

This application is being reported to Committee as the London Borough of Barnet has a substantial interest in the land (as a member of the Inglis Consortium).

RECOMMENDATION: APPROVE SUBJECT TO THE FOLLOWING CONDITIONS;

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

2133-OM-LA-04 Rev B, 2133-OM-LA-05 Rev B, 2133-OM-LA-06

2133-OM-PP-04 Rev B, 2133-OM-PP-05 Rev B

2133-OM-PP-06 Rev B, 2133-OM-TS-02 Rev E

5106655/MB/GE/278 Rev P03

5106655/MB/GE/279 Rev A01, 5106655/MB/GE/280 Rev A02

5106655/MB/GE/281 Rev A01, 5106655/MB/GE/282 Rev A01

2133-OM-DT-01, 2133-OM-SE-01, 2133-OM-SE-06

Landscape Management and Maintenance Plan 2133-OM-RE01-VR

Reason:

For the avoidance of doubt and in the interests of proper planning.

2. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of each phase of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which, within a period of 5 years from the completion of the development, dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased, shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to, any variation.

Reason:

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with Policies CS7 of the Core Strategy (2012) and DM16 of the Development Management Policies (2012).

4. Notwithstanding the plans hereby approved, no development shall commence unless and until the following details have been submitted and approved in writing by the Local Planning Authority;
 - Method of Statement for Protection of Trees.

- Method of construction for removal of hardsurfacing, installation of new pathways within the Root Protection Areas of existing trees.

Reason:

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with Policies CS7 of the Core Strategy (2012) and DM16 of the Development Management Policies (2012).

5. Any existing tree shown to be retained as part of the approved Landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees of appropriate size and species in the next planting season.

Reason:

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with Policies CS7 of the Core Strategy (2012) and DM16 of the Development Management Policies (2012).

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To ensure that any previously unidentified contamination is disposed of appropriately.

7. Notwithstanding the details submitted, locations of street lighting columns are to be reassessed upon submission of any further Reserved Matters application adjacent to the street lighting hereby approved. If it is deemed that the street lighting as approved would have a negative impact on the amenity of future occupants of a proposed future development a replacement street lighting scheme will be submitted to and approved by the Local Planning Authority and implemented prior to occupation of any adjacent residential development.

Reason:

To protect the amenities of potential future residents of adjacent sites and as not to prejudice the provision of future residential development.

8. The development shall be carried out in accordance with the approved Landscape Management and Maintenance Plan and the management and maintenance regimes shall be reviewed on an annual basis for a minimum period of 5 years as set out in the approved document.

Reason:

To secure opportunities for the enhancement of nature conservation value of the site.

9. If, after the up-lighters have been installed and evidence is found of a bat or bats roosting in a tree on the site, specialist ecologist advice shall be obtained to determine whether the light can be used or should be altered and any amendments shall be submitted and approved in writing by the Local Planning Authority.

Reason:

To ensure that appropriate mitigation is provided for bats and to safeguard the flight paths of bats.

INFORMATIVES:

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

London Plan (2011): 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.7 (Large Residential Development), 7.5 (Public Realm), 7.8 (Heritage Assets and Archaeology), 7.18 (Protecting Local Open Space and Addressing Local Deficiency), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands)

Adopted Barnet Unitary Development Plan (2006): GSD (Sustainable Development), ENV14 (Contaminated Land), D11 (Landscaping), D12 (Tree Preservation Orders), D13 (Tree Protection and Enhancement), HC15 (Locally Listed Buildings – Safeguarding), L11 (Public Open Space), L14 (Public Open Space – Improved)

Core Strategy (Adopted 2012) Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS10 (Enabling Inclusive and Integrated Community Facilities and Uses), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources).

Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM15 (Green Belt and Open Spaces), DM16 (Biodiversity).

Mill Hill East Area Action Plan (AAP) 2009: MHE7 (Parks and Public Open Spaces), MHE9 (Protection of Green Belt and Biodiversity), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE17 (Conserving Built Heritage).

ii) The proposal is acceptable for the following reason(s): -the proposal would not compromise the outline planning permission (H/04017/09) for the redevelopment of the wider site and would provide a valuable public open space for the future residents of Millbrook Park. It conforms with the design principles established in both the approved outline application for the former Inglis Barracks site and the Design Code. The proposal is acceptable on visual amenity, access, highways,

biodiversity, contamination and drainage grounds. It satisfies Conditions 5, 26, 48 and 52 of the outline permission.

2. The applicant is reminded that development shown outside of the red line site boundary on the submitted plans do not have the benefit planning permission and this needs to be sought as a separate planning application.
3. The applicant is reminded that Condition 63 (iii) (c) and Condition 65 of the outline consent requires the submission and approval of a contamination remediation verification report, which will require the developer to demonstrate completion of the works set out in the approved remediation strategy.
4. The applicant is reminded that the tree shown as Tree 186 on plan 2133-OM-TS-02 Rev E is located outside of the red line boundary and does not form part of this permission.

1. BACKGROUND TO THE CURRENT APPLICATION

1.1 The Area Action Plan

The London Borough of Barnet (LBB) and the Mayor of London have designated the Mill Hill East area as an Area of Intensification in the London Plan and Unitary Development Plan (UDP). The area covered by this designation is larger than the current application site and includes the former Inglis Barracks; Mill Hill East station; IBSA house; the Council Depot and recycling centre; Bittacy Court; the Scout Camp and former Mill Hill Gas Works (the area now centred around Lidbury Square).

