

	<b>CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT</b>
<b>Title</b>	<b>Authority to seal Grahame Park Principal Development Agreement (PDA) Deed of Variation</b>
<b>Report of</b>	Cllr Richard Cornelius
<b>Wards</b>	Colindale
<b>Status</b>	Public
<b>Enclosures</b>	
<b>Officer Contact Details</b>	Cath Shaw, Deputy Chief Executive – 0208 359 4716 Martin Smith, Regeneration Manager – 0208 359 7419

## Summary

This DPR updates the 25<sup>th</sup> March 2019 Assets, Regeneration and Growth Committee and the 26<sup>th</sup> November 2019 Housing and Growth Committee which gave the Deputy Chief Executive, in consultation with the Chair of the Committee the authority to agree the final Deed of Variation. This Deed of Variation covers a variation for a ‘carve-out’ to permit early housing development within the existing red line by Barnet Homes.

## Decisions

1. To authorise the sealing of the Deed of Variation to the Grahame Park Principal Development Agreement.

### 1. WHY THIS REPORT IS NEEDED

- 1.1 Since its formal adoption in 2007 the Grahame Park PDA has been varied by the agreement of both parties. To minimise the risk to both parties, significant changes to the scheme need to be recorded in the PDA

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The Grahame Park estate was built in the 1960s and 1970s by the Greater London Council, with 1777 homes built around a central “concourse”. In 2007 the Council signed a development agreement with Choices for Grahame Park (CfGP) and Paddington Churches Housing Association (PCHA) for the redevelopment of the estate to provide 3,400 homes in two stages. Genesis Housing Association (GHA) later succeeded PCHA and have since merged with Notting Hill Housing Trust to form Notting Hill Genesis (NHG). In keeping with common practise at the time, the development agreement sought to replace a mono-tenure estate with mixed tenure development, enabling a broader social mix and the use of profits from market sale housing to fund affordable housing and community facilities.
- 2.2 Following formal agreement of the PDA in 2007 both parties have periodically agreed amendments to the PDA to enable the scheme to continue in a changing financial and legislative climate.
- 2.3 An amendment to the PDA is needed to a proposed in-fill development in the Little Strand area of Grahame Park
- 2.4 The SPD categorised large areas of the existing Grahame Park estate as renewal and retention zones. This means that they are not immediately identified for demolition and re-development for a range of spatial and economic reasons, but they might lend themselves to smaller scale, less intrusive development. In general, the council and NHG have placed these areas towards the end of the development programme ie 15-20 years away. However, a proposal has emerged from Barnet Homes to deliver such a development in parallel with the wider development of the Grahame Park Concourse area.
- 2.5 We are also taking this opportunity to vary the PDA with the recently updated S106 for Employment and Skills as the previous schedule 19 was out of date.

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

- 3.1 There is not a “do nothing” option. For the scheme to proceed in an orderly fashion the PDA must be updated to reflect historic and anticipated changes.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Barnet Homes to work up their proposal and obtain planning permission

## **5. IMPLICATIONS OF DECISION**

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

- 5.1.1 The vision for 2020 expressed within the Council’s corporate plan 2015-2020 expresses

the principles of fairness, responsibility and opportunity and the following strategic objectives:-

The Council, working with local, regional and national partners, will strive to ensure that Barnet is the place of opportunity, where people can further their quality of life

Where people are helped to help themselves

Where responsibility is shared, fairly

Where services are delivered efficiently to get value for money for the taxpayer.

5.1.2 The plan proposes several achievements. Those particularly relevant to this initiative as follows:-

More involved and resilient communities, with residents taking on greater responsibility for their local areas.

There will be a broad offer to skills and employment programmes for all ages.

A clean and attractive environment, with well-maintained roads and pavements, flowing traffic, increased recycling.

A responsible approach to regeneration, with thousands of new homes built and job opportunities created.

Customer services will be intuitive and flexible.

