

	CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT 29 July 2021
Title	Brent Cross Cricklewood – Plots 53 and 54 (Main works)
Report of	Executive Director of Resources in consultation with the Chairman of Housing and Growth Committee
Wards	Child's Hill, Golders Green and West Hendon
Status	Public with accompanying Exempt report (Not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 as amended as this relates to information of a financial nature).
Enclosures	None
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Summary

This report confirms approval by the Deputy Chief Executive to issue a site notice and release the balance of the grant funding to progress the main construction works, following the confirmation of the Stopping Up Order on Plots 53 and 54.

Decisions

1. That pursuant to the decision of the Housing and Growth Committee dated the 25 January 2021 (item 5) that the Deputy Chief Executive be delegated authority in consultation with the Chairman of the Housing and Growth Committee to finalise the mitigation strategy to commence works on site as set out at paragraphs 1.40-1.41 of the aforementioned report and the Deputy Chief Executive having consulted with the Chairman of the Housing & Growth Committee hereby authorises and approves
 - a) the issuing of a site notice and releasing the balance of grant funding

following the required changes to the Funding Development Agreement with L&Q having been made to enable works on site to be commenced.

1. WHY THIS REPORT IS NEEDED

- 1.1** As mentioned previously, Plots 53 and 54 are the relocation sites for the residents living on Whitefield Estate Part 1. Plots 53 and 54 is located on Brent Terrace, Cricklewood, NW2 and it forms part of the Brent Cross Regeneration Cricklewood Scheme (Planning Ref: F/04687/13).
- 1.2** All planning pre-commencement conditions for Plots 53 and 54 were approved by the LPA on 11 June 2021. The council instructed L&Q to proceed with the early works in advance of a confirmed Stopping Up Order (SUO), to prevent any further delay to the construction programme on Plots 53 and 54. The council issued this instruction on 20 May 2021 and L&Q's contractor's Bulgars commenced these works on 21 June 2021 whilst the SUO Judicial Review 'JR' was being determined. The order was confirmed on 2 June 2021 and it was published on 17 June 2021. The 6-week JR period within which this decision may be challenged is expected to end on 29 July 2021.
- 1.3** As the SUO is now confirmed and the JR period is due to expire, the Council can serve a site notice on L&Q which will effectively instruct the main construction works to go ahead and this will also allow a continuous transition from early works to main works.

The programme timetable is as follows:

Activities	Confirmed / Estimated Timings*
Council issued instruction for orders on Early Works	20-May-21
Pre commencing Planning Conditions satisfied	11-Jun-21
SUO Confirmation Published	17-Jun-21
Commencement of Early works Part 1 (site set up)	21-Jun-21
Council issued instruction for Ground works/Sheet piling to commence	15-Jul-21
JR Period Ends	29-Jul-21
Council issues Site Notice for Main works	30-Jul-21*
Commencement of Early works Part 2 & Main works (Groundworks / Sheet Piling)	16-Aug-21*
Commencement of Super-structure works	07-Sept-21*
Completion of new homes on Plots 53/54	Mar-23*

- 1.4** The site notice will be issued pursuant to paragraph 6.1.2 of the Funding Development and the intention is serve this notice on 30 July 2021.

2. REASONS FOR RECOMMENDATIONS

- 2.1** As mentioned earlier, Plots 53 and 54 construction programme has experienced delays due to the SUO process, and this is now impacting on the delivery of Plot 27 in the Brent Cross Town Development. If L&Q is instructed to proceed with the main construction works this will prevent further delays to the Plots 53/54 build programme.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 No alternative options were considered as this is the desired approach to ensure the delivery of replacement homes for the residents in Whitefield Estate Part 1.

4. POST DECISION IMPLEMENTATION

- 4.1 The Council will serve a Site Notice to enable L&Q to progress the main construction works.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Previous committee reports describe in detail the ways in which the regeneration of Brent Cross Cricklewood supports the Council's Corporate Plan Barnet 2024.

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

- 5.2.1 When the site notice is issued to L&Q, the Council can release the balance of the grant funding to progress the main construction works. The grant funding payment schedule is set out in the exempt report.

- 5.2.2 This project is funded from the £59.9m Critical Infrastructure budget of which £55m is HMG Grant funded for Brent Cross Cricklewood. This forms part of the £319.5m revised funding agreement approved in April 2019.

5.3 Legal and Constitutional References

- 5.3.1 The Housing and Growth Committee resolved on the 25 January 2021 that with respect to Part 1 of the Whitefield Estate to Plots 53-54 on Brent Terrace to approve that officers progress the mitigation strategy to commence works on site as set out in paragraphs 1.40-1.41 of this report and delegate authority to the Deputy Chief Executive in consultation with the Chairman of the Committee to finalise that strategy, make the required changes to the Funding Development Agreement with L&Q to implement the strategy and authorise the commencement of the works and to complete any documentation required to give effect to the same (paragraphs 1.40- 1.41).

- 5.3.2 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.

- 5.3.3 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, subject to obtaining all appropriate consents and approvals.