The area was first highlighted as an area which could be redeveloped in the London Plan in 2004. This is primarily as a result of Project MoDEL (Ministry of Defence Estates London) which involves the consolidation and sale of surplus MoD properties around London. The activities from Inglis Barracks were transferred to RAF Northolt and the base vacated in 2008 thereby providing an opportunity for redevelopment. The Council recognised that Mill Hill East was an area where more detailed policies were required to guide future development and in 2006 commenced work on an Area Action Plan (AAP) which covered an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP was to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

A partnership comprising of a number of the key landowners and developers (the Inglis Consortium) has prepared and submitted the outline application for the comprehensive redevelopment of most of the area covered by the AAP.

1.2 The outline planning permission

In September 2011 outline planning permission was granted for the redevelopment of a site known as Mill Hill East. This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the south west.

The scheme would provide a series of new formal parks and open spaces. The approved Parameter Plan 2 and the Revised Public Realm and Open Space Strategy identified the network of open spaces and new public realm that will be created. It was established that the detailed design and size of each open space will be subject to reserved matter applications. The outline planning permission was granted subject to a number of conditions and Condition 5 (Reserved Matters Details) requires details of development including open spaces to be submitted and approved.

In addition to the plan drawings submitted, the following information was also submitted in support of the application and forms the supporting information:

Landscape Design Statement Revision B dated September 2012

Arboricultural Impact Assessment Report dated 4th October 2012

Statement of Compliance

Public Open Space Clarification note

Public Open Space Clarification note (updated)

2133-LA08 Rev D 'Plan illustrating Areas of Open Space as required by Condition 15'

Drainage Strategy Technical note

Public Open Space Ground Conditions Technical note

Ecological Constraints memo report dated 9th October 2012

2. MATERIAL CONSIDERATIONS

2.1 Key Relevant Planning Policy

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF)

On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces 44 planning documents, primarily Planning Policy Statements (PPS's) and Planning Policy Guidance (PPG's), which previously formed Government policy towards planning.

The Mayor's London Plan: July 2011 3.6 (Children and Young People's Play and Informal Recreation Facilities), 3.7 (Large Residential Development), 7.5 (Public Realm), 7.8 (Heritage Assets and Archaeology), 7.18 (Protecting Local Open Space and Addressing Local Deficiency), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands),

Relevant Unitary Development Plan Saved Policies: GSD (Sustainable Development), ENV14 (Contaminated Land), D11 (Landscaping), D12 (Tree Preservation Orders), D13 (Tree Protection and Enhancement), HC15 (Locally Listed Buildings – Safeguarding), L11 (Public Open Space), L14 (Public Open Space – Improved)

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development

Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development), CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS10 (Enabling Inclusive and Integrated Community Facilities and Uses), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources).

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management DPD Policies: DM01 (Protecting Barnet's Character and Amenity), DM03 (Accessibility and Inclusive Design), DM04 (Environmental Considerations), DM06 (Barnet's Heritage and Conservation), DM15 (Green Belt and Open Spaces), DM16 (Biodiversity)

Mill Hill East Area Action Plan (AAP) 2009

The London Borough of Barnet (LBB) and the Mayor of London have designated the Mill Hill East area as an Area of Intensification in the London Plan and Unitary Development Plan (UDP).

The Council recognised that Mill Hill East was an area where more detailed policies were required to guide future development and in 2006 commenced work on an Area Action Plan (AAP) which covers an area of 48 hectares focused primarily on the former Inglis Barracks site. The aim of the AAP was to seek to ensure that development takes place in a balanced and coordinated manner by setting out a comprehensive framework to guide the delivery of housing, employment, leisure and associated community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

The AAP was the subject of lengthy public and stakeholder involvement which culminated in an Examination in Public (EiP) in October 2008. Following receipt of the Inspectors decision notice the AAP was amended and in January 2009 the Mill Hill East Area Action Plan (AAP) was adopted by the Council. The AAP therefore forms a material consideration in the determination of Planning Applications in this area.

The relevant policies for the consideration of this application are: MHE7 (Parks and Public Open Spaces), MHE9 (Protection of Green Belt and Biodiversity), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE17 (Conserving Built Heritage).

2.2 Relevant Planning History:

Application Reference:	H/04017/09
Case Officer:	Jo Dowling
Proposal:	Outline application for the comprehensive redevelopment of the site 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.
Stat Start Date	30/10/2009
Application Type	EIAO
Decision	APL
Decision Date	22/09/2011

Application Reference:	H/00642/12
Case Officer:	Colin Leadbeatter
Proposal:	Reserved matters application seeking approval for advance infrastructure works in relation to Phase 2 of Millbrook Park (Mill Hill East), pursuant to outline planning permission H/04017/09 dated 22/09/2011
Stat Start Date	20/02/2012
Application Type	APD
Decision	APC
Decision Date	20/04/2012

Application Reference:	H/01101/12
Case Officer:	Jo Dowling
Proposal:	Environmental impact assessment screening opinion.
Stat Start Date	16/03/2012
Application Type	ESR
Decision	ESN
Decision Date	16/04/2012

Application Reference:	H/02848/12
Case Officer:	Jo Dowling
Proposal:	Relocation of war memorial.
Stat Start Date	21/07/2010
Application Type	Full application
Decision	APL
Decision Date	28/03/2010

