

**LOCATION:** Phase 6b, Millbrook Park (former Inglis Barracks), Mill Hill East, London, NW7 1PX  
**REFERENCE:** 15/06417/OUT **Received:** 19 October 2015  
**Accepted:** 19 October 2015  
**WARD(S):** Mill Hill **Expiry:** 18 January 2016

**Final Revisions:**

**APPLICANT:** Bilfinger GVA on behalf of the Inglis Consortium  
**PROPOSAL:** Outline planning application for up to 66 residential units, 700 sqm of B1 floorspace, 630 sqm energy centre (CHP) and associated car parking and landscaping.

**Recommendation 1**

The applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes of seeking to secure the following:

i. Legal Professional Costs Recovery

Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.

ii. Enforceability

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

iii. Affordable Housing

Provision of 26 affordable housing units (including full nomination rights on these units) on the site in accordance with the following mix:-

Affordable Rented

6 x 1 bed flats

10 x 2 bed flats

Intermediate Housing

5 x 1 bed flats

6 x 2 bed flats

**Recommendation 2:**

That subject to the completion of the agreement specified in Recommendation 1, the Service Director Development Management & Building Control approve the planning application reference 15/06417/OUT under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director - Development Management & Building Control.

Conditions

## **Approved Plans**

1. No development shall take place unless in accordance with the following Approved Parameter Plans and substantially in accordance with the supporting documents:

### **Parameter Plans:**

Site Location Plan – AA5325-2001

Existing Site Levels - AA5325-2002

Parameter Plan 1 Scale and Movement - AA5325-2003

Parameter Plan 2 Landscape - AA5325-2004

### **Supporting Documents:**

Design and Access Statement October 2015

Illustrative Site Layout (Within DAS)

Illustrative Sections and Floor Plans (Within DAS)

Planning Statement October 2015

Arboricultural Impact Assessment September 2015

Geo – Environmental Assessment September 2015

Noise Assessment September 2015

Transport Statement September 2015

Air Quality Assessment Technical Note September 2015

Utilities and Drainage Statement September 2015

Ecological Assessment September 2015

Energy and Sustainability Assessment September 2015

Reason:

For the avoidance of doubt and to ensure the development accords with the outline permission and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

## **Timing of Submission of Reserved Matters**

2. Applications for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason:

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

## **Time Limit on Implementation**

3. The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990.

## **Reserved Matters – compliance with approved plans**

4. Reserved matters applications pursuant to this permission shall be made in accordance with the following approved parameter plans and substantially in accordance with the supporting documents:

**Parameter Plans:**

Site Location Plan – AA5325-2001  
Existing Site Levels - AA5325-2002  
Parameter Plan 1 Scale and Movement - AA5325-2003  
Parameter Plan 2 Landscape - AA5325-2004

**Supporting Documents:**

Design and Access Statement October 2015  
Illustrative Site Layout (Within DAS)  
Illustrative Sections and Floor Plans (Within DAS)  
Planning Statement October 2015  
Arboricultural Impact Assessment September 2015  
Geo – Environmental Assessment September 2015  
Noise Assessment September 2015  
Transport Statement September 2015  
Air Quality Assessment Technical Note September 2015  
Utilities and Drainage Statement September 2015  
Ecological Assessment September 2015  
Energy and Sustainability Assessment September 2015

**Reason:**

For the avoidance of doubt and to ensure the development accords with the outline permission and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

**Reserved Matters**

5. Details of the design, external appearance and landscaping, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason:**

To ensure a satisfactory development.

**Internal Space Standards**

6. All 66 residential units (use class C3) within the development hereby permitted shall all be constructed to achieve the minimum internal space standards set out in Table 3.3 of the London Plan (2015).

**Reason:**

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.5 of the London Plan (2015).

**Wheelchair Homes**

7. A minimum of 10% of the residential dwellings within the development hereby approved shall be built to wheelchair housing standards or easily adaptable for residents who are wheelchair users.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2015).