5.4 Insight

5.4.1 None in the content of this report

5.5 Social Value

5.5.1 The Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits. This is set out in more detail within the content of this report and in previous Committee reports.

5.6 Risk Management

5.6.1 As mentioned earlier the report, SUO is now confirmed, however there is a 6 weeks JR period where this decision can be challenged. The council has the ability to pause works at the point where the excavation and piling mat works are complete works if the decision is not upheld. This should minimise costs resulting from the cancellation of orders (abortive costs) and the site can be secured with the hoarding in place.

5.7 Equalities and Diversity

5.7.1 Section 149 of the Equality Act 2010 sets out the Public-Sector Equality Duty which requires public authorities and organisations acting on their behalf to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and other conduct prohibited by the 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

5.7.1 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex, and sexual orientation.

5.7.3 The development proposals for the Brent Cross Cricklewood scheme will make a significant contribution to the provision of additional, high quality affordable and private homes 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.

5.7.2 The delivery of the regeneration scheme is being conducted in consultation with the Whitefield Estate Residents. The Development Partners and Council/Re representatives regularly attend the Whitefield Estate Steering Group meetings to keep residents updated on matters. These meetings will continue throughout the duration of the regeneration scheme.

5.7.3 The original outline planning permission (2010) and the Section 73 permission (2013) has an Environmental Study which includes the socio-economic impact assessment, this aspect is also covered by the Revised Design & Access Statement. An assessment of

the socio-economic impact of the scheme is provided within Chapter 8 of ES where it explains the impacts on employment, housing and on the wider economy

5.7.4 The scheme proposals will contribute to the environmental and social well-being of its area by:

- promoting social inclusion and tackle deprivation and discrimination
- promoting a safe, well-lit and secure environment
- creating sustainable homes (building all homes to lifetime standards and 10% of properties will be wheelchair accessible or easily adaptable for wheelchair users)
- creating a diversity of employment opportunities available and accessible to local people
- improving accessibility to the sites due to the transport improvements and this will increase opportunities in the wider area
- providing a range of transport choices for all users of the site (pedestrian footpaths, cycle lanes, public transport, car access)
- improving the quality of the public realm, there will be a network of streets and squares to create the new town centre.

5.7.5 The decisions set out in this report do not raise any concerns in respect of the Equality Act 2010 or the Council's general equality duty or current policies.

5.8 Corporate Parenting

5.8.1 None in the context of this report.

5.9 Consultation and Engagement

5.9.1 The Council and L&Q regularly attend the Whitefield Estate Steering Group meeting and these residents will continue to be supported through the monthly surgeries organised by the Resident Independent Advisor Service. In light of the Covid-19 pandemic, the Steering Group have been holding virtual meetings, where representatives from the Council and L&Q are in attendance.

5.9.2 Also, L&Q have hosted Plots 53/54 meetings for the Brent Terrace and Clitterhouse Crescent residents on 25 and 27 May 2021. L&Q have held 1-1 virtual meetings with the secure tenants and resident homeowners in Whitefield Estate Part 1, to discuss their new homes.

6. Background Papers

6.1 Planning Committee (dated 18th May 2015), approved RMA to build 47 replacement homes on Plots 53/ 54

<https://barnet.moderngov.co.uk/documents/s23218/Land%20Off%20Brent%20Terrace%20Main%20Report.pdf>

6.2 Policy and Resources Committee 20 February 2019 Brent Cross Funding

<http://barnet.moderngov.co.uk/documents/s51244/Brent%20Cross%20Cricklewood%20Funding%20and%20Delivery%20Strategy%20Report.pdf>

- 6.3 Delegated Powers Report (dated 13 August 2020) in consultation with Committee Chairman approved entering into a Deed of Variation to Funding Development Agreement on Plots 53 / 54
<https://barnet.moderngov.co.uk/ieDecisionDetails.aspx?ID=7515>
- 6.4 Housing & Growth Committee (dated 27 January 2020) Brent Cross Cricklewood Update Report approved council entering into Deed of Variation to the FDA
<https://barnet.moderngov.co.uk/documents/s57432/Brent%20Cross%20Cricklwood%20Update.pdf>
- 6.5 The Housing and Growth Committee (dated 25 January 2021) delegated authority to the Deputy Chief Executive to approve the mitigation strategy to progress works on Plots 53 and 54 and to finalise this strategy in consultation with the Chairman of the Committee.
<https://barnet.moderngov.co.uk/documents/s62947/Brent%20Cross%20Update%20report.pdf>
- 6.5 Delegated Powers Report (dated 17 May 2021) in Consultation with Committee Chairman approved minor variations to Funding Development Agreement, this includes extending the Planning and SUO longstop dates to allow the early works to commence.
<https://barnet.moderngov.co.uk/documents/s65024/DPR087-BXC%20Plots%2053%2054%20Early%20Works%20Public.pdf>



Signed
Councillor Richard Cornelius
Chairman – Housing & Growth Committee

Signed:



Chief Officer: Anisa Darr
Executive Director of Resources

Dated: 29.7.2021