Application Reference:	H/04338/11
Case Officer:	Colin Leadbeatter
Proposal:	Submission of details for condition 6 (Overarching Phasing Plan)

	pursuant to planning permission H/04017/09 dated 22/09/11.
Stat Start Date	24/10/2011
Application Type	APD
Decision	Approve
Decision Date	15/12/2011

Application Reference:	H/04337/11
Case Officer:	Colin Leadbeatter
Proposal:	Submission of details for Condition 9 (Open Space Strategy) pursuant to planning permission H/04017/09 dated 22/09/11
Stat Start Date	24/10/2011
Application Type	APD
Decision	Approve with conditions
Decision Date	03/01/2012

2.3 Consultations and Views Expressed:

Public Consultation

Neighbours Consulted: 314

Replies: 1

Neighbours Wishing 0

To Speak

One comment has been received from 5 The Ridgeway raising the following: Concerns over the possibility that there will be inadequate visitor parking leading to additional parking on The Ridgeway and Bittacy Hill. Bittacy Hill is already overcrowded and parking on The Ridgeway is dangerous. Extensive on site visitors parking should be provided.

Response: The above comment on visitor parking relates to the parking for the doctors surgery to be provided in the Officers' Mess building. Furthermore, any other visitors parking for the Phase 2 residential development would be dealt with under the detailed reserved matter application, which is yet to be submitted.

Internal /external and Other Consultations:

- Greater London Authority (GLA) – No comments received
- Metropolitan Police Service – No objection in principle.
- Transport for London – No objections to the proposal.
- Environment Agency – The site is less than one hectare and in Flood Zone 1 and the EA does not assess the drainage for such sites. They seem to follow the guidance for sustainable drainage systems that the EA would offer.
- English Heritage – No comments received
- London First – No comments received
- Sustrans – No comments received
- Thames Water – No observations to make
- Natural England – From the information submitted, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on.
- Environment and Transport, Green Spaces – No comments received.
- Traffic and Development (Highways) - Questioned the layout for pedestrians from Bittacy Hill; the location of the gullies that are connected to the manhole; refuse lorries access; there appears to be a flat spot within the carriageway to the south of the Officers Mess garden. This is at the low spot where the

<p>drainage system diverts and heads towards the connection with the Bittacy Hill sewer. Additional levels may be required to confirm if the surface water will drain appropriately; manoeuvres in to the two car parking spaces located on the small access road may prove difficult; there appears to be a lack of access for disabled users.</p> <p>Following clarifications from the applicant, Transport and Development team has confirmed that there are no objections.</p>
<p>- Environmental Health - the information submitted is for Condition 63 (iii) of the outline consent. Condition 65 of the outline consent is for the contamination remediation verification report, which will require the developer to demonstrate completion of the works set out in the approved remediation strategy.</p>
<p>- Street Lighting – No comments received</p>
<p>- Trees and Landscape Team - The submitted documents are not sufficient to provide a full assessment or allow the trees to be easily identified; the RPAs for Trees 185 and 187 extend beyond the boundary and would be affected by the residents' parking area for the Officers' Mess. It is necessary to take account of the potential impact of this, especially in terms of implications for RPA incursion and protective fencing; the piped connection from the underground storage appears to be within the RPA of the Oak tree 185; the proposed S2 picnic bench under this Oak tree may not be the most sensible location; The lighting cables for the uplighter under this tree may also exacerbate the impact; how does the removal of the existing hedges affect the roots of Tree Nos. 185 and 187 - this situation is seen elsewhere on the site and further information on the methods of such removal is required. More importantly, we would need to know the method of construction so we can assess how this may affect the roots, eg. for removal of the hardsurfacing and the construction of the new pathway; the Method Statement for Protection of Trees is considered to be deficient; The use of poisonous plants in the Toddlers Garden may not be the most appropriate choice.</p> <p>Following clarifications and amendments from the applicant, the Trees and Landscape Team raises no significant objections to the scheme subject to conditions. The above is also address in the report below.</p>
<p>- District Scout Committee – No comments received</p>
<p>- Woodside Park Gardens Suburb – No comments received</p>
<p>- Mill Hill Residents Association – No comments received</p>
<p>- Ridgemont Residents Association – No comments received</p>
<p>- Federation of Residents Association – No comments received</p>
<p>- The Finchley Society – No comments received</p>
<p>- Mill Hill Preservation Society – No comments received</p>
<p>- International Bible Students Association (IBSA) – No comments received</p>

3. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

3.1 Site Description and Surroundings:

In September 2011 outline planning permission was granted for the redevelopment of a site known as Mill Hill East. This site covers an area of approximately 33.6 hectares (83 acres) and is located within the Mill Hill ward. The site is bounded to the east by Frith Lane, to the north by Partingdale Lane and to the west by Bittacy

Hill (B552). Bittacy Business Park is immediately to the south of the site and Mill Hill East Underground station (Northern Line) lies to the south west.

The site comprises of the former Inglis Barracks, the Councils depot and recycling centre and the Scout camp.

Consent was granted for a residential-led mixed use development, involving the demolition of all existing buildings (excluding the Officers' Mess building) 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 and associated open space, means of access, car parking and infrastructure in September 2011.

