

3. Prior to the commencement of the development hereby permitted a written method statement detailing the scheme of contaminated land remediation measures to be implemented at the application site and how the remediation works to be implemented will be verified shall have been submitted to the Local Planning Authority and approved in writing.

Should land contamination not adequately addressed in the method statement approved under this condition be identified once the contaminated land remediation works or any other works associated with this development have commenced an addendum to the approved method statement detailing the remediation measures to be implemented for the newly identified land contamination shall be submitted to the Local Planning Authority and approved in writing before the contaminated land remediation measures are completed.

The contaminated land remediation measures identified in the approved method statement submitted under this condition and any addendum to it shall be implemented in full and by a competent person prior to the development hereby permitted being brought into use or occupied and no deviation from the measures identified in the approved method statement or addendum shall be made without the prior express consent in writing of the Local Planning Authority. A verification report detailing all contaminated land remediation measures implemented at the site and verifying that they have been implemented in full and by a competent person shall be submitted to, and approved in writing by the Local Planning Authority before the development hereby permitted is brought into use or occupied.

Reason:

To ensure the development can be implemented with adequate regard for environmental and public safety in accordance with policy DM04 of the Barnet Local Plan and policy 5.21 of the London Plan 2011.

4. All the 'Mitigation Measures' identified under paragraph 4.1 on pages 5 and 6 of the Habitat Survey Update 2012 for Phase 2A (Prepared by Atkins and dated August 2012) submitted as part of this application shall be carried out in full during the implementation and construction of the development hereby permitted.

Reason:

To ensure that the development meets the objectives of development plan policy as it relates to biodiversity and nature conservation in accordance with policies MHE9, DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

5. Notwithstanding the details shown in the plans submitted and otherwise hereby approved, before the development hereby permitted is commenced a scheme providing engineering drawings and construction details and specification for the roads, footways and pedestrian and vehicular access points proposed as part of this development shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to it being brought into use.

Reason:

To ensure that the infrastructure proposed is delivered to an appropriate standard in the interest of the amenity of the area and highway safety in accordance with policies DM01, CS9 and DM17 of the Barnet Local Plan.

6. Prior to the first occupation of the development hereby permitted a Waiver of liability and indemnity agreement must be signed by the applicant and be submitted to and approved in writing by the Local Planning Authority. The Waiver of liability and indemnity agreement submitted shall indemnify the Council against any claims for consequential damage caused to private roads arising from and/or in connection with the collection of waste by the Council from the premises.

Reason:

To amenities of the area in accordance with policies CS9 and DM17 of the Barnet Local Plan.

7. No construction work resulting from the development hereby permitted shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on any other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of the occupiers residential properties in the surrounding area in accordance with policies DM01 and DM04 of the Barnet Local Plan.

8. Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not prejudice highway and pedestrian safety and the amenities of the area in accordance with policies DM01, CS9 and DM17 of the Barnet Local Plan.

9. Notwithstanding the details shown in the plans submitted and otherwise hereby approved, plans showing full design details and specifications, including the materials to be used for the external surfaces, for all street lighting to be erected at the site shall be submitted to and approved in writing by the Local Planning Authority prior to the street lighting being installed. The street lighting shall be implemented in full accordance with the approved details before the infrastructure hereby approved is brought into use.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan 2012 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

10. Prior to the first occupation of any dwellings in subsequent phases of development which would directly adjoin this application site approved under Reserved Matters applications linked to the outline planning permission granted the under Barnet application reference H/04017/09 plans, specifications and other relevant details shall be submitted to the Local Planning Authority and approved in writing (to the Local planning Authorities Satisfaction) either:

1. Demonstrating that the street lighting implemented under the consent hereby granted would not be detrimental to the amenities of the occupiers of nearby residential properties in terms of light spill.

Or

2. Proposing a suitable alternative scheme of street lighting that would not be detrimental to the amenities of the occupiers of nearby residential properties in terms of light spill.

If an alternative street lighting scheme is submitted and approved under this condition the existing street lighting shall be removed (where this is shown in the approved scheme) and the alternative scheme of street lighting installed in full prior to the first occupation of any dwellings in subsequent phases of development which would directly adjoin this application site approved under Reserved Matters applications linked to the outline planning permission granted the under Barnet application reference H/04017/09.

Reason:

To protect the amenities of the future occupiers of adjacent sites in accordance with policy DM01 of the Barnet Local Plan.

11. Notwithstanding the details shown in the plans submitted and otherwise hereby approved, plans showing full design details and specifications, including the materials to be used for the external surfaces, for the retaining wall, security fence and vehicle restraint barrier to be erected at the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The retaining wall, security fence and vehicle restraint barrier shall be implemented in full accordance with the approved details before the infrastructure hereby approved is brought into use.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan 2012 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

Informatives:

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 3** of this report. These include (as the first informative) a summary of the reasons for granting planning permission for this development and the relevant development plan policies taken into account in making this decision.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan (published July 2011) and the development plan level documents in the Barnet Local Plan. The relevant documents in the Barnet Local Plan with development plan status are the Core Strategy, Development Management Policies Document (both adopted September 2012) and the Mill East Area Action Plan (adopted January 2009). These statutory development plans are the main policy basis for the consideration of this planning application. A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

