

ADDRESS: BERKELEY HOMES LTD – OLD SCHOOL SITE, WOODBERRY GROVE, N4	
WARD: New River	REPORT AUTHOR: Ron Madell
APPLICATION NUMBER: 2008/1841	VALID DATE: 23/07/2007
APPLICANT: Berkeley Homes (North East London) Ltd C/O Agent Old Church Court Claylands Road The Oval London SW8 1NZ	AGENT: Rolfe Judd Planning Architecture Interiors Old Church Court Claylands Road The Oval London SW8 1NZ
PROPOSAL: Planning Application Number 2007/1841: Woodberry Down Kick Start Phase 1, Site 1 (Old School site): Redevelopment to provide a mixed use scheme comprising 456 residential units (Class C3), 1128 sq m Priority Community Facility with associated retail (Class D1/A1), 906 sq m of flexible accommodation to include retail, restaurant, business and other uses (Class A1, A2, A3, A4, B1, D1, D2), ground and basement car parking (212 spaces). Development to comprise seven blocks of four to twenty five storeys in height, new access road and junction to Woodberry Grove, new public open space and new Local Area for Play (detailed application).	
POST SUBMISSION REVISIONS: This report is concerned with further changes to the terms of the Section 106 Agreement attaching to this development.	
RECOMMENDATION SUMMARY: That changes to the affordable content of the scheme and timing of certain financial contributions be agreed	

ANALYSIS INFORMATION
ZONING DESIGNATION: (Yes) (No)

CPZ		X
Conservation Area		X
Listed Building (Statutory)		X
Listed Building (Local)		X
DEA		X

LAND USE DETAILS:	Use Class	Use Description	Floor space sqm
Existing			
Proposed			
RESIDENTIAL USE DETAILS:			
Type			
Existing			
Proposed			

PARKING DETAILS:	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing			
Proposed			

CASE OFFICER'S REPORT

NOTE TO MEMBERS: The Sub-Committee resolved to grant conditional detailed (full) permission for this application on 12th March 2008. A further report to the 2nd July 2008 meeting reported on the major financial contribution by Berkeley Homes to achieving implementation of the new Skinners Academy within the Woodberry Down area, and in recognition of this sought agreement for a corresponding reduction in the Planning Obligation to contribute towards all forms of education to serve the development.

The present report seeks agreement to a variation in two of the other Planning Obligations agreed by Committee, which have continued to be the subject of constructive negotiations to facilitate commencement on site early in the New Year. The issues relate to affordable housing and highways. No other material changes are involved and so this report only sets out the specific issues needing a decision.

1. BACKGROUND

1.1 This report relates to the full planning application (2007/1841) for the first detailed site submission in the comprehensive redevelopment of the Woodberry Down estate in the north of the Borough, and known as the Old School site within Phase 1, one of the 'Kick Start' sites. This application was first considered in March 2008 by the Sub-Committee, when it was resolved to grant detailed (full) permission subject to a Section 106 Agreement and a range of conditions. Prior to this Members had resolved to approve the outline application for the revised Woodberry Down Masterplan on 10th September 2007 (2007/0014). The transformation of the estate into a sustainable community is a key objective of the Borough's regeneration strategy, and is also a key priority for housing renewal and community development. The Old School site is the first of the phase one 'kick start' sites of the overall Woodberry Down redevelopment proposals. A revised Masterplan (2008/1050) was subsequently resolved to be granted on 16th October 2008.

1.2 The resolution of the 12th March 2008 Sub-Committee in respect of affordable housing provision for the Old School development was as follows:

Housing

A contribution to the provision of 186 affordable housing units – to include 155 social rented units and 31 intermediate units

Highways Works

1.3 The resolution relating to highways matters (excluding the TfL contribution relating to Seven Sisters Road) was as follows:

LB Hackney Roads.

Section 38 Agreement to be signed contemporaneously between Berkeley Homes and LB Hackney which will require either Berkeley Homes to undertake the following highway works or for LB Hackney to undertake works:

- New junction works to Woodberry Grove;
- New pavement works to Woodberry Grove;
- Provision of new parking bays to Woodberry Grove;
- New pavement works to Woodberry Down;
- New junction to Towncourt Path;
- Revised highway layout to Towncourt Path;
- New Pavements to Towncourt Path.

