise the following action**

- 10.1 **The entry into a Planning Performance Agreement with Barratt North London in respect of the matters set out in this report.**

**Signed**

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**Martin Cowie,**  
**Assistant Director of Strategic Planning,**  
**Regeneration and Transport**

**Date**

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**22 October 2013**