

DELEGATED POWERS REPORT NO.

1744

SUBJECT:

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	Chidilim Agada 24.07.12
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Chidilim Agada 24.07.12
3. Finance clearance obtained ( <i>report author to complete</i> )	Name of Fin. officer Date	Alex Altman 23.07.12
4. Staff and other resources issues clearance obtained ( <i>report author to complete</i> )	Name of Res. officer Date	Not applicable
5. Strategic Procurement clearance obtained ( <i>report author to complete</i> )	Name of SPO Date	Nanette Young 24.07.12
6. Legal clearance obtained from ( <i>report author to complete</i> )	Name of Legal officer Date	Tobenna Erojikwe 20.07.12
7. Policy & Partnerships clearance obtained ( <i>report author to complete</i> )	Name of P&P officer Date	Andrew Nathan 26.07.12
8. Equalities & Diversity clearance obtained ( <i>report author to complete</i> )	Name of officer Date	Andrew Nathan 26.07.12
9. The above process has been checked and verified by Director, Head of Service or Deputy ( <i>report author to complete</i> )	Name Date	Pam Wharfe 27.07.12
10. Signed & dated report, <u>scanned or hard copy</u> received by Governance Service for publishing	Name of GSO Date	Chidilim Agada 27.07.12
11. Report published by Governance Service to website	Name of GSO Date	Chidilim Agada 30.07.12
12. Head of Service informed report is published	Name of GSO Date	Chidilim Agada 30.07.12
13. Expiry of call-in period	Date	Not applicable
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	Not applicable

## ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER (COUNCIL FUNCTION)

<b>Subject</b>	<b>Millbrook Park NW7, Phase 1A Road Construction Works, Proposed East-West Link Road between Bittacy Hill and Frith Lane - Road Adoption Agreement under Sections 38 of the Highways Act 1980.</b>
<b>Officer taking decision</b>	Interim Director of Environment, Planning and Regeneration

Date of decision 27 July 2012

Summary	To seek authority to enter into an Agreement under Sections 38 of the Highways Act 1980.
Officer Contributors	Adrian Wilson, Senior Engineer – Traffic & Development Section  Gangan Pillai, Traffic and Development Manager -Traffic & Development Section
Status (public or exempt)	Public
Wards affected	Mill Hill Ward
Enclosures	Drawings no. 5106655/MB/P1AH/738 Rev A02 & 5106655/MB/P1AH/739 Rev A02
Reason for exemption from call-in (if appropriate)	Not applicable

Contact for further information: Adrian Wilson or Gangan Pillai on 020 8359 4624/3044

Serial No. 1744

## **1. RELEVANT PREVIOUS DECISIONS**

- 1.1. None.

## **2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 2.1 The Corporate Plan 2012/13 sets out directions and priorities and defines the Council's vision (under the priority title successful London Suburb) in delivering sustainable growth in partnership with the private sector to ensure that Barnet continues to be a successful and prosperous place where people want to live and work. Barnet, through regeneration and growth plans, aims to deliver sustainable growth and regeneration of the Council. The proposed development accords with the Council's vision for a sustainable development within the Borough and ensures compliance with strategic and planning guidance and local policies. Through effective management and design, this development will support and deliver housing growth in a sustainable way as well as contribute in creating the conditions for a successful economy.

## **3. RISK MANAGEMENT ISSUES**

- 3.1 It is not considered that the issues involved in the report will raise significant levels of public concern or give rise to policy issues.

## **4. EQUALITIES AND DIVERSITY ISSUES**

- 4.1 New and Improved highways provide benefits to all sectors of the community in removing barriers and assisting quick, efficient and safe movement across the Borough.
- 4.2 The proposed highway works will provide safe access to the proposed development, improve existing highway conditions, promote safety and facilitate adequate accessibility / mobility to all highway users, including cyclists and people with special needs such as wheel chair users.