The London Plan

The London Plan (adopted July 2011) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.8 (Outer London: Transport); 2.13 (Opportunity Areas and Intensification Areas); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People:

3.5 (Quality and Design of Housing Developments); and 3.16 (Protection and Enhancement of Social Infrastructure)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.6 (Decentralised Energy in Development Proposals); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy, Development Management Policies documents (both adopted in September 2012) and the Mill East Area Action Plan (adopted January 2009). The Local Plan development plan policies of most relevance to the determination of this application are:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS7 (Enhancing and protecting Barnet's open spaces)

CS9 (Providing safe, effective and efficient travel)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

Development Management Policies (Adopted 2012):

- DM01 (Protecting Barnet's character and amenity)
- DM02 (Development standards)
- DM03 (Accessibility and inclusive design)
- DM04 (Environmental considerations for development)
- DM06 (Barnet's Heritage and Conservation)
- DM13 (Community and education uses)
- DM15 (Green belt and open spaces)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

Mill Hill East Area Action Plan (Adopted 2009):

- MHE1 (Mill Hill East Area for Intensification)
- MHE9 (Protection of Green Belt & Biodiversity)
- MHE10 (Making the Right Connections)
- MHE11 (Improvements to the External Highways Network)
- MHE12 (Sustainable Transport)
- MHE13 (Parking)
- MHE14 (Creating a Sustainable Development)
- MHE15 (Design)
- MHE16 (Delivering Design Quality)
- MHE18 (Delivering the AAP)
- MHE19 (Planning Obligations)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

- Sustainable Design and Construction (June 2007)
- Draft Sustainable Design and Construction (November 2012)

Strategic Supplementary Planning Documents and Guidance:

- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

1.2 Relevant Planning History and the Outline Planning Permission

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 Barnet Local Plan respectively. The area covered by this designation 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 site was first highlighted as an area appropriate for redevelopment in the London Plan in 2004. This was primarily as a result of Project MoDEL (Ministry of Defence Estates London) which involved 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. To support the redevelopment of the area the Mill Hill East Area Action Plan (AAP), focusing primarily on the former Inglis Barracks site, was produced. The aim of the AAP was to ensure that development would take place in a balanced and coordinated manner. To achieve this the AAP set out a comprehensive framework to guide the delivery of housing covering employment, community facilities, infrastructure, transport initiatives and environmental protection and enhancement.

Policy MHE5 of the AAP identifies that a two form entry primary school with playing fields on a site of around 1.7 hectares in size will be required as a minimum as part of the comprehensive development of Mill Hill East. Under the outline planning permission granted with application reference number H/04017/09 this element of the development would have come forward as a reserved matter under 'Phase 2A'. However, a separate application has now been made for full planning permission to erect a three form entry school on this part of the site (see report on application reference H/04386/12 for further details).

While the school itself is now being considered as a separate application the infrastructure works, such as the roads and elements of the drainage, which would support the new school (and other parts of the site) are still coming forward under the original outline consent granted (application reference H/04017/09). This proposal is seeking consent to provide that infrastructure.

A fuller summary of the key relevant planning application history for this site is set out in **Appendix 1** of this report.

1.3 Consultation and Views Expressed

Public Consultation

A total of **750** local properties and other bodies were consulted on the application by letter and email in December 2012. The application was also advertised on site and in the local press at that time. Responses to the comments received are provided in the relevant section of the committee report. **0** responses from residents (either supporting or objecting to the proposal) were received.

Comments from Local Associations and Societies

Mill Hill Preservation Society:

Have responded to the application and confirmed that they do not wish to add any further comments to those provided in the letter which they submitted on application reference H04386/12 for a three form entry primary school and associated development. The comments made in this letter focused on the proposal for the primary school and associated development and are summarised and responded to accordingly in the report for that application.

Consultation Responses from Statutory Consultees and Other Bodies

Transport for London (TfL):

Have responded to the consultation and not raised any objections to the application. They have stated that they would wish to see a shelter and toilet provided at the bus turn around infrastructure delivered as part of the development proposed.

Highways Agency:

Have responded and confirmed that they have no objection to the application.

Environment Agency:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any grant of consent.

London Fire and Emergency Planning Authority:

Have responded to the consultation and confirmed that they have no objections to the proposal.

Natural England:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any grant of consent.

Internal Consultation Responses

Traffic and Development Team:

The Traffic and Development Team response is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions they have no objections to the development and find the proposal to be acceptable.

Environmental Health Service:

The Environmental Health Service response is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions in respect of contaminated land they raise no objection to the development.

Highways Drainage Team:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any consent that is granted.

Street Lighting Team:

Have not raised any objections to the proposal.

1.4 Description of Proposed Development

The application seeks approval of reserved matters (layout, scale, appearance and landscaping) for the undertaking of the advanced infrastructure works which would serve the land identified as Phase 2A (in the site wide phasing plan) of the outline planning permission H/04017/09 granted for the former Inglis Barracks site (Millbrook Park). The advanced infrastructure works for which consent is sought comprise:

- Ground re-profiling works.
- Construction of new roads and footpaths including sections of primary link road (30mph speed limit), secondary street (20mph speed limit) and junctions with for future estate roads. The highway proposed includes bus stop and bus turn around infrastructure.
- The formation of a swale.
- Provision of utilities infrastructure including street lighting, a utilities trench and drainage infrastructure.
- Hard and soft landscaping works.
- The formation of a retaining wall at the southern end of the site.

