

Decisions of the Assets, Regeneration and Growth Committee

12 December 2016

Members Present:-

Councillor Daniel Thomas (Chairman)
Councillor Gabriel Rozenberg (Vice-Chairman)

Councillor Richard Cornelius Councillor Pauline Coakley Webb Councillor Philip Cohen Councillor Geof Cooke	Councillor Rohit Grover Councillor Nagus Narenthira Councillor Peter Zinkin
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1. MINUTES OF THE PREVIOUS MEETING

REVISED ORDER OF BUSINESS

The Chairman revised the running order, as reflected in these minutes.

Minutes of Meeting 28th November 2016

Councillor Cohen asked for the minutes of the Special Meeting on 28th November 2016 to be amended to more accurately read “with reference to paragraph 1.1 8 of the Business Planning Report which mentioned savings of £0.5m through surplus space at libraries, that he questioned how the specific saving would be achieved. This prompted Councillor Zinkin to ask for information on library space”.

Other than this amendment, the minutes of the meeting held on 28th November were agreed as a correct record.

2. ABSENCE OF MEMBERS

None.

3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

None.

4. REPORT OF THE MONITORING OFFICER IF ANY)

None.

5. MEMBERS ITEMS (IF ANY)

None.

6. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

Mrs Lisa Pate addressed the Committee and made public comments in relation to Agenda item 22, Donoghues.

The Committee noted the details of public questions in relation to Barnet Museum, Agenda Item 15, submitted by Mr R Roots, a local resident, and that the opportunity to ask a supplementary question was given.

Mrs Jasmine Parsons addressed the Committee and made a public comment in relation to Agenda Items 8, 11, 12, 18, 21 and 22. Following her comments Members of the Committee were given the opportunity to ask questions to Mrs Parsons.

7. EXPLORING OPTIONS TO RE-LOCATE DONOGHUE - UPDATE

The Chairman introduced the report and invited discussion.

Members unanimously agreed to note the report and amend the date that a progress report will come back to committee from 18 months to 12 months.

It was **RESOLVED**:

1. **That Committee noted the content of this report and that the Council has not been able to identify a potential relocation site at this time and will continue to explore options and provide a progress update in 12 months time.**

8. DISPOSAL OF LAND FOR SARACENS HIGH SCHOOL, COLINDALE, NW9

The Chairman welcomed the proposal commenting that it was good news for the borough. Councillor Narenthira welcomed the new school proposal stating that it would help meet the high demand for secondary school places in the area and provide much needed support for local primary schools.

Members unanimously voted in favour of the report recommendations.

It was **Resolved** that Assets Regeneration and Growth Committee

1. **Agreed in-principle, subject to the Council acquiring any interest or consents to enable them to do so, and taking any decisions necessary to enable this, to exchange an agreement for lease and grant a lease or lease of land (two sites as set out in the attached plan) to the Saracens High School Trust at a peppercorn rent with no premium to enable the provision of a new secondary school in Colindale, funded by the Department for Education through the national free school programme.**
2. **Authorised delegation to the Director of Resources to negotiate the detail of the legal documentation for the transfer of land, based on the Department for Education's standard Academy lease.**

9. UPPER AND LOWER FOSTERS

The Chairman welcomed the report which outlined a new approach to community engagement in relation to housing estate improvements. Councillor Cohen felt that it was a positive move to learn lessons from previous schemes.

Members voted unanimously in favour of the recommendations.

It was **RESOLVED**:

That Assets Regeneration and Growth Committee:

- 1 Noted the initiation of this project and community co-design concept.**
- 2 Noted the initial scheme development expenditure, up to full planning stage, to a maximum budget of £1.5 million subject to approval of funding by Policy & Resources Committee.**
- 3 Subject to the approval of funding the committee authorises procurement, should provision through Re not be feasible, of the required multi-disciplinary professional team, including master planning and design services, to design a new residential scheme in collaboration with the resident community.**
- 4 That committee agrees to delegate authority to the Commissioning Director Growth and Development to make appointments following the conclusion of the procurement exercise.**

10. RELOCATION OF MEADOW CLOSE CHILDREN'S HOME AND TRANSFORMATION

The Chairman introduced the item and invited discussion from Members.

The Leader, who welcomed the proposal pending a review of the costs, and all other Members, were favourable in their support for the proposals.