The site to which this specific submission relates covers an area approximately 0.68 hectares (Ha) in size, located on the north-west part of the Mill Hill East regeneration site (now also known as Millbrook Park) and to the south of the locally listed Officers' Mess building. The site falls within the central part of Phase 2 (or Development Land Parcel 2) of the outline consent and is one of the key public open spaces (POS) for the whole development site. This area of public open space is identified as Phase 2 'Open Space 1' (OS1) on the approved Phasing Plan (pursuant to condition 6 Overarching Phasing Plan ref H/04338/11). The northern boundary of the site is defined by the footprint of the retained Officers' Mess building, and the western and eastern boundaries are currently defined by grassed areas. The southern boundary comprises a number of trees on a banked terrace.

The south, west and eastern boundaries will eventually be defined by the layout of an estate road approved under planning permission ref H/00642/12, which was for the advanced infrastructure works. This estate road will be the primary link between Bittacy Hill and Bray Road serving the residential properties in Phase 2.

The site is currently laid out as gardens (associated with the former Officers' Mess use) and includes a mix of grassed areas, hedges and planting. The site area also includes the hard standing to the front of the Officers' Mess, which currently provides vehicular access via existing gates from the adjacent road. The site also accommodates the Middlesex Regiment War Memorial to the east of the gardens, which is bordered by a mature laurel hedge. This garden also contains several smaller commemorative stones. A banked terrace to the south of the garden is planted with a variety of trees and shrubs and a small number of trees to the south east part of the site and to the east of the Officers' Mess building are protected by a Tree Preservation Order (TPO).

For the past few years, following the decommissioning of the wider site, the Officers' Mess building and gardens have been vacant.

3.2 Proposal

The proposed development comprises the landscaping of the Officers' Mess gardens, which includes new planting, creation of new footpaths and stepped access, provision of a play area, a rain garden, cycle stands, street furniture and lighting.

The proposal extends the existing gardens towards the east, and due to the relocation of the proposed Phase 2 estate road (approved under ref H/00642/12), the existing road and kerbs will be removed and grassed over.

The key areas are as follows:

1) Eastern area: The main entrance to the Gardens from the east will create a new gateway, which connects a proposed path through to the retained existing gateway and then to the Officers' Mess and gardens beyond. The path runs through the Woodland Garden which has an informal character.

2) The main route through the Gardens to the front of the Officers' Mess building will provide shared access to both the park and the building, which incorporates resin bound gravel and planting in formal borders. The path connects with the GP surgery's car park to the west, which falls outside the application boundary for the gardens, but is shown for reference.

3) Play space: The area which housed the war memorial will be refurbished to create a toddlers garden (informal play area) encompassing play boulders and grass mounding. The existing laurel hedge will be retained to provide a boundary to this area with a short section removed to facilitate a new path.

4) Central garden: The central area in the garden will incorporate a 'sunken' formal lawn bounded to the north by a path with seating and formal planting beyond. A 'rain garden' is proposed to the east of the lawn (adjoining the war memorial area). An underground storm water tank is also proposed under the lawn. This rain garden and water tank is part of the wider SUDs network and is designed to look like a dry river bed with shrubs, pebbles and boulders.

5) Southern bank: The bank to the south of the gardens will include much of the existing vegetation. Some re-profiling is proposed to facilitate the adjacent carriageway and will include two timber retaining walls (already approved under permission for the infrastructure works ref H/00642/12). New steps are proposed up this southern bank connecting the estate road up to the gardens. Metal estate rail fencing is proposed along part of the bank adjoining the road.

Access

Three main points of access are provided. To the west, the gardens will be accessed from a path through the GP surgery's visitor car park and to the east from an entrance on the new road adjacent to the Phase 3 development. The stepped access is provided to allow connection from the lower level up (from the estate road) into the gardens. Access from the east and west are level and have a minimum gradient of 1:35 with a combination of clay block paving and resin bound gravel. Due to the levels of the site, there are areas where stepped access is provided to the formal lawn.

The gardens will be developed by the applicant - The Inglis Consortium (IC) - , with the area of planting proposed immediately in front of the Officers' Mess building to be installed separately by the developer of Phase 2.

Trees

The submitted plans indicate that there will be the removal of some trees on the site, but these have been previously approved at various stages since the outline planning consent.

Drainage

Water storage will be provided within a rain garden including a planted area designed to take rain water connected by a series of shallow swales or channels around the perimeter of the central grassed area to the front of the Officers' Mess building. This will collect rain water from the adjacent roof and car park and the capacity being approximately 1300sqm.

An underground attenuation tank is proposed under the formal lawn and is designed to accommodate approximately 400m³ of storage, which will be utilised up to the 1 in 30 year design storm.

Street furniture

Street furniture will include seating, lighting and litter bins. Lighting along paths will be bollard type lighting with up-lighters under some trees to the east. Timber bollards are proposed along the estate road to the south to deter cars from parking on the grassed verges of the gardens. Cycle stands are proposed in front of the Officers' Mess building.

Discharging of conditions

This application also involves the discharging of a number of planning conditions attached to the outline consent that is relevant to this public open space phase. Those conditions that are to be approved are as follows:

Condition 5 – Reserved Matters Details (as outlined above).

Condition 26 – Pedestrian and Vehicular Access Points

This requires details of access points (pedestrian and vehicular), estate roads and footways.

Condition 48 – Design of Open Space

This requires details on the construction of any communal open space and should be in accordance with the principles and parameters contained within Parameter Plan 2, Landscape (A6157/2.1/04) and the Revised Public Realm and Open Space Strategy (MHE/OPA/5.1).