In essence the works proposed would provide services and access to the adjacent Phase 2A land (to the east), which would be developed to provide a 3 form entry primary school under application reference H/04386/12. They would also provide part of the infrastructure to access and service other later residential phases (including phases 8 and 11). A plan showing the proposed layout out of the site is provided in **Appendix 2**.

1.5 Description of Site and Surrounding Area

The application site extends to 0.97 hectares in size and comprises a parcel of land in the south-eastern section of the wider Former Inglis Barracks site. The site is located to the west of Frith Lane and north of the Council's depot and constitutes a vacant area of land on which all former buildings have been demolished. The surface of this area is mainly grassed, although a northern section of the land contains hard standing. There are no existing trees on the site which are proposed for removal.

The extent of the site is determined by the location of the infrastructure works needed to serve development on land identified as Phase 2A on the overarching phasing plan for the redevelopment of the wider site (linked to application reference H/04017/09). Under this phasing plan Phase 2A (the majority of which is situated to the east of the current application site) included the land on which a new two form entry primary school would be located. However, should the necessary consents be received, it is now intended that this land would contain the three form entry primary school and associated development sought under application reference H/04386/12 (Section 1.2 of this report explains this matter in further detail). The proposed infrastructure would connect to the new east-west Primary Link Road (approved under application reference H/00480/12) to the north of the site, beyond which Phase 1A of the wider development is located. Phases 8 and 11 would be located approximately to the south and west of the site respectively.

2. PLANNING APPRAISAL

Principle of the Development

The principle of redevelopment taking place to provide the infrastructure that this application would deliver has been established by the outline planning permission (application reference H/04017/09) granted for this site and the wider area. Condition 5b of that consent provides the specific scope for the submission of applications, such as this, which are intended to deliver the infrastructure that would serve one or more phases of the development.

In broad terms the outline planning permission granted consists of a series of parameter plans. These establish a series of parameters and principles and provide a framework of control over factors such as the quantum of development, land uses, levels and access arrangements. These approved parameter plans are then used when considering the Reserved Matters applications for each phase of the development and seek to ensure the delivery of a cohesive development.

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

- **Parameter Plan 1 - Access and Movement**
This establishes the locations of the primary and secondary access points to the site for vehicles, cyclists and pedestrians; sets out internal circulation arrangements for vehicles, cycles and pedestrians (including street hierarchy and bus routes); and defines locations for bus stops.
- **Parameter Plan 6 - Levels strategy**
This identifies existing ground levels and sets parameters for future ground levels within the site.

In order to provide an additional level of detail above that contained within the parameter plans the outline consent is supported by a number of other documents. These collectively form a 'strategic development framework' which, in accordance with the objectives of Policy MHE18 of the AAP, establish a series of development principles that can be used to guide reserved matters applications and other applications associated with the outline consent. Of particular relevance to the consideration of this application are the following documents:

- Design Principles Document
- Transport Strategy and Assessment
- Technical/Infrastructure Strategy
- Phasing and Delivery Strategy
- Revised Phasing and Delivery Strategy

In addition to these documents a site wide 'Design Code' has been submitted to and approved by the Local Planning Authority (under condition 4 of the outline permission in December 2011). The Design Code provides a further layer of detail against which reserved matters applications are to be assessed.

The application submission includes a 'Statement of Compliance with Outline Planning Permission'. This document describes the development and sets out why

the applicant considers the proposal complies with the outline planning permission and its associated framework of controls.

The scheme is found to comply with the framework established by the parameter plans and achieves the objectives of the Design Code and other relevant documents which accompanied the outline consent in terms of the nature and location of the infrastructure proposed and the levels at which it would be developed. Highway and transport related matters are discussed in further detail in subsequent sections of this report, but the roads proposed have been designed to link acceptably into the anticipated and currently existing parts of the surrounding road network.

For the reasons set out above it is considered that the principle of the development is acceptable and in accordance with the relevant parameters and principles of the outline consent to which it relates.

Transport, Highways and Parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure efficient use of the local road network, require that development is matched to capacity, seek more environmentally friendly transport networks and promote the delivery of appropriate transport infrastructure. Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately and require acceptable facilities for pedestrians and cyclists.

A plan showing the design and layout of the highway infrastructure proposed has been included at **Appendix 2** of this report. In general terms the application proposes a layout, carriageway and footway widths and speed limits in accordance with the principles and parameters envisaged under the original outline consent for this part of the site.