Works to be undertaken within 36 months of the implementation date.

Section 278 agreement to undertake new access road: LB Hackney noted that agreement may combine S106 and S278.

2. Affordable Housing Provision

2.1 In recent weeks there have been further discussions with Berkeley Homes to secure the earliest implementation of this scheme, which is recognised by both parties as essential to attracting both public and private investment into the remainder of Woodberry Down.

2.2 The previously agreed heads of terms relating to education and training provision required 155 of the 186 affordable dwellings to be social housing for rent, the remaining 31 units being intermediate (generally provided as equity share tenure). Berkeley Homes has reached agreement with Circle Anglia Housing for an imminent commencement of the social housing, but viability issues have been exacerbated by the present extreme market problems. Berkeley therefore proposes that whereas currently, 4 units on the ground floor of Block E are intermediate and the remaining 39 are social rented, changing the tenure of block E to wholly intermediate would significantly improve the viability of KSS1. It would remove the cost of building 39 affordable rented units at effectively zero return and replace them with intermediate units, which would generate a revenue stream to enable the scheme as a whole to proceed to completion.

2.3 There would be no decrease in the anticipated number of social rented units across all of the seven Kick Start sites, which are all within Phase 1 of the Woodberry Down Masterplan scheme. As further background, the Principal Development Agreement signed with the Council in respect of those sites ensures that the required number of social rented units to replace the number existing prior to commencement will all be provided across Phase 1.

2.4 Given the Development Agreement provisions on social housing in Phase 1 as whole, the officers support this revision as a constructive way forward by Berkeley Homes. It is therefore recommended that the social housing requirement for the Old School site (Kick Start site 1) be adjusted from 155 to 116, out of the approved total of 186 affordable dwellings.

3. Borough Highways Provision

3.1 Berkeley Homes will carry out most of the works for the various elements of the development, all as required by the necessary parallel Section 278 Highways Act

Agreement with the Council for highway alterations. A budgetary need has been identified, however, for highway works to enable access to the new Skinners Academy, which will serve secondary education needs for both Kick Start 1 and the Woodberry Down area. These highway re-instatement works to the carriageway and footway in Woodberry Grove (North) need to be completed by 1st September 2010. Berkeley Homes is willing to allocate up to £350,000 (or less as required) of the sum previously intended to be handed over to Hackney for the highway works at Old School for this purpose, at a time in advance of when the majority of the education contribution would have been paid (ie on completion of all the private sale dwellings). The Old School highway works would be carried out separately by Berkeley Homes.

3.2 In exchange for what amounts to a site-specific contribution towards achieving secondary education for Woodberry Down, the total contributions towards education and training provision would be correspondingly reduced from £1,189,000 (excluding the agreed £79,000 towards library provision serving the area), as agreed at the 3rd July 2008 meeting to a minimum £839,000, to be increased by any part of the £350,000 not required for essential highway and boundary works. The gains would be the bringing forward of part of the contribution, and its targeting of the first programmed element of new education infrastructure to serve Woodberry Down regeneration.

4. CONCLUSION

4.1 Members are accordingly asked to agree these changes to the previously agreed section 106 agreement as set out in the recommendations below:

(i) Affordable Housing:

The provision of 186 affordable housing units – to include 116 social rented units and 70 intermediate units.

(ii) Highways - Skinners Academy Highway Re-Instatement

Up to £350,000 contribution by 1st July 2010 towards the re-instatement of the carriageway and footway in Woodberry Grove (North) and other related boundary works to enable access to the new Skinners Academy, any balance not required to remain within the contribution to Education in (iii) below.

(iii) Educational, Skills Training and Construction Training Contributions (excluding Libraries)

Contribution of a minimum sum of £839,000 (plus any monies not required from the contribution to the Academy highways and boundary works in (ii) above) towards education, skills and construction training to serve the Woodberry Down development.



Signed.....

Date: 18 December 2008

**Fiona Fletcher-Smith
CORPORATE DIRECTOR
NEIGHBOURHOODS & REGENERATION DIRECTORATE**