It was **RESOLVED**:

- 1. That the Committee approved the Business Case for the Relocation of Meadow Close Children's Home to 27 Woodside Avenue and delegated the authority to submit a planning application to the Director of Resources.**
- 2. That the council continues to progress the planning and design work required to provide an Adolescent Support Hub within the site at Woodside Avenue with a view to submitting a planning application and the authority for this is delegated to the Director of Resources.**
- 3. That the Director of Resources was authorised to agree the final specification and design of the new Children's Home accommodation and Adolescent Support Hub; and procurement and awarding of necessary contracts to deliver the schemes.**
- 4. That the Head of Estates was authorised to appropriate 27 Woodside Avenue for planning purposes for the purpose of a children's home once the necessary conditions have been satisfied.**

11. TRANSFER OF 80 DAWS LANE, NW7

The Chairman introduced the item and welcomed the progress made on bringing the Daws Lane community facility further forward. He also confirmed a minor amendment to the recommendations requiring removal of the brackets around the words 'the Head of Estates'.

During the discussion Members were given assurances that the Charitable status of the organisation NW7 Hub who were to run the centre, was in hand, the lease status was sufficiently certain to enable fundraising activities to be unencumbered, and NW7 would have sufficient independence over the design and build plans of the building within the constraints of planning and Open Space policy considerations.

Members voted unanimously in favour of the recommendations.

It was **RESOLVED**:

- 1. That, subject to the NW7 Hub obtaining all relevant planning consents, and other statutory consents being granted, the Committee approved in-principle that the Council shall exchange an agreement for lease and development agreement and grant a lease to the NW7 Hub on the following basis:**
 - a. A term of 125 years at market rent subject to a Community Benefit Assessment Tool subsidy**
 - b. The lease granted shall fall outside the protection provisions of section 24 to 28 of the Landlord & Tenant Act 1954 part 2 and in accordance with the draft Heads of Terms as detailed in Appendix B.**
 - c. That in the event NW7 Hub fail to undertake a meaningful start (defined as a material operation as per the Town and Country Planning Act) on site within a three year time frame, from the date of receipt the formal notice to dispose of the property, the site will revert to the Council's control.**
 - d. That, in the event that works are not completed by the 1st January 2022, the site will revert to the Council's control.**
 - e. NW7 Hub are formally constituted into a Charitable Company Limited by Guarantee and are a registered charity.**
 - f. That a separate management agreement between NW7 Hub and LBB must be agreed if a partnership library element is included in the proposals.**
- 2. That authority to settle final detailed Heads of Terms, and development agreement and lease was delegated to the London Borough of Barnet, Head of Estates.**
- 3. That authority was delegated to the Head of Estates to consider any responses received to the advertising of the proposal to let the property and the terms of any consent given by the Secretary of State, and to decide whether to progress the development agreement and lease in the light of the same.**

4. That authority was delegated to the Head of Estates to evaluate any bids received from community interest groups for the property and to decide whether to refer them to the Assets Growth and Regeneration Committee or whether to proceed with the proposed lease to NW7 Hub.
5. That, subject to agreeing the Heads of Terms, as detailed herein, the development agreement and lease will be authorised in accordance with the Management of Assets, Property and Land Rules.
6. The Council will fund the capital works (if required for) provision of a Partnership Library at 80 Daws Lane up to a total of £1 million (index linked) dependant on final design.

12. IN-LONDON AND OUT-OF-LONDON ACQUISITIONS

The Chairman reminded the Committee that the report is seeking authority to extend the existing programme of in and out of borough residential property acquisitions.

Members were reassured that the same housing regulation standards apply wherever the properties are located and received confirmation that Right to Buy receipts, which need to be spent, would be used towards the cost of the programme.

Members voted unanimously in favour of the report recommendations.

It was **RESOLVED**:

1. That the Committee approved the acquisition of residential units through the Council's Housing Revenue Account as outlined in Appendix 1 to utilise right-to-buy receipts required to be committed in future quarters where there are no other viable alternatives to do so.
2. That the Committee agreed additional acquisitions in London up to a total value of £6m, and noted that this was subject to the approval of additional funding sought from the Policy & Resources Committee on 1 December 2016.
3. That the Committee approved the revisions to the business cases for both out-of-London acquisitions (General Fund) and Housing Revenue Account Direct Acquisitions as outlined in section 5.2 in this report.
4. That the authorisation of purchases of individual properties for the in London and out of London acquisitions programmes was delegated to the Commissioning Director, Growth and Development in consultation with the Chairman of Assets, Regeneration and Growth Committee.