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

5.2.1 There will be no resource issue for Barnet Council for this proposal

**5.3 Social Value**

5.3.1 The re-development of Grahame Park brings with it a range of social value:-

Enhancement including new retail and leisure opportunities within an area already designated as a local hub.

Environmental and highway improvements

The creation of large scale local employment and training opportunities in a disadvantaged neighbourhood with disproportionately high levels of unemployment

Major new housing (50% affordable), education, health, childcare and other key infrastructure developments.

**5.4 Legal and Constitutional References**

5.4.1 Article 7 of the Council's Constitution, section 7.5 Responsibility for Functions states that the Assets, Regeneration and Growth Committee terms of reference includes;

Responsibility for regeneration strategy and oversee major regeneration schemes, asset management, employment strategy, business support and engagement.

- 5.4.2 Clause 33 of the PDA sets out the detailed “Stage B Review” indicating that both the Council and CfGP were aware that changes would be required to ensure that the Grahame Park regeneration project was delivered in its entirety. The clause permits a comprehensive review of implementing Stage B. Any changes are by the agreement of all parties.
- 5.4.3 The Public Contracts Regulations 2015 permit modifications to be made to existing contracts on several grounds including where the modifications are in accordance with existing review clauses in the agreement (Regulation 71(1)(a)); where note of the grounds of substantiality in Regulation 72(8) apply (Regulation 72(1)(e)); and where the value of the modification is less than 15% of the overall works value and less than the works threshold (currently £4,551,413) (Regulation 72(1)(f)).
- 5.4.4 To ensure the additional Developer return is State Aid compliant the Council will satisfy itself that it is acting as a market operator would (meaning the terms it agrees are those which private sector would agree in the same circumstances) either by seeking evidence from its commercial adviser as to their opinion and/or by looking at comparable development schemes as to whether they have agreed comparable terms. The terms when settled will need to comply with this.

The Assets Regeneration & Growth Committee in March 2019 gave authority to the Deputy Chief Executive to agree the proposed variation, in consultation with the Chair of the Committee.

## 5.5 Risk Management

- 5.5.1 There are no risks associated with this proposal

## 5.6 Equalities and Diversity

- 5.6.1 The Equality Act 2010 places a duty on the Council as follows:-

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

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

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are-

Age;  
Disability;  
Gender reassignment;

Pregnancy and maternity;  
Race;  
Religion or belief;  
Sex;  
Sexual orientation

This report has considered the Equality Act 2010 and how its proposals are designed to reduce the inequalities of outcome which result from socio-economic disadvantage. The Council is committed to improving the quality of life and wider participation for all the economic, educational, cultural, and social and community life within the borough. This is achieved by pursuing successful regeneration of the borough's regeneration areas, in this instance Colindale and more specifically Grahame Park. This benefits all sections of society by directly addressing the shortage of housing in the borough across all tenure.

## 5.7 **Corporate Parenting**

5.7.1 There are no direct or indirect impacts on looked after children and care leavers arising from this report.

## 5.8 **Consultation and Engagement**

5.8.1 The Council and its partners NHG are engaged in a wide range of consultations which are required at every stage of the regeneration programme.

5.8.2 Barnet Homes will be carrying out consultation at the appropriate time.

## 5.9 **Insight**

5.9.1 There are no data sources available that are applicable to this proposal

## 6. **BACKGROUND PAPERS**

6.1 25<sup>th</sup> March 2019 Assets, Regeneration and Growth Committee

<https://barnet.moderngov.co.uk/documents/g9484/Public%20reports%20pack%2025th-Mar-2019%2019.00%20Assets%20Regeneration%20and%20Growth%20Committee.pdf?T=10>

Chairman: Richard Cornelius  
Has been consulted

Signed



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Date 11.11.2020

Chief Officer: Cath Shaw  
Decision maker having taken into account the views of the Chairman

Signed



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Date 11.11.2020