The hierarchy of streets proposed is also in accordance with the principles envisaged under the outline planning permission to which this application relates. The application provides the northern section of the new 'primary street' which would run between eastern end of the new east-west link road and Bittacy Hill. The remainder of this primary street would be provided under the advanced infrastructure works submitted for phase 8 of the development. This part of the proposed road has been designed to accommodate buses, as it is part of a potential bus route, and will subsequently include north and south bound bus stops. A south bound bus lay by and turning facility is proposed in this part of the site to facilitate vehicular and pedestrian safety and reduce congestion from traffic around the junction of the north-south link road with the east-west link road (that will eventually be in place when the wider development is fully implemented). This area will also include a facility for the use of bus drivers. The delivery of the bus stops and bus driver and turning facilities is secured through the obligations contained within the Section 106 Agreement which accompanies the outline permission to which this application relates. As such further controls on the delivery of these are not considered to be necessary in this instance.

In addition to the 'primary street' the application proposes a section of 'secondary street'. This would be located to the south of the section of primary street proposed and to the west of the main primary school building proposed under application reference H/04386/12. The new secondary street adjoins the proposed primary street at its northern most point (of the secondary street). Parking spaces for 8 cars would be inset into the footway proposed on the east side of the road. A pedestrian crossing is also proposed at this section of the proposed road. The secondary road will run south to a roundabout, with exit 'stubs' formed for the roads which will be developed separately to provide an access into the southern end of the school site (to the east of the site) and a new road running to the west of the site. Further north along its length the secondary street would provide a junction on its western side that would facilitate access into the temporary car park for the school proposed under application reference H/04386/12. North of this a junction is proposed on the eastern side of the road to provide access into the permanent car park being provided as part of the school.

The application is accompanied by a highway Design Capacity Statement for the phase. This concludes that the proposed works would create sufficient highway capacity to meet the demand of existing traffic, future redistributed traffic and traffic generated by the development proposed under the outline consent. Officers consider that the proposal is acceptable in terms of the highway capacity that it would deliver.

It is noted that there are a number of level changes proposed across the site. However, these fall within the parameters agreed at the outline stage of the development. In this regard and more generally the infrastructure proposed in the application is considered to be acceptable in terms of planning policy objectives to create environments that are accessible, usable and permeable for all.

The submission made includes details of the materials proposed for the hard landscaped areas. Carriageways would be finished in Stone Mastic Asphalt with a granite kerb and footpaths and will be finished in Dense Bitumen Macadam with conservation kerbs. Tactile paving is shown for the areas either side of the level crossing proposed. The materials proposed for the hard landscaped areas are considered to be acceptable an in-keeping with the objectives of the approved Design Code.

In certain locations the infrastructure proposed does not include areas of footpath. This approach is accepted in this instance, as footpath has been provided in the areas where it is currently necessary (including for the school proposed under application reference H/04386/12) and providing footpath in other places adjacent areas that will come forward under later phases would potentially start to predicate the design of these elements of the wider development. As subsequent phases of development come forward the associated reserved matters applications will be expected to provide additional areas of footpath, in line with the objectives of the Design Code and the principles agreed under the original outline consent.

The Council Traffic and Development Team have not raised any objections to the proposal. They have asked that a condition be placed on any consent granted to ensure that roads and footpaths proposed as part of the development are constructed to suitable standards and specifications. A condition to this affect has

been included in those recommended. It is currently envisaged that the sections of 'primary street' proposed would be adopted by the Council (as a Highway Authority) and the sections of 'secondary street' proposed would not be adopted. However, the condition recommended will ensure that all roads are constructed to appropriate standards.

In respect of transport, parking and highway matters the development is found to be compliant with the objectives of planning policy and the principles and parameters agreed under the outline planning permission to which this submission relates, subject to the controls in place under the conditions recommended. The submission is therefore found to be acceptable in these regards.

Design, Character and Amenity

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides safe, secure and attractive streets and spaces respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. It also states that proposals for lighting schemes should not have a demonstrable impact on residential amenity and seeks generally to protect the amenities of adjoining and potential occupiers and users.

The London Plan contains a number of relevant policies on character, design and landscaping. Policy 7.4 states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; and is informed by the surrounding historic environment.

Design matters relating to the hard landscaped areas proposed are considered in the Transport, Highways and Parking section of this report. Multi-media and utilities infrastructure would be provided in a 'utilities trench' beneath footpaths and this is considered to be an acceptable approach that accords with the objectives of the Design Code. The only street furniture proposed under this application is the installation of street lighting columns (street lights) and the proposed locations of these are shown in the plans submitted. It is accepted that the street lights are needed to provide a safe environment for users of the roads proposed. Officers consider that the street lighting proposed would not have any detrimental impact on the amenities of neighbouring and surrounding occupiers at present and conditions have been recommended to ensure that the detailed design of the street lighting is of an appropriate standard.

However, it is recognised that as no detailed proposals are yet available for the residential developments adjacent this site that will come forward under subsequent phases of the wider development this aspect of the proposal cannot be assessed fully at this time. The submission confirms that street lamp locations can be reconsidered as phases adjoining the site come forward and conditions have been recommended to control this aspect of the development.

Due to the level changes that take place between the application site and the adjacent land the application proposes the formation of a retaining wall to the south of the roundabout proposed on the southern part of the site. This structure would measure up to approximately 3m in height. The level changes also mean that a 1.8m security fence and vehicle restraint barriers are proposed in this location. At present these structures would face primarily towards the Council depot and aggregate store that is located to the south of the site. It is envisaged that the structures would be in place until the depot site was redeveloped as part of a subsequent phase (phase 8) of the outline consent to which this application relates.