13. DEVELOPMENT PIPELINE TRANCHE 3 - AFFORDABLE HOUSING PROGRAMME

The Chairman advised Committee of an amendment to the list of sites and properties involving the removal of the Church End library Site from the programme.

Councillor Cooke commented that he is in favour of the programme in principle but requested the removal of the Summers Lane site in Woodhouse Ward, and The Croft

site in Burnt Oak ward pending the production of business cases specific to both sites which would provide an opportunity to review current housing arrangements against proposed and give a clearer account of proposals

Officers agreed to share information with ward councillors on the business cases for Summers Lane and the Croft.

Following discussion, a motion was moved by Councillor Thomas and seconded by Councillor Cornelius to amend recommendation 1. The vote on the amended recommendation was unanimously in favour of the amendment.

Members then voted unanimously in favour of all the report recommendations.

It was **Resolved** that Committee

- 1. Approved the full business case for Tranche 3 Development Pipeline for the Council to dispose of the following sites [“the Sites”] to Opendoor Homes a wholly owned subsidiary of Barnet Homes in accordance with the parameters of the full business case. This is subject to the removal of the Church End Library site from the disposal programme and delegating authority to the Commissioning Director for Growth and Development to decide upon the disposal of the temporary accommodation sites at Summers Lane and The Croft following consultation with Ward Councillors.**

Early Sites	Post Code	Ward
Basing Way Garages	N3 3DB	Finchley Church End
Elmshurst Crescent	N2 0LN	East Finchley
Sites	Post Code	Ward
Sheaveshill Court	NW9 6SJ	Colindale
Hanshaw Drive	HA8 0AP	Burnt oak
The Croft	HA8 0FT	Burnt Oak <i>(subject to further consideration as detailed above)</i>
Linden/Pine Road	N11 1ER	Brunswick Park
Adamson Court	N2 9BW	East Finchley
Norfolk Close	N2 8ET	East Finchley
Burnt Oak Registry Office	HA8 0AW	Burnt Oak
Friern Court	N20 0NJ	Totteridge
Basing Way Green	N3 3DB	Finchley Church End
Summers Lane	N12 0JY	Woodhouse <i>(subject to further consideration as detailed above)</i>
Prospect Ring	N2 8BP	East Finchley
Warwick Close	EN4 9SF	East Barnet
Alexandra Road	N10 2EY	Haringey
West Close Garages	EN5 3BY	Underhill
West Farm Place	EN4 9DS	East Barnet
Brunswick Park Road	N11 1JH	Brunswick Park
Underhill Court	EN5 2BD	Underhill

- 2. Approved the disposal of the Sites by the Council to Opendoor Homes pursuant to the terms of the Development Agreement.**

3. **Approved to fund the cost of construction of affordable homes on the Sites to a maximum limit set out in the full business case and pursuant to the Loan Facility Agreement and to approve the use of Right to Buy receipts as detailed in Paragraph 7.3 Financing Tranche 3 of the full business case.**
4. **Resolved that land, comprising the Early Sites and the Sites, is suitable for appropriation if necessary as it is no longer required for the purpose for which it was originally held.**
5. **Approved the use of Right to Buy receipts to fund building works in advance of the proposed Loan Facility as described in Paragraph 1.10 below.**
6. **Declared the Sites which constitute Open Space land surplus to requirements and that, subject to the statutory advertisement and consultation, the Committee approve the disposal of such sites.**
7. **Delegated authority to the Commissioning Director Growth and Development to obtain any statutory or other consents required to dispose of the Sites both under Housing Act 1985 where the Sites comprise land held under the HRA and also under s123 of the Local Government Act 1972 where land is held in the general fund. To delegate authority to use such of the general consents available for the disposal of the Sites and where required to apply for consent to disposal to the Secretary of State.**
8. **Delegated authority to the Commissioning Director Growth and Development to appropriate for planning purposes or any other relevant purposes of land included in the Sites identified in the full business case at Appendix 1A of the full business case to enable disposal and to facilitate the building of new homes in accordance with the planning permission and the specific Development Agreement for the Early Sites and the separate Development Agreement in respect of all the residual Sites and to take all necessary steps that may be required to ensure statutory compliance in order to dispose of the Early Sites and the Sites
and to take all necessary steps that may be required to dispose of the Sites.**
9. **Delegated authority to the Commissioning Director of Growth and Development to implement the statutory advertising and consultation procedure in respect of any of the Sites comprising Open Space land and if any objections are received to consider the same in consultation with the Chairman of the ARG committee and if then it is considered suitable; to proceed with the formal appropriation of the land to complete the disposal of the Sites.**
10. **Delegated authority to Commissioning Director, Growth & Development to dispose of each parcel of land comprising the Early Sites and the Sites pursuant to the proposed Development Agreement and subject to Opendoor Homes becoming a Registered Provider by registration by the Homes and Communities Agency.**

14. ENTREPRENEURIAL BARNET - ANNUAL UPDATE AND FORWARD PLAN

The Chairman introduced the report advising Members that it was for noting.

