

DELEGATED POWERS REPORT NO.

1959

SUBJECT: Grahame Park Estate Regeneration – Phase 1b Transfer of Land for a Gas Governor with Consequential Amendment to the PDA

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

All reports		
1. Governance Service receive draft report	Name of GSO Date	DPR 13/03/2013
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Andrew Charlwood 18/03/2013
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	John Hooton/Maria Christofi 18/03/2013
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	N/A
5. Strategic Procurement Clearance obtained (<i>report author to complete</i>)	Name of SPO officer Date	Lesley Meeks 15/03/2013
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Tobenna Erojikwe 14/03/13
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 14/03/13
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Andrew Nathan 14/03/13
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Tony Westbrook 18/03/13
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Andrew Charlwood 19/03/2013
11. Report published by Governance Service to website	Name of GSO Date	Andrew Charlwood 19/03/2013
12. Head of Service informed report is published	Name of GSO Date	Andrew Charlwood 19/03/2013
Key decisions only:		
13. Expiry of call-in period	Date	N/A
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	

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

Subject **Grahame Park Estate Regeneration –
Phase 1b Transfer of Land for a Gas
Governor with Consequential
Amendment to the PDA**

Officer taking decision Director For Place

Date of decision 18 March 2013

Summary	The transfer of a parcel of land of approximately 0.001 Ha, to the Council's Development Partner at Grahame Park, required for essential gas supply equipment to serve the new units on Phase 1 and an amendment to Principal Development Agreement (PDA) to adjust the phasing plan.
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Officer Contributors Peter Bays, Interim Regeneration Officer,
Regeneration Service

Status (public or exempt) Public

Wards affected Colindale

Enclosures Plans of the original area and the additional area to
be transferred

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

Key decision No

Contact for further information: Peter Bays Regeneration Officer, Regeneration Service,
020 8359 7868.

Serial No. 1959

1. RELEVANT PREVIOUS DECISIONS

- 1.1. Planning and Environment Committee (item 8) – 8 September 2004 – approved outline planning permission for the regeneration of Grahame Park which was granted 31 January 2007 following completion of a Section 106 Agreement securing substantial local community and infrastructure benefits.
- 1.2. Cabinet (item 5) – 24 July 2006 – gave approval for the Council to enter into a Principal Development Agreement (PDA) with its Development Partner, Choices for Grahame Park (CfGP) Limited (or subject to the approval of the Deputy Chief Executive in consultation with the Cabinet Member for Regeneration and Development, an alternative company within the Genesis Housing Group) and Paddington Churches Housing Association for the regeneration and redevelopment of the Grahame Park area.
- 1.3. Delegated Powers Report (number 815) - 1 June 2009 - the Director of Planning, Housing and Regeneration authorised the Head of the Regeneration Service to act as the Council's Partnership Officer as stated within the Grahame Park PDA and to act on behalf of the Council for all purposes under the PDA, to serve notices under the PDA on CfGP or PCHA on behalf of the Council and receive notices and communications from CfGP and PCHA.
- 1.4. Planning and Environment Committee (item 6) – 14 June 2011 – approved, subject to conditions, reserved matters application seeking approval for design, external appearance and landscaping for Phase 1B of the Grahame Park Estate Regeneration comprising 446 residential units (including Block A9), 5,483sqm (GEA) of non-residential floor space including a library (Use Class D1), community centre (Use Class D1), supermarket (Use Class A1) and ancillary retail units (Use Classes A1, A2 and A3).
- 1.5. Delegated Powers Report (number 1545) – 26 January 2012 – The Leader of the Council approved an extension to the Phase 1b Expiry Date as defined in the Grahame Park Principal Development Agreement (PDA) by 12 months to 30th January 2013. That a further extension of up to 12 months, if required, can be granted by the Interim Director of Environment, Planning & Regeneration.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1. The regeneration of Grahame Park Estate supports the Corporate Plan 2012-2013 priority of 'A successful London Suburb' and the strategic objective under this priority is to *sustain Barnet as a successful place through regeneration, and supporting enterprise and employment.*
- 2.2. The regeneration of the Grahame Park Estate also supports the Sustainable Community Strategy for Barnet 2010–2020' through the following objectives:
 - 2.2.1. A new relationship with citizens - the new development will offer more choice and promote independence by providing a number of different housing options such as shared ownership to residents and those in the wider community.

2.2.2. A relentless drive for efficiency - the Council is working with a development partner to ensure that the scheme is delivered in the most cost effective way.

2.3. The redevelopment also complies with strategic objectives in the Council's Housing Strategy 2010-2025 which include:

2.3.1. Increasing housing supply, including family sized homes, to improve the range of housing choices and opportunities available to residents; and

2.3.2. Promoting mixed communities and maximising opportunities available for those wishing to own their home.

3. RISK MANAGEMENT ISSUES

3.1. Without an extension to the Phase 1b transfer area (as defined in the PDA) the units completed cannot be occupied.

3.2. Officers have considered whether the issues involved are likely to raise significant levels of public concern or give rise to policy considerations. It is not considered that the small extension to the area handed over (as defined in the PDA) will raise significant levels of public concern or give rise to policy considerations.