It is accepted that under these circumstances the retaining wall, safety fence and vehicle restraint barriers of some form are necessary. A condition requiring the submission of the detailed design of these structures to be provided prior to their implementation has been recommended to ensure that they have a satisfactory appearance. Subject to the controls in place under this consent and in the main context of the Council depot and aggregate store the structures are found to be acceptable in this instance.

The layout and design of the infrastructure proposed is such that, as controlled by the conditions recommended, it is found to be consistent with the principles and parameters of the outline consent and the objectives of planning policy on character, design and amenity matters. The application is therefore found to be acceptable in these regards.

Drainage and Flooding

Drainage information for the wider site covered by the outline planning permission to which this application relates was submitted (under application reference H/04340/11) under conditions 43, 44 and 46 of that consent. The current application includes a plan providing details of surface and foul water drainage and a Drainage Strategy technical note. These documents set out how the drainage infrastructure proposed would be consistent with the site wide approach to drainage.

The scheme proposes that the drainage system for this phase broadly follow the general layout of the roads proposed. Provision will be made for connections from future development phases. The foul and surface drainage network is proposed to discharge into the existing sewer in Bittacy Hill and will connect to the sewer networks of other phases as they come forward.

In respect of Sustainable Urban Drainage infrastructure specifically, it is noted that the approved Design Code envisages swales along the western side of the proposed roads south of the east-west link route. However, this application only provides details of swales along part of the part of the secondary street proposed (see plan in **Appendix 2** of this report). The submission states that the remaining swales that the Design Code sought would be provided as part of the applications submitted for advanced infrastructure works for phases 8 and 11 which adjoining the site. This approach is advanced to prevent this submission predicating the design of these later phases in advance of the submission of their associated applications and is considered to be reasonable in this instance.

The Environment Agency and Barnet Highways Drainage Team have responded to the consultation on the application and neither have raised any objections to the proposal or requested that conditions are placed on any grant of consent. The proposal is considered to be acceptable and compliant with the principles and objectives of the outline consent to which this application relates in terms of drainage and flooding matters.

Trees and Landscaping

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The policy also states that trees should be safeguarded and when protected trees are to be felled the council will, where appropriate, require replanting with trees of an appropriate size and species. The AAP reinforces this position and seeks appropriate planting with native species in the plan area.

The application site does not contain any existing trees (and comprises a mixture of grassed area and hardstanding) and there are conditions in place to protect trees adjacent the site in accordance with the relevant requirements of the British Standards. The proposal is therefore considered to be acceptable and compliant with the objectives of the outline planning permission and planning policy in terms of its impact on existing trees.

The acceptability of the hard landscaping proposed is addressed in the earlier section of this report which covers highways matters. The application site includes two proposed areas which would contain new soft landscaping in the form of herbaceous, climbing and shrub planting. These comprise a swale formed on the west side of the 'secondary street' created to provide access to the school (which is proposed under application reference H/04386/12) and an area of planting proposed at the centre of the bus turn around facilities provided on the northern part of the application site.

No new tree planting is proposed under this application. The submission indicates that new tree planting will be delayed until the submission of the reserved matters applications for the land which will adjoin the infrastructure proposed under this application, to avoid newly planted trees dictating the location and layout of buildings and other development in subsequent phases. Officers accept that this is a pragmatic approach under the circumstances and note that the absence of new trees at this stage does not preclude the inclusion of trees (and other appropriate new soft landscaping) in accordance with the

principles and objectives of the main outline consent and approved Design Code when the phases on land adjoining this site come forward.

It is concluded that the scheme would provide an adequate approach to landscaping for this stage of the redevelopment and not compromise the ability of subsequent phases to achieve landscaping that is in-keeping with the objectives of the outline consent to which this application relates. The proposal is therefore found to be acceptable in terms of landscaping matters.

Biodiversity and Nature Conservation

Policy DM16 of the Barnet Local Plan states that when considering development proposals the Council will seek the retention and enhancement, or the creation of biodiversity. Policy DM01 states that proposals for lighting schemes should not have a demonstrably harmful impact on biodiversity. Policy MHE9 of the AAP states that ecological surveys will be required before development can commence, to ensure appropriate mitigation measures are undertaken.

The application is accompanied by a Habitat Survey Update for this particular part of the site covered by the outline consent. This document makes a number of recommendations for ecological mitigation measures that are relevant to the application site. Natural England has reviewed this document and confirmed that if implemented the mitigation proposals identified are sufficient to avoid adverse impacts on bats.

A condition has been recommended requiring the mitigation measures identified in the Habitat Survey Update submitted with the application to be carried out as part of the implementation of the development proposed.

The application includes proposals for the erection of street lighting. It is accepted that this is necessary to provide a safe environment for users of the roads proposed and that reasonable steps have been taken to keep light spill at a level that is acceptable for this part of the site and which does not result in any demonstrable harm, in terms of lighting impacts, on biodiversity.

Subject to the controls in place under the condition recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with planning policy and the objectives of the outline consent for biodiversity and nature conservation matters.