It was agreed to share the Executive Summary with Committee Members as it contains additional business data analysis. Members expressed a particular interest in business failure rates, and wanted to see the relationship between regeneration sites and where businesses are locating and between indices of deprivation and location of business failures. Councillor Cohen requested information on business failure by ward or Town Centre. Officers agreed to prepare a short paper.

Following discussion it was **Resolved**:

1. **That the Committee noted the progress of Entrepreneurial Barnet in 2016.**
2. **That the Committee noted the forward work plan set out on page 10 of the report will identify any additional items that it would like to be incorporated into it or to return to a future meeting.**

The votes were as follows:-

For	5
Against	0
Abstain	4

15. COMMUNITY ASSET STRATEGY IMPLEMENTATION PLAN UPDATE

The Chairman introduced the report which was a progress update for noting.

Following discussion, Members voted unanimously in favour to note the report contents.

It was **Resolved**:

1. **That Committee noted the contents of the briefing paper.**

16. BARNET MUSEUM, WOOD STREET, EN5 4BE

The Chairman introduced the report drawing attention to the proposal that will generate income for the Council. The Chairman asked the committee to note that on officers' advice recommendation 3 required minor amendment to make it clear that the delegated authority was to be exercised by the designated officer in consultation with, rather than jointly by, the Chairman

Councillor Cohen said it would be helpful if the proposed lessee could secure funding before granting of the lease.

The Chairman moved to propose an amendment to the recommendation 2 to include securing funding before granting of the lease. Councillor Richard Cornelius seconded the motion and voting on the amendment was unanimous.

The Committee then voted unanimously in favour of all the report recommendations.

It was **Resolved**:

- 1. That the Committee approve the removal of the Barnet Museum from the Community Asset Strategy.**
- 2. That the committee approve the granting of a new 125 year lease in accordance with the Heads of Terms attached in appendix (1) and on the principle and terms detailed in this report, subject to Third party funding being secured to for the purposes outlined in the terms of the lease.**
- 3. That authority be granted to the Director of Resources in consultation with the Chairman of ARG Committee, to take any further steps necessary to effect the grant of the lease, to be made in accordance with the Management of Assets, Property and Land Rules.**

17. LEASE RENEWAL FENELLA, THE BURROUGHS, NW4 4AX

The Chairman introduced the report and invited Mr Mason to speak as requested about Land at the rear of Ravenscroft, The Burroughs, NW4, a site he wishes to purchase with neighbours and which is adjacent to Fenella House.

The Chairman advised Committee that the Fenella House lease transaction does not have any impact Mr Mason's interest.

The Committee then voted unanimously in favour of all the report recommendations.

It was **Resolved**:

- 1. That the committee approved the proposed new lease of the Property for 20 years commencing on 1 August 2014 between the London Borough of Barnet and Middlesex University at a new commencing rent of £248,000 p.a.**

18. RENT REVIEW AT HENDON TOWN HALL, THE BURROUGHS, NW4 4AX

The Chairman introduced the item, welcomed discussion and called for the vote.

The Committee voted unanimously in favour of the report recommendations.

It was **Resolved**:

- 1. That the committee approved the proposed Head Lease rent review agreement between the parties at £498,000 per annum.**
- 2. That the committee approved the proposed Under Lease Rent Review Agreement between the parties at £124,500 per annum.**

19. DOLLIS VALLEY ESTATE REGENERATION

The Chairman introduced the report, invited member discussion and then called for the vote.

Members unanimously approved the report recommendations.

It was **RESOLVED**:

- 1. That Authority was delegated to the Commissioning Director of Growth and Development to authorise amendments to the Regeneration Agreement and associated documents for the Dollis Valley regeneration scheme and to take all necessary actions to implement acquisitions and shared equity arrangements for phases 3, 4 and 5 of the scheme**

20. GRANVILLE ROAD NEW HOUSING DEVELOPMENT COMPULSORY PURCHASE ORDER OF PRAMSHEDS AND 16 BEECH COURT

The Chairman introduced the report and welcomed comments and questions.

