

LOCATION: North London Business Park

REFERENCE: 15/07932/OUT

Received:

Accepted:

WARD: Brunswick Park

Expiry:

Final Revisions:

APPLICANT:

PROPOSAL: Deed of variation – North London Business Park London

It is proposed to vary plans contained within the section 106 agreement dated 8th November 2018 by agreement between London Borough of Barnet and Comer (New Southgate) No. 1 Limited, Comer (New Southgate) No. 2 Limited and Hindale Limited in relation to the planning permission which was granted for:

Hybrid planning application for the phased comprehensive redevelopment of the North London Business Park to deliver a residential led mixed-use development. The detailed element comprises 360 residential units in five blocks reaching eight storeys, the provision of a 5 Form Entry Secondary School, a gymnasium, a multi-use sports pitch and associated changing facilities, and improvements to open space and transport infrastructure, including improvements to the access from Brunswick Park Road, and; the outline element comprises up to 990 additional residential units in buildings ranging from two to nine storeys, up to 5,177 sq m of non-residential floor space (Use Classes A1-A4, B1 and D1) and 2.54 hectares of public open space. Associated site preparation/enabling works, transport infrastructure and junction works, landscaping and car parking.

Background

This report relates to the need to vary a S106 agreement pertaining to application: 15/07932/OUT dated 8th November 2018 between the developer and local planning authority.

Application 15/07932/OUT allows for the demolition and redevelopment of the North London Business Park to accommodate up to 1350 residential units, a new 5 form

entry secondary school, gymnasium, multi use sports pitch and non-residential commercial uses and associated open space and infrastructure.

The s106 allows for, among other things the School land transfer.

The section 106 agreement is proposed to be varied by amending the following plans:

- Plan 3 – School Land;
- Plan 4 – Community Sport Facilities;
- Plan 8 – Public Open Space.

The reason for the amendments is to correct minor discrepancies between these plans in the original deed. The amendments do not affect the quantum of open space available and the obligations contained within the original Deed remain the same.

Legal Basis

Government guidance suggests that:

Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it “no longer serves a useful purpose” or would continue to serve a useful purpose in a modified way (see section 106A of the Town and Country Planning Act 1990).

Paragraph: 009 Reference ID: 23b-009-20160519

In practice there is no set process for varying a S106 by agreement. S106 agreements are normally varied when a later planning permission is granted which varies the original planning approval resulting in the need to revise the original S106; in this current situation there is no revised planning application requiring a revision to the original S106, however, there is a need to revise the plans simply to correct discrepancies between plans in the original deed and to ensure all plans correspond. Therefore the requirement is to vary the agreement by agreement between all parties against whom the S106 would be enforceable against. In this case the deed of variation needs to be made between The Mayor and Burgesses of the London Borough of Barnet and Comer (New Southgate) No 1 Limited, Comer (New Southgate) No 2 Limited and Hindale Limited, Bank J Safra Sarasin (Gibraltar) Limited and Galveston Investments SA.

Background

A concern has arisen with the Department for Education that the discrepancies between plans will in some way cause a delay to funding and therefore the start of enabling works and construction of the school.

Assessment

It is considered that the proposal to vary the S106 agreement is acceptable. It does not change any of the obligations on the developer and is intended to ensure a smooth delivery of Phase which includes the new St Andrew the Apostle School.

Recommendation

That all parties to the agreement dated 8th November 2018 and any other person having a requisite interest in the site are invited to enter into a Deed of Variation varying the extant section 106 Agreement dated 8th November 2018 as set out below, with the final wording of the s106 deed of variation to be delegated to the Service Director, Planning and Building Control:

The section 106 agreement is proposed to be varied as follows:

Replace Plan 3 with drawing 211_1A_01_01

Replace Plan 4 with 211_1A_02_00 Revision E

Replace Plan 8 with 211_WS_02_03 Revision D