Contaminated land and Water Quality Issues

The Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of contaminated land or water quality matters. The Council's Environmental Health Service has confirmed that any concerns they may have regarding contaminated land issues are adequately addressed through the condition recommended in this respect. A 'Summary of Contamination Assessment' technical note has been prepared and provided with this application. Having evaluated the information submitted, it is considered that the proposal is acceptable and compliant with development plan policy in respect of contaminated land and water quality matters, subject to the conditions recommended.

Construction Management and Site Waste Management

Condition 17 of the outline consent to which this current application relates required the submission of a Construction Management Plan before the commencement of the development. A submission to discharge condition 17 was made in the October 2011 (application reference H/04183/11) and approved in November 2011. The development is required to be carried out in accordance with the plan approved under this submission and it is considered that this, along with the conditions recommended in respect of vehicle washing and controlling the hours of construction, are sufficient to address the construction management issues potentially raised by the current proposal. The application is therefore found to be acceptable in this regard.

Condition 18 of the outline consent to which this current application relates requires the submission of a Demolition and Site Waste Management Plan before the commencement of the development. A submission to discharge condition 18 was made in September 2011 (application reference H/04454/11) and approved in November 2011. The development is required to be carried out in accordance with the plan approved under this application and it is considered that this is sufficient to address the waste management issues potentially raised by the current proposal. The application is therefore found to be acceptable in this regard.

Archaeology

Policy DM06 of the Barnet Local Plan states that any development which may affect archaeological remains will need to demonstrate the likely impact upon the remains and the mitigation proposed to reduce the impact.

The submissions made under the original outline planning application (reference H/04017/09) contained an archaeological assessment which established that no archaeological remains were known to be present at the site at that time. However, it was considered that there was a reasonable possibility that archaeological remains were present and had not been detected. As such condition 61 of the outline consent required the implementation of an archaeological programme in accordance with a scheme of investigation that had previously been agreed with the Local Planning Authority. Details in respect of condition 61 attached to the outline planning permission were submitted to the Local Planning Authority in September 2011 and approved under application reference H/04189/11 in November 2011. Notwithstanding this investigation English Heritage Archaeology were consulted on the current application and they have not raised any objections to the proposal. The proposal is considered to be acceptable and compliant with the objectives of planning policy on archaeological matters.

3. EQUALITIES AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development would comply with the Council’s statutory duty under this important legislation.

The proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters, by providing an inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. This is achieved through a number of elements of the design proposed, for example the provision of disabled parking spaces, the creation of footways of suitable widths and the formation of the development at the most appropriate gradients that can be achieved on a site with challenging existing levels. It is also noted that the outline planning permission to which this application relates has a number of conditions on it to ensure that the wider development which comes forward is appropriate in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council’s Equalities Policy or the commitments set in our Equality Scheme and support the council in meeting its statutory equality responsibilities.

4. CONCLUSION

The principle of redevelopment taking place to provide the infrastructure that this application would deliver has been established by the outline planning permission (application reference H/04017/09) granted for this site and the wider area. The proposal would not compromise the objectives of the outline consent to which it relates and is considered to fall within the principles and parameters agreed under that application.

The infrastructure proposed under this application is considered to provide an appropriate design response to the circumstances of the site and would create a safe environment of a suitable character and quality in the interests of the amenities of the area and its future users. The scheme would deliver suitable drainage infrastructure and is found to be acceptable on highways, parking, character, amenity, biodiversity, contaminated land and landscaping grounds. The conditions on this consent and the outline planning permission to which the application relates would ensure that the scheme achieves the objectives of development plan policy in the relevant regards.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and the principles and parameters of the outline consent to which this application relates. There would not be any adverse impacts arising from the proposal which could not be adequately mitigated by the conditions recommended and other conditions in place under the outline planning permission to which this proposal is linked. It is therefore considered that there are material planning considerations which justify the grant of planning permission and the application is recommended for **APPROVAL** subject to conditions.

APPENDIX 1: KEY PLANNING APPLICATION HISTORY FOR MILL HILL EAST AREA

Inglis Barracks, Price Close (known as Millbrook Park)

H/04017/09 “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.” Granted (September 2011).

H/00480/12 “Reserved matters application seeking approval for advance infrastructure works in relation to Phase 1A of Millbrook Park (Mill Hill East) pursuant to outline planning permission reference H/04017/09 dated: 22/9/2011” Granted (April 2012).

H/03548/12 “Reserved matters application seeking approval of Appearance, Landscaping, Layout and Scale in relation to Phase 1a for the erection of 58 houses comprising 39 x 3 bed houses and 19 x 4 bed houses at ‘Millbrook Park’ (Inglis Barracks) submitted to meet the requirements of Condition 5 of outline planning application H/04017/09 dated 22 September 2011.” Granted (January 2013).

H/00642/12 “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 September 2011” Granted (April 2012).

H/03904/12 “Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 2 of Mill Hill East development pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 103 dwellings comprising 3 x one bed flats, 20 x two bed flats, 45 x 3 bed houses, 25 x four bed houses and 10 x five bed houses. Approval of layout and landscaping works to Phase 2 public open space OS2, together with details to discharge the requirements of conditions 8, 12, 26, 27, 29, 48, 52, 57, 70, 80, 83, 85 and 91.” Application submitted and currently under consideration.