4. EQUALITIES AND DIVERSITY ISSUES

4.1. The authorisation given in this report (as defined in the PDA) would be essential for continued progress being made with the delivery of the Grahame Park regeneration Scheme. The Scheme will replace 1,314 homes and deliver a mix of 2,977 affordable, intermediate and private sale flats and houses with new community facilities, including a library, health centre, children's centre and community centre. The new mixed tenure housing will improve the community cohesion in an area with a highly diverse population. It will provide increased choice and opportunity for Barnet residents. This supports the overall aim of the Council's Equalities Policy.

4.2. It is not considered that the issue involved will give rise to any issues under the Council's Equalities policies and do not compromise the Council in meeting its statutory equalities duties.

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

5.1. All Council costs associated with the transfer and amendment of the PDA will be recovered from the Development Partner.

5.2. In order to meet the required program for unit completions it is proposed that the Council will transfer ownership of the essential land needed (approximately 0.001 Ha) to the Development Partner as soon as possible so that they can enter into an agreement with national grid to install the necessary gas equipment. The PDA will need to be varied to accommodate the change to the area being developed in the

current phase.

- 5.3. The land concerned, falls within the PDA redline for which the Council has a contractual obligation to transfer land at a given milestone, is a grassed area abutting the highway with no significant alternative use and therefore of nominal value. If the land were to be retained by the Council until it is otherwise transferred in accordance with the PDA the Council has an obligation to work in collaboration with the Development Partner to solve any issues which arise. In this case that would mean that the Council would need to grant the rights for the gas governor and associated gas mains to National Grid so the land would have no monetary value to the Council. Accordingly, the value of the land has been assessed at a nominal £1 which is the value that the land would be transferred to the Development Partner.
- 5.4. There are no Procurement, Staffing, IT, & Sustainability issues.

6. LEGAL ISSUES

- 6.1. The PDA between the Council and its development partners contains relevant mechanisms for varying the agreement in the manner contemplated by this Report.
- 6.2. Any subsequent transfer of land will be based on powers contained within the General Housing Consents 2012 (made under the provisions of Section 32 and 34 of the Housing Act 1985).

7. CONSTITUTIONAL POWERS

- 7.1. The Council's Constitution in Part 3, Responsibility for Functions, paragraph 6.1 provides that Chief Officers can take decisions without consultation of Cabinet Members, where it is a decision authorised to be taken by the Chief Officer under the Contract Procurement rules or it involves the implementation of Policy or earlier decision of the Council or Cabinet or Committee or it is in respect of operational matters within the Chief Officer's sphere of managerial or professional responsibility and is not significant in terms of budget or policy.

8. BACKGROUND INFORMATION

- 8.1. The area of the scheme know as Phase 1b, was, in accordance with the PDA transferred to CFGP in January . The redevelopment construction has commenced and is anticipated to be completed by the development longstop Expiry Date of 30 January 2014.
- 8.2. National Grid need to install a gas governor (enclosed in a small building similar to a sub station) to provide a gas supply to the new units. The location of the governor building is determined by the position of the gas mains which straddle the boundary of Phase 1b encroaching onto a small parcel of open land retained by the Council.
- 8.3. Had the exact location of the governor been know at the time of entering into the PDA the phasing line would have been drawn to include the land needed within the

existing phase. This DPR seeks to amend the PDA plan to include all the small parcel of additional land that is needed to complete the phase.

- 8.4. Under the terms of the PDA the council has an obligation to permit the laying of services on its retained land and to enter into any necessary agreements with service providers, subject to the Development Partner being responsible for the Council's costs associated with the legal agreements.
- 8.5. As the installation cannot be contained within the current phase 1b boundary it is proposed that the red boundary line for the phase attached to the PDA should be altered as shown on the attached plan, to include the small area (approximately 0.001Ha shown coloured in pink) of additional land in Council ownership that is necessary to complete the works and that the plan shall substitute the one in the existing PDA.
- 8.6. National Grid, the gas supply company, will not start construction of the governor without a permanent consent for their governor building and the associated underground pipe-work and unless the work is started by the end of March 2013 the gas supply to completed units will not be available in to meet the phased completions anticipated under the PDA.
- 8.7. National Grid will not accept an easement for their equipment granted by two land owners. The alternative to the Council transferring its land is for the Development Partner to transfer their part of the land needed to the Council and for the Council to grant the rights to National Grid. However, this would require the Council to enter into further agreements with National Grid with associated legal and supervision costs for works that are solely for the benefit of the new units, so is not considered to be a preferred option.

8.8.

9. LIST OF BACKGROUND PAPERS

- 9.1 Plan to be substituted into the PDA for Phase 1 with the additional land to be included shown coloured pink.
- 9.2 Original PDA Plan

10. OFFICER DECISION

I authorise the following action:

- 10.1 That the PDA for the Grahame Park scheme be varied such that the area coloured pink on the attached plan is included in the phase of the scheme that is known as phase 1b.**
- 10..2 That any subsequent transfer of the area coloured pink in the attached plan to the Council's development partner for the scheme, Choices For Grahame Park, should be effected in accordance with the terms of the PDA and with all relevant Council authority and statutory requirements.**

Signed

Pam Wharfe

Director For Place

Date

18 March 2013