Condition 52 – Children's Play Space

This requires details of children's play areas to be submitted and approved and shall be provided within 12 months of the first occupation of any dwelling located within that phase.

4. PLANNING CONSIDERATIONS

4.1 The Principle of Development

The principle for this application has been established by the previous outline planning consent H/04017/09 (dated 22nd September 2011). Condition 5a seeks details to be submitted to and approved by the Local Planning Authority (LPA) prior to the commencement of development. The open green spaces in Millbrook Park is considered to be a key element of the outline consent as it provides essential

amenity space for residents, along with maintaining the overall green nature of the site.

The outline planning permission consists of a series of parameter plans which establish a series of parameters and principles to create a clear framework of planning control and fix the quantum of development, land uses, levels and access arrangements.

The key parameter plans of relevance to the consideration of this application are:

- Parameter Plan 2: Landscape
Establishes the location and extent of areas of public open space.
- Parameter Plan 3: Land use
Establishes the location and distribution of land uses and open spaces.
- Parameter Plan 6: Levels Strategy
Establishes the proposed spot levels at street junctions and maximum permissible gradients along each of the streets.

In order to support the detail contained within the Parameter Plans the outline consent has a number of additional documents that form a 'strategic development framework' in accordance with the requirements of Policy MHE18 of the AAP. The 'framework' establishes a series of development principles that will be used to guide detailed elements and the preparation of reserved matter applications. Of relevance to the consideration of this application are the following documents:

- Design Principles Document;
- Phasing and Delivery Strategy
- Revised Public Realm and Open Space Strategy
- Technical/Infrastructure Strategy

The applicant has submitted a statement of compliance with this application to describe the proposed development and demonstrates general compliance with the outline planning permission.

The outline planning consent allows the Millbrook Park development to be implemented in a series of phases and this application relates to Phase 2 (POS). Phase 2 as defined in the approved Phasing and Implementation Plan (pursuant to Condition 6) includes public open spaces and residential development. The public open spaces comprise two areas in Phase 2, namely referred to as OS1 (Officers' Mess Gardens) and OS2 (land to the north/south of the Officers' Mess gardens). This application relates to OS1 only as detailed proposals for OS2 are to be submitted at a later date (likely to be part of the reserved matters application for Phase 2 residential development). This open space in OS1 is to be delivered prior to the completion of 75% (700 residential units) in the Green Belt Edge and Central Slopes Character areas (as set out in the Design Code). There is no set trigger for the delivery of OS2.

The gardens sit within the spatial parameters defined on Parameter plans 2 (Landscape) and 3 (Land Use) and though there are minor variations to the boundaries set out on these plans, the location of the public open space is acceptable and in accordance with the outline consent. The approved 'Revised

Public Realm and Open Space Strategy August 2010' at the outline stage sets out the key principles for the design of each open space and the Officers' Mess gardens sit broadly within the parcel of land that has been allocated.

The approved Design Code pursuant to Condition 4 of the outline consent (ref H/04565/11) also sets out the guidelines for how the site, its neighbourhoods, open spaces and key amenities could be designed and built. It informs the formulation of individual reserved matter applications related to specific phases of development. Site-wide or phase related reserved matters must be in compliance with the agreed Design Code unless satisfactorily justified and this will be assessed in detail below.

4.2 Amount of open space

Other relevant planning controls for this application are Condition 6 and Condition 9 of the outline consent (Open Space Provision ref H/04337/11). Condition 9 required that prior to the commencement of development (other than Phase 1) details of the location, size and timing of provision of the open space shall be submitted to and approved in writing by the LPA, and then maintained thereafter. Both conditions included a plan of the whole site showing the areas of open spaces and development blocks on an illustrative scale.

Condition 15 (Level of Open Space) of the outline consent sets out the level/target of open space to be provided across the whole Millbrook Park site. It states the following:

"Not less than 5.95 Hectares of open space shall be provided in the development which will consist of a target provision in the following areas:

- *Panoramic Park 1.37 Hectares*
- *Central Community Park 0.46 Hectares*
- *Officers' Mess Gardens 0.76 Hectares*
- *Eastern Park 0.42 Hectares*
- *Public Square 0.3 Hectares*
- *Northern Pocket Parks 0.35 Hectares*
- *Open Space to north/south of Officers' Mess 0.29 Hectares*
- *School Playing Fields 1.30 Hectares*
- *Woodland 0.70 Hectares*

As detailed in Parameter Plan 2(A6157/2.1/04) and the Revised Public Realm and Open Space Strategy (MHE/OPA/5.1) unless otherwise agreed in writing by the Local Planning Authority".

This condition was imposed to ensure that appropriate provision of open space is provided throughout the development, but it is set out to allow some variation as each area is to achieve a 'target', with the minimum of 5.95Ha across the whole site to be provided.

Both conditions 6 and 9 were approved and are in accordance with Condition 15 whereby the Officers' Mess gardens (OS1) would provide 0.76Ha and Open space to north/south of Officers' Mess (OS2) would provide 0.29Ha. The total area within this Phase 2 would equal 1.05Ha.