H/03310/11 “Preliminary infrastructure works including the demolition of existing buildings, ground re-profiling, site preparation and construction of an access road” Granted (November 2011).

H/04080/12 “Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 1 of Mill Hill East development (Millbrook Park) pursuant to Condition 5 of Outline planning permission reference H/04017/09 dated: 22/9/2011 involving the erection of 133 residential dwellings comprising 31 x one bed flats, 61 x two bed flats, 14 x three bed houses and 27 x four bed houses, including associated infrastructure, access roads, car parking, landscaping and

approval of layout and landscaping works to Phase 1 public open space OS5, together with details to discharge the requirements of conditions 8, 13, 26, 27, 29, 32, 48, 52, 70, 80 and 85.” Application submitted and currently under consideration.

Mill Hill East Primary School, Frith Lane

H/02048/12 “Environmental Impact Assessment screening opinion”. No Environmental Statement required (June 2012).

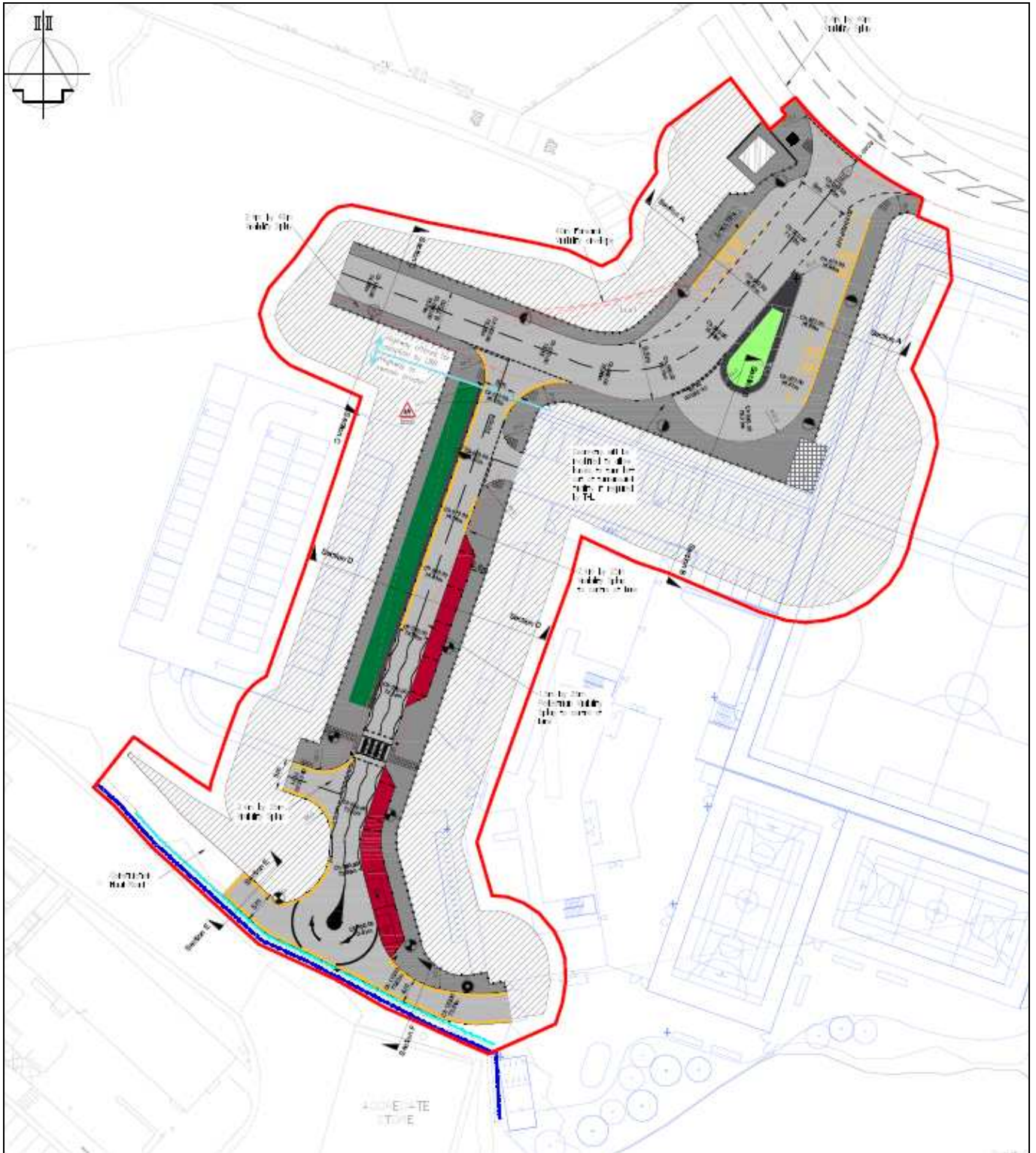
H/04386/12 “Construction of a three storey primary school (3 forms of entry) with nursery, community facilities and associated works and landscaping, including staff parking, hard play and sports games area, retaining walls, drainage attenuation measures and provision of a temporary drop off car park.” Application submitted and currently under consideration.