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

- 5.1 The development will be undertaken by the Inglis Consortium LLP. The developers will meet the Council's legal costs in drawing up the agreement under Sections 38 of the Highways Act 1980, including all costs associated with the provision of technical approval, construction and supervision of the works. The proposed highway works will fully comply with the Council's technical specifications and will be undertaken by the developers, under the Council's direct supervision. All costs associated with these works will be met by the developers. There are no adverse or additional on going maintenance costs involved.

## **6. LEGAL ISSUES**

- 6.1 Section 38(3)(a) of the Highways Act 1980, requires that any person proposing to dedicate land as Highway for the use of the public must have the capacity to dedicate the land. The Council should, therefore, ensure that all necessary searches are carried out to ensure that such capacity exists, before entering into an adoption agreement for the adoption land known as Phase 1a of the Millbrook Park development.
- 6.2 All considerations regarding whether or not to enter into a Section 38 Agreement with the developers must be based on Highways issues and consideration should be given to whether the proposed works are in the public interest, before a decision is made for the proposed works to be carried out.

## **7. CONSTITUTIONAL POWERS**

- 7.1 Constitution, Part 3, Responsibility for Functions, paragraph 6.1 states that Chief Officers can take decisions without consultation with the Cabinet Member concerned where 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 Developers, Inglis Consortium LLP applied to the Council for planning permission which was registered on 30 October 2009 under application no. H/04017/09. Outline Planning Permission was granted on 22 September 2011. Reserved matters application reference number H/00480/12, seeking approval for advance infrastructure works in relation to Phase 1A of Millbrook Park (Mill Hill East), was granted planning approval on 19 April 2012.
- 8.2 The outline application for the comprehensive redevelopment of the site is for residential led mixed use development involving the demolition of all existing buildings (excluding the former officers' mess) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP Surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre (Sui Generis) and associated open space, means of access, car parking and infrastructure (with all matters reserved other than access). Full application for the change of use of former officers' mess to residential (C3) and health (D1) uses.
- 8.3 The proposed Section 38 adoptable highway works entail the construction of a new East – West link carriageway across the development site connecting Frith Lane in the east and Bittacy Hill in the west, with associated 2 metre wide footway along the north side of the carriageway and 3 metre wide un-segregated shared use Cycle/Footway along the southern side. Also included are, a zebra crossing, bus stops, carriageway parking lay-bays, new road markings, tree pits, street lighting columns and surface water drainage.
- 8.4 Land coloured pink on drawings numbered 5106655/MB/P1AH/738 Rev A02 and 5106655/MB/P1AH/739 Rev A02 is being offered for adoption by the developers. This land will be adopted under S38 of the Highways Act 1980.
- 8.5 In order to ensure that the adoptable road remains unobstructed by parked vehicles, it is necessary on formal adoption of the road, to process a Traffic Management Order (TMO) for waiting restrictions. All costs associated with the TMO and implementation of the waiting restrictions will be met by the developers.

## **9. LIST OF BACKGROUND PAPERS**

- 9.1 Relevant drawings and general correspondence with the developers and other representatives such as consultants, agents etc, are held by the Traffic and Development Section at the Environment, Planning and Regeneration.
- 9.2 Any person wishing to inspect the background papers listed above, should telephone Adrian Wilson on 020 8359 4624.

## **10. OFFICER'S DECISION**

**I authorise the following action:**

- 10.1 **That, subject to completion of all necessary legal and other documentation, the Council enters into a Road Adoption Agreement under Sections 38 of the Highways Act 1980 with the developers, Inglis Consortium LLP, or any subsidiary or associated or Member company or organisation to allow adoption of the proposed works when they are satisfactorily complete to London Borough of Barnet's standards. The relevant drawings attached to the proposed Road Adoption Agreement are numbered 5106655/MB/P1AH/738 Rev A02 & 5106655/MB/P1AH/739 Rev A02 or any subsequent revisions, as deemed fit by the Interim Director of Environment, Planning and Regeneration.**
- 10.2 **To progress the Traffic Management Order as identified in paragraph 8.5 above.**

**Signed**                                      Pam Wharfe                   
**Interim Director of Environment, Planning and  
Regeneration**

**Date**                                          27 July 2012