Members voted unanimously in favour of the recommendations.

It was **RESOLVED**:

That the Assets, Regeneration and Growth Committee:

- 1. Authorised the making of a compulsory purchase order to purchase the Pram Sheds and Beech Court, at Granville Road Estate and as shown on Annex 1 to secure the delivery of Granville Road New Housing Development Scheme;**
- 2. Authorised the appropriate Chief Officer to negotiate and complete a Compulsory Purchase Order Indemnity Agreement to ensure that the Granville Road LLP indemnify the Council for the full financial costs incurred in preparing, making and implementing the CPO.**
- 3. Authorised the commencement of all preparatory work required for the making of the CPO(s), including (but not limited to):**
 - (a) appointing a land reference company to review all relevant proprietary interests with a view to producing a draft schedule and plan for the CPO(s);**
 - (b) the service of requests for information notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 on those who may be affected by the proposed CPO(s);**
- 4. Authorised appropriate Chief Officer to issue and sign the order, notices and certificates in connections with the making, confirmation and implementation of the CPO.**
- 5. Authorised the appropriate Chief Officer to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a General Vesting Declaration or service of a notice of entry relating to the CPO if it was considered appropriate to do so;**

- 6. Authorises the appropriate Chief Officer to transfer all properties and proprietary interests acquired pursuant to the CPO to New Granville LLP in accordance with the terms of the Development Agreement dated 23rd December 2013.**
- 7. Authorised the appropriate Chief Officer to take any further necessary actions to secure the making, confirmation and implementation of the CPO.**
- 8. Gave approval for any amendments required to the Development Agreement regarding the CPO to be delegated to the Commissioning Director of Growth and Development.**

21. BRENT CROSS CRICKLEWOOD UPDATE REPORT

The report was considered in conjunction with the addendum report and the additional recommendation contained therein, which was published after the main agenda pack.

The Chairman invited officers to update Committee on progress on the Brent Cross Cricklewood programme and advised Members that the report is seeking, amongst other things, delegated approval to deal with amendments to PDA with partners if required, and possible red line boundary changes

Councillor Cooke expressed concern over the affordable housing and Thameslink Station proposals with a preference that amendments come back to committee rather than be delegated to officers. He also requested for council/community engagement in the naming of the new station and queried why there is a reduction in the width of the road bridges.

Officers clarified that station naming will come back to ARG Committee and that financial savings were made against the original gold standard TfL bridge modelling figures and further details are within the exempt report. As requested, officers will confirm with TfL that there are no safety implications as a result of the changes.

Following discussion the Chairman called for the vote.

It was **RESOLVED** that Committee:

- 1) Noted the content of this report.**
- 2) Agreed that the shareholder board previously proposed will only act in advisory capacity**
- 3) Delegated authority to the Chief Executive to finalise and enter into the legal documentation between the Council, the Brent Cross North Partners and Catalyst in accordance with the parameters set by the Property Development Agreement and the approved Residential Relocation Strategy for the rehousing of the Whitefield Estate residents included in the area of CPO1.**
- 4) Delegated authority to the Chief Executive to consider whether to appropriate to planning purposes Council-owned land within the red line planning application boundary for the scheme (attached – Appendix 1) which is held by the Council for other purposes and, if he considers it appropriate to do so, to effect the appropriation**

of such land to planning purposes subject to complying with the statutory procedures for such appropriation and obtaining any necessary consents.

- 5) Authorise the Chief Executive in consultation with the Leader to finalise and complete any required consequential amendments to the Brent Cross South Project Agreement, Limited Partnership Agreement, Shareholder Agreement and associated documents as a result of the Council entering into legal agreements with third parties in respect of the CPO process and revised programme.

Votes were as follows:-

For	5
Against	4
Abstain	0

22. WEST HENDON COMPULSORY PURCHASE ORDER 2 & 2A (CPO2 AND CPO2A) COMMUNICATIONS UPDATE

The Chairman introduced the report which Members unanimously agreed to note.

It was **RESOLVED** that Committee:

1. Noted the communication activities undertaken regarding the West Hendon Regeneration Scheme attached in Appendix 1.

23. COMMITTEE FORWARD WORK PROGRAMME

The Chairman introduced the Committee Work Programme which Members unanimously agreed to note.

It was **RESOLVED** that Committee:

1. Noted the items included in the Work Programme.

24. ANY OTHER ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None

The meeting finished at 8.30 pm