North Eastern Corner of Inglis Barracks (known as Ridgemont)

W01708X/99 “Redevelopment of north eastern corner of the Barracks for residential purposes with access from Frith Lane and Bittacy Hill (Outline Application).” Granted (August 2002).

W01708AB/04 “Details of siting, design, external appearance of buildings, means of access and landscaping pursuant to Condition 1 of outline planning application ref. W01708X for the redevelopment of the north eastern corner of the Barracks for residential purposes with access from Frith Lane and Bittacy Hill approved 30 August 2002. (DUPLICATE of W01708AA/04).” Allowed at appeal following non determination by the Council (December 2005).

APPENDIX 2: PROPOSED SITE LAYOUT



APPENDIX 3: INFORMATIVES

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010, this informative summarises the local planning authority's reasons for granting planning permission for this development and the relevant development plan policies taken into account in this decision.

In summary, the Local Planning Authority considers that the proposed development should be permitted for the following reasons:

The principle of redevelopment taking place to provide the infrastructure that this application would deliver has been established by the outline planning permission (application reference H/04017/09) granted for this site and the wider area. The proposal would not compromise the objectives of the outline consent to which it relates and is considered to fall within the principles and parameters agreed under that application.

The infrastructure proposed under this application is considered to provide an appropriate design response to the circumstances of the site and would create a safe environment of a suitable character and quality in the interests of the amenities of the area and its future users. The scheme would deliver suitable drainage infrastructure and is found to be acceptable on highways, parking, character, amenity, biodiversity, contaminated land and landscaping grounds. The conditions on this consent and the outline planning permission to which the application relates would ensure that the scheme achieves the objectives of development plan policy in the relevant regards.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies and the principles and parameters of the outline consent to which this application relates. There would not be any adverse impacts arising from the proposal which could not be adequately mitigated by the conditions recommended and other conditions in place under the outline planning permission to which this proposal is linked. It is therefore considered that there are material planning considerations which justify the grant of planning permission.

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant and agent where necessary during the application

process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance. In this case formal pre-application advice was sought prior to submission of the application.

A summary of the development plan (London Plan 2011, Barnet Core Strategy 2012, Development Management Policies DPD 2012 and Mill Hill East Area Action Plan 2009) policies relevant to this decision is set below:

Core Strategy (Adopted 2012):

CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)

CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)

CS3 (Distribution of growth in meeting housing aspirations)

CS4 (Providing quality homes and housing choice in Barnet)

CS5 (Protecting and enhancing Barnet's character to create high quality places)

CS7 (Enhancing and protecting Barnet's open spaces)

CS9 (Providing safe, effective and efficient travel)

CS12 (Making Barnet a safer place)

CS13 (Ensuring the efficient use of natural resources)

CS14 (Dealing with our waste)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM06 (Barnet's Heritage and Conservation)

DM13 (Community and education uses)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Mill Hill East Area Action Plan (Adopted 2009):

MHE1 (Mill Hill East Area for Intensification)

MHE9 (Protection of Green Belt & Biodiversity)

MHE10 (Making the Right Connections)

MHE11 (Improvements to the External Highways Network)

MHE12 (Sustainable Transport)

MHE13 (Parking)

MHE14 (Creating a Sustainable Development)

MHE15 (Design)

MHE16 (Delivering Design Quality)

MHE18 (Delivering the AAP)

MHE19 (Planning Obligations)

London Plan 2011 (set out by chapter):

Context and Strategy

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places

2.6 (Outer London: Vision and Strategy); 2.8 (Outer London: Transport); 2.13 (Opportunity Areas and Intensification Areas); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

London's People

3.5 (Quality and Design of Housing Developments); and 3.16 (Protection and Enhancement of Social Infrastructure)

London's Response to Climate Change

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.6 (Decentralised Energy in Development Proposals); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); and 5.21 (Contaminated Land)

London's Transport

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

2. The applicant is hereby advised that the council will not adopt the estate roads. However, if the council's refuse vehicles are required to enter the site, the estate roads must be constructed to adoptable standards. Details of the road construction requirements can be obtained from the Traffic and Development Team at Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
3. The gradients of the proposed access road and footways shall meet minimum guidelines set out in Manual for Streets.
4. The applicant is advised that the Traffic and Development Team will process any applications to stop up highway under the Town and Country Planning Act

1990. Further details can be obtained from them at Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

5. In complying with the contaminated land condition parts 1 and 2:
 - a) Reference should be made at all stages to appropriate current guidance and codes of practice at August 2012 this would include:
 - 1) The Environment Agency CLR model procedures;
 - 2) BS10175:2011 Investigation of potentially contaminated sites – Code of Practice;
 - 3) The Environment Agency “Guiding principles for land contamination (GPLC)”;
 - and
 - 4) Guidance for the safe development of housing on land affected by contamination, Environment Agency R&D Publication 66:2008.
 - b) Clear site maps should be included in the reports showing previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.
 - c) All raw data should be provided in a form that can be easily audited and assessed by the council (e.g. trial pit logs and complete laboratory analysis reports).
 - d) Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made should be included. (e.g. the reasons for the choice of sampling locations and depths).

SITE LOCATION PLAN

APPLICATION SITE: Phase 2A Millbrook Park

APPLICATION REFERENCE: H/04606/12