This application for OS1 (Officers Mess Gardens) provides for an area extending to approximately 0.68Ha. It is accepted that when the original masterplan and parameter plans were drawn up the area calculated would have been approximate. The detailed design work would inevitably produce minor variations as the boundaries of the open spaces are eventually defined. 0.68Ha is approximately 90% of the 0.76Ha target. The shortfall of 0.08Ha is not considered to be significant and the Applicant has shown how the remaining open spaces are to be achieved in OS2 (Open Space to north/south of Officers' Mess) in Phase 2. The areas of open space in OS2 include areas to the north and south of the Officers' Mess and the Applicant has broadly indicated where these could be provided – namely north east, north west and the strip of land to the south east of Phase 2. The total area that could potentially be achieved in OS2 is approximately 0.3Ha (original target to be 0.29). The delivery of OS2 will form part of the Phase 2 residential reserved matters application (a separate application).

It is acknowledged that the total area of public open space (OS1 and OS2) for this part of the site would equal 0.98Ha and not achieving the target of 1.05Ha (a shortfall of 0.07Ha), but the Applicant has also demonstrated that the minimum total of 5.95Ha could be provided across the whole Millbrook Park site in their reconciliation table and 'Plan Illustrating Areas of Open Space' (2133-LA08 Rev D). It is envisaged that this plan and table is submitted for every reserved matter application that include the open spaces to ensure the minimum across the whole site can be achieved. In light of this and provided the minimum total area of open space can be achieved, there is no objection to the slight shortfall in provision of the Officers' Mess gardens.

4.3 Play Space provision

The proposal provides a toddlers garden/informal play area totalling more than 300sqm and comprises play boulders set in the ground and mounding within the lawn area. There are discrepancies between the Design Code and the Revised Public Realm and Open Space Strategy where both documents state that a 'Local Playable Space' should be provided in the Officers' Mess gardens (landscaping and equipment for 0-11 year olds with a minimum of 300sqm area). However, there are also references in the documents to the provision of a toddlers/doorstep play area (landscaped informal play areas with a minimum of 100sqm area).

Given that this site would be fronting the locally listed Officers' Mess, the proximity to the residents and the character being formal, it is considered that a toddlers play space would be more appropriate and sensitive in this location. The play features are low lying and integrate well with the formal nature of this garden and would not impact on the setting of the locally listed building. The design of the play space reflects the character of the space. The proposal hereby satisfies the requirements of Conditions 48 (Design of Open Space) and 52 (Children's Play Space).

4.4 Environmental Impact Assessment

Under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, an application for a formal opinion from the LPA on the need for an EIA ('screening opinion') was submitted alongside this application and the decision was that an Environmental Statement, in line with the Regulations was not required (application ref H/03088/12, dated 28th August 2012).

4.5 Design and Layout

The approved 'Revised Public Realm and Open Space Strategy' and the Design Code establishes the design principles for the landscape works. The submitted plans demonstrate that the proposals are broadly in compliance with the design principles. The key spaces have been laid out appropriately;

- The new main entrance from the east is maintained and provides access to the GP surgery visitor's car park.
- A toddlers garden will be created in the area formerly housing the war memorial.
- Formal grassed garden area sunken in the central part bounded by the path and formal planting to the north and estate rail fencing to the south. Seating is provided.
- Provision of underground storm water tank is proposed under the formal lawn.
- Provision of rain garden to the east of the site – though the Design Code had proposed the rain garden to be around the perimeter, the overall attenuation measures are sufficient, this is acceptable.
- Vegetation and mature trees would be retained on the southern bank.
- Ornamental planting to the front of the retained building.

4.6 Access matters

Access path to the gardens with appropriate gradient helps to promote connectivity and movement through and around the Officers' Mess. This is further enhanced by a proposed stepped access linking the gardens to the south and the estate carriageway. Whilst an inclusive accessible environment should be achieved for the public, the 'sunken' garden requires steps in front of the Officers' Mess building due to the topography of the site. Regardless, a path will be provided to access the formal garden. Similarly, due to the steep levels of the south bank, the proposed southern steps would not provide all level access, but the railings and step features would be in line with best practice for the needs of people who are ambulant disabled.

The access aspirations of the Design Code is to ensure the parks and open spaces are open to all with no gated or restricted access and should be designed with as many access points as possible. The proposal achieves this and also satisfies the requirement of Condition 26 (Pedestrian and Vehicular Access Points).

4.7 Impact on Resident's Amenity

The proposed landscaping works would improve the visual amenity for the future residents in the Officers' Mess. The formal border planting immediately outside of the building would be low lying shrubs and therefore would not infringe on the occupants' light or outlook. Where new trees are proposed, these are situated away from the windows. The path in front of the Officers' Mess building would provide access to the general public and has the potential to generate disturbance and privacy issues for the ground floor occupants. However, the shrubs in front would provide some kind of buffer/defensible space, which is considered acceptable.

The locations of street lighting columns are indicative and will be reassessed upon submission of any further reserved matters application adjacent to the street lighting hereby approved. The proposal would not significantly impact on the residents' amenity.

4.8 Archaeology and Cultural Heritage

The removal of the Middlesex Regiment war memorial has already been established under permission ref H/02848/10, but has yet been physically removed from the site at the time of writing this report.

The Officers' Mess building is locally listed and contributes to the Borough's heritage and character. Policy DM06 highlights that the impact of the proposal on the setting of the heritage asset should be considered. The setting of a heritage asset is often an essential part of the building's character. The impact of development which affects the setting of a heritage asset will require careful scrutiny.

The proposal would improve the general appearance of the gardens and therefore its overall setting. It is not considered that the landscaping works would harm the setting of this locally listed building and complies with London Plan Policies and Policies CS5 and DM06.