### **Hours of Construction**

8. No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days unless in accordance with previously agreed emergency procedures for deviation.

Reason:

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

### **Street Lighting**

9. Prior to the commencement of development, details of street lighting shall be submitted to and agreed by the Local Planning Authority. The development shall be implemented in accordance with the details as approved.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

### **Materials for External Surfaces of Buildings**

10. Prior to the commencement of development, other than for ground works, site preparation or remediation, details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved and maintained for the lifetime of the development.

Reason:

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

### **Levels**

11. Prior to the commencement of development, details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved before the dwellings approved are occupied.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan 2015.

### **Scheme of Hard and Soft Landscaping**

12. Prior to the commencement of development, a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details of landscaping submitted shall include but not be limited to the following:

- the position of any existing trees and hedges to be retained or removed and the crown spread of each retained tree;
- details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- existing site contours and details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012.
- details of all tree, hedge, shrub and other planting proposed as part of the scheme and all planting proposed for green and brown roofs, green walls and other soft landscaped structures, including proposed species, plant sizes and planting densities;
- means of planting, staking and tying of trees, including tree guards, and a detailed landscape maintenance schedule for regular pruning, watering and fertiliser use;
- details of all proposed hard landscape works, including proposed materials, samples and details of special techniques to minimise damage to retained trees and details of techniques to be used to provide conditions appropriate for new plantings;
- timing of planting;
- details of all proposed boundary treatments, fencing, gates or other means of enclosure to be erected at the site.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and future and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 3.6 and 7.21 of the London Plan 2015.

### **Tree Protective Fencing**

13. Prior to the commencement of development, temporary fencing shall have been erected around existing trees which are to be retained in accordance with details to be submitted and agreed in writing by the Local Planning Authority. These details shall include protection to any retained tree outside of the site boundary that may be affected by construction access and associated works. The details shall conform with BS 5837:2012 *Trees in relation to design, demolition and construction - Recommendations*. This fencing shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

#### **Services in Relation to Trees**

14. Prior to the commencement of development details of the location, extent and depth of all excavations for drainage and other services in relation to trees shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the details as approved.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

#### **Method Statement – Trees**

15. Prior to the commencement of development a dimensioned tree protection plan and method statement detailing precautions to minimise damage to trees to be retained in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* shall be submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

#### **Landscaping – Implementation**

16. All work comprised in the approved scheme of hard and soft landscaping (submitted under condition 11) shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building or completion of the construction of the development, whichever is sooner.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

### **Landscaping – Maintenance**

17. Any existing tree or hedge shown to be retained or trees, hedges or shrubs to be planted 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 or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

### **Biodiversity Enhancements**

18. Prior to the commencement of development, details comprising a scheme of measures to enhance and promote biodiversity shall be submitted to the Local Planning Authority and approved in writing. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to bats and birds. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

### **Detailed Surface Water Drainage Scheme**

19. The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity. in line with Barnet Local Plan policies CS13 and DM04 and policies 5.3, 5.11, 5.13 and 5.14 of the London Plan. The inclusion of green roofs and dry ponds will improve habitat and amenity in line with policies CS7, DM01, DM16 of the Barnet Local Plan policy 7.19 of the London Plan.

### **Contaminated Land – Method Statement**

20. Prior to the commencement of any development:

- (a) A contaminated land desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until these details are approved in writing by the Local Planning Authority.
- (b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
- a risk assessment to be undertaken;
  - refinement of the Conceptual Model; and
  - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority prior to the commencement of the development.

- (c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring to be carried out shall be submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on site.

The Method Statement should contain a detailed breakdown of the proposed remediation strategy and the anticipated timescales for completion. The method statement should identify the timing and sequence of the required remediation works and where relevant, set out in consultation with the Local Planning Authority, at what stages the verification report(s) (as required by condition 50) will be submitted to the Local Planning Authority for their approval.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety and to comply with policy DM04 of the Barnet Local Plan.