When the outline planning application (H/04017/09) was considered an archaeological assessment established that no physical archaeological remains are known to be present in the site but that the potential exists for such remains to be present. The potential adverse impacts identified by the assessment would arise from the loss of physical remains.

Details relating to Condition 61 (Written Scheme of Archaeological Investigation) attached to the outline planning permission was approved under application reference H/04189/11 on 23rd November 2011.

Details were submitted that cover a written scheme of investigation for trial trenching on the site. In consultation with Greater London Archaeological Advisory Service (GLAAS) the applicants proposed a series of trial trenches to be dug on the site to evaluate the potential for archaeological finds. A written scheme of investigation was also submitted as part of the Phase 2 Advanced Infrastructure works application (ref H/00642/12) and was considered acceptable. Trial trenches are not proposed within the Officers' Mess gardens site area. An informative was added to the consent H/04189/11 to ensure any heritage assets of significant archaeological interest that may be uncovered during the course of initial trial trenching, further mitigation may be required.

It is considered that there would be no adverse impacts in relation to archaeology that will arise from the proposal and that it therefore complies with the relevant national, regional and local policies.

4.9 Hard and soft landscaping

The primary paths will be a combination of clay block paving and resin bound gravel in accordance with the Design Code. The incorporation of the timber deck is considered acceptable given its setting within the gardens. The use of York Stone paving slabs in the toddlers' area is considered acceptable in visual terms.

Adequate seating areas are provided in the gardens and are easily accessible.

The proposed lighting scheme comprises a combination of low lighting bollards, uplighters and 6m high street lights. The use of bollard type lighting along the paths and the uplighters to the east would not significantly affect the residential flats in the Officers' Mess.

The street furniture will be predominantly timber to be sympathetic with the design of the gardens and in accordance with the Design Code (Indicative Distribution of Street Furniture and Lighting in Open and Key Spaces). Bin locations are considered appropriate and are some distance away from the residential properties within the Officers' Mess.

The proposal also includes an information board on the path, which will contain historic information of the wider site. A condition is recommended for further details to be submitted and approved.

The formal lawn is bounded by an estate metal fencing to the west and south. This 1.2m high black fencing is also proposed along part of the southern boundary adjoining the road and gives enough permeability and views into the garden. The timber bollards proposed around the western and southern boundary of the gardens to deter cars from parking on the grassed verges is considered acceptable.

The planting around the toddlers play area has been amended following consultation with the tree officer. The planting species proposed are generally considered appropriate and the layout is considered acceptable.

4.10 Trees

The submitted plans indicate that there will be the removal of some trees on the site, (a total of 9) but these have been previously approved at various stages since the outline planning consent. The approved Parameter Plan 2 showed the category A and B trees to be removed on the site. The permission for the Advanced infrastructure works (ref H/00642/12) also identified trees to be removed to facilitate the Phase 2 infrastructure road.

Condition 53 of the outline consent related to the protective fencing around trees (ref H/4403/11) showed Tree 189 (Cotoneaster spp) that was identified at the outline stage as being removed but is subject to a future reserved matter application. This reserved matter application is now confirming the intention to remove this tree. Since this is a category C tree and the above approval, no objection is raised to the felling of this tree. No TPO trees will be lost.

The removal of existing hard standing and laying of new paths/hard standings within the root protection areas (RPAs) will potentially impact on some of the trees, but with careful method of construction, the replacing of existing hard standing with a combination of soft landscaping and porous surfacing may result in improved growing conditions for trees. It is acknowledged that there is the potential to cause some injury at the time of construction when working over large sections of the RPA and that close arboricultural supervision will be required. The applicant has proposed that most of the work (removal of existing hedges and hard standing)

would be done by hand and specialist no-dig construction techniques should be used in certain locations. To ensure the tree's health is not severely impacted, it is recommended that condition requesting the submission and approval of detailed method statements and mitigation measures be imposed.

Following negotiation with the council's tree officer and the applicant, the sub surface drainage infrastructure and the picnic bench has been amended/relocated in order to reduce the impact on the T80 Oak, Tree 185.

It is acknowledged that the RPAs for Trees 185 and 187 extend beyond the boundary and would be affected by the residents' parking area for the Officers' Mess. Nevertheless, this is outside of the red line site boundary and it is noted that this parking area has already been granted consent with further detailed parking layout to be approved under Condition 91 of the outline consent.

In summary, with appropriate condition relating to the method of construction the effect on the health of existing trees can be addressed and appropriately mitigated.

4.11 Transport and Highways matters

The carriageway to the south was approved under the Phase 2 Advanced Infrastructure works application ref H/00642/12 and is being constructed as part of the outline planning consent and will connect Bittacy Hill in the west to Bray Road which falls to the south adjacent to the Notting Hill Housing Trust estate. There is an existing drive way into the Officers' Mess and it is proposed that this hard surfacing is removed and to be replaced by pedestrian paths. The visitors' car park for the GP surgery does not form part of this application, but is shown for reference.

It is considered that the proposed level changes are acceptable and fall within the established and approved parameters as set out under Parameter Plan 6.

No objections have been raised by the Highways team and their comments related to the drainage system, which is discussed below. Highways team has questioned the provision of access for disabled users. However, as discussed above, due to the steep levels of the south bank, the proposed southern steps would not provide all level access, but the railings and step features would be in line with best practice for the needs of people who are ambulant disabled. All other routes into the garden would have level footpaths.

4.12 Water Resources

The inclusion of SUDs has been a key principle in developing the infrastructure of the wider Millbrook Park development. As part of the wider SUDs and drainage strategy, an underground storm water tank is proposed under the formal lawn and will take water from adjacent residential phases, with pipe work and the structure itself being located away from the root protection areas. The rain garden will be included to take rain water run-off from adjacent roofs/hard surfaces.

The Environment Agency has not objected to the proposal. The provision of the underground water tank and the rain garden is in accordance with the SUDs strategy approved under Conditions 43, 44 and 46 of the outline consent (drainage) and the Design Code. LBB's Highways Team raise no objections to the drainage system.

The Flood and Water Management Act (2010) and the commencement of the National Standards for Sustainable Drainage (likely to be 2012) will simplify the process for adopting SUDs components. The SUDs Approving Body (the Local Authority) will adopt and maintain approved (inline with standards) SUDs schemes serving two or more properties. The SUDS infrastructure will be managed/maintained by RMC1 for an interim period before being adopted by LBB (this will be at the earliest opportunity following enactment of the emerging legislation that controls SUDs).

4.13 Contaminated Land issues

The Applicant has submitted a note on the ground conditions and contamination issues for the attenuation tank, which is based upon the recommendations contained within the Phase 2 Remediation and Reclamation Strategy (ref H/00642/12). Environmental Health Team has not raised any objections, but has advised that the information submitted is for Condition 63 (iii) of the outline consent. Condition 65 of the outline consent is for the contamination remediation verification report, which will require the developer to demonstrate completion of the works set out in the approved remediation strategy.

4.14 Ecology and Nature Conservation

The AAP encourages the planting of native species to encourage biodiversity. The Environmental Statement at outline stage concluded that there are no overriding concerns with respect to ecology and nature conservation preventing redevelopment taking place. It is acknowledged by the AAP that the site is of limited nature conservation importance and it is considered that the development provides the opportunity to enhance the diversity of habitats across the site through the planting of native species. The planting of native species will encourage a greater number of birds, invertebrates and other fauna.

The planting scheme is broadly in accordance with the planting strategy in the Design Code.

An Ecological Mitigation and Management Plan (EMMP) was approved in order to discharge Condition 60 of the outline planning consent under application reference H/04184/11 (24th November 2011).

The purpose of the EMMP was to set out a management programme for the enabling phases of works to safeguard and enhance the features of importance to nature conservation present within the application site. The EMMP set out a summary of the current site conditions and the existing surveys already undertaken. This then set out to identify those features and to create the general principles to guide their management. For those highlighted features, the document set out a method for their protection and enhancement, concluding with management objectives over the course of the development process, along with a framework for monitoring and further management actions.

It was considered that the document as approved demonstrated a comprehensive overall management plan for ecological assets on the application site. Furthermore, a revised Phase 2 Habitat (Ecological) survey was submitted which

confirmed that no further ecological constraints have emerged since the outline planning permission was granted.

Based on the recommendations in the Environmental Statement and the EMMP, trees should be retained if possible in the Officers' Mess gardens. Consideration should also be given to the opportunity to install bird and bat boxes within the garden. It was assessed that there are no significant changes to the habitats within the Officers' Mess gardens and therefore it is not expected that there will be any new ecological constraints on this site. The loss of habitat in this area will be non-native shrubs and hedges, which are of negligible ecological value. In the updated bat surveys carried out in 2012, there was no evidence of roosting bats found where up-lighting installations are proposed and therefore would not have a direct impact on roosting bats. If evidence is found of a bat or bats roosting in a tree after the up-light has been installed, ecological advice should be obtained to determine whether the light can be used or should be switched off/adjusted to avoid disturbance. In planning working practices for the site, the EMMP shall provide guidance and framework during any habitat clearance.

Natural England was consulted and made no comments to the scheme as submitted. There are therefore no significant ecological issues raised in this proposal.

4.15 Management and Maintenance of open space

Condition 5 of the outline consent (Reserved Matters Details) requires that a schedule of landscape maintenance for a minimum period of 5 years be submitted. A Landscape Management and Maintenance Plan outlines the management objectives, regimes and standards. Management of the Officers' Mess gardens will be undertaken by specialist landscape contractors appointed by the Inglis Consortium's Management Company (which will eventually be the responsibility of the Residents Management Company for Millbrook Park). The formal boarder planting immediately outside of the Officers' mess building would be installed and managed separately by the private developer.

5. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities. The proposed paths will slope at an appropriate gradient and will allow easy access for disabled persons and people with mobility impairments which require the use of wheelchairs or other walking aids. The stepped access to the south is due to the constraints of a steep bank and have not allowed for suitable ramped sections, but wheelchair users are able to access the south via the carriageway. It is considered that the proposals are compliant with legislation under the Disability Discrimination Act (DDA).

6. CONCLUSION

As conditioned the proposal would not compromise the outline planning permission (H/04017/09) for the redevelopment of the wider site. It conforms with the design principles established in both the approved outline application for the former Inglis Barracks site and the Design Code. The proposal is acceptable on visual amenity, access, highways, biodiversity, contamination and drainage grounds. It satisfies Conditions 5, 26, 48 and 52 of the outline permission.

It is recommended that the application be **approved** subject to discharging the attached conditions.

APPENDIX 1: SITE LOCATION PLAN

Inglis Barracks, Mill Hill East, NW7 1PX