### **Contaminated Land – Remediation**

21. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement approved under condition 39 shall be carried out and a report that provides verification that the required



works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority. The verification report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. No dwelling shall be occupied until the relevant land has been remediated in accordance with the approved method statement, and this has been approved by the Local Planning Authority.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety and to comply with policy DM04 of the Barnet Local Plan.

### **Ventilation and Extraction Equipment - Details Required**

22. Prior to the commencement of development, details of all extraction and ventilation equipment and any other plant to be installed shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details before the first occupation of the site.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

### **Noise from Site Plant**

23. The level of noise emitted from any plant installed as part of the development hereby approved, including plant to serve the community use building, shall meet a Rating level of at least 5dB(A) below the background level (in accordance with BS4142), as measured from any point 1 metre outside the window of any room of any noise sensitive neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any noise sensitive room of any neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

### **Privacy Measures between Units**

24. Notwithstanding the details shown on the plans submitted and otherwise hereby approved none of the buildings of the development hereby permitted shall be occupied until details are submitted to the Local Planning Authority and approved in writing demonstrating how satisfactory privacy can be achieved between units.

Before the buildings hereby approved are occupied the development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of the future occupiers of the proposed residential dwellings and neighbouring occupiers in accordance with policies DM01 and DM02 of the Barnet Local Plan.

### **Energy and Sustainability**

25. Prior to the commencement of development, a detailed Energy Strategy incorporating measures to achieve the carbon dioxide reductions specified in the submitted Energy and Sustainability Assessment dated September 2015 shall be submitted to and approved in writing by the Local Planning Authority. Any measures specified in the Energy Strategy shall be fully installed and operational prior to first occupation and shall thereafter be maintained in accordance with the approved details.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

### **BREEAM Standard for Non Residential**

26. The B1 Building hereby approved shall achieve BREEAM 'Very Good' level of environmental performance. Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan

### **Crime Prevention Strategy**

27. A crime prevention strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The strategy shall demonstrate how the development meets 'Secured by Design' standards. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that satisfactory attention is given to security and community safety in accordance with policy DM02 of the Development Management Policies (2012).

### **Off Site Drainage Works**

28. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

### **Petrol/Oil Inceptors**

29. Notwithstanding the submitted plans, no development shall commence unless and until details of petrol/oil interceptor(s) in all car parks located within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and shall be provided before the car park(s) to which the scheme relates is brought into use.

Reason:

In order to prevent oil-polluted discharges entering local watercourses.

### **Impact Piling**

30. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage and water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

### **Car Park Layout**

31. Notwithstanding the plans submitted, before development commences, drawing showing the car park layout and details of the access ramp gradient leading to the basement car parking area together with headroom clearances along the ramp and the parking area shall be submitted to and approved in writing by the Local Planning Authority. The approved car parking area shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

### **Electric Charging Points**

32. Before the development hereby permitted is occupied 20% Active Electric Vehicle Charging Points (ECVP) 20% Passive ECVPs shall be provided in accordance with the London Plan Parking Standards. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

### **Cycle Parking**

33. Before the development hereby permitted is occupied the cycle parking spaces shall be provided in accordance with the London Plan Parking Standards and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

### **Refuse Storage**

34. Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

### **Demolition and Construction Management Plan**

35. No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access,

- ii. access and egress arrangements within the site and security procedures;
- iii. site preparation and construction stages of the development;
- iv. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- v. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- vi. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vii. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- viii. noise mitigation measures for all plant and processors;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan 2015.

### **Delivery and Servicing Plan**

36. Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

### **Car Park Management Plan**

37. Prior to the occupation of development hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. Onsite parking controls and charges;
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

### **Residential Travel Plan**

38. Before the occupation of the residential development a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include the appointment of a Travel Plan coordinator. The Residential Travel Plan should be in accordance with the latest TfL Guidance and reviewed annually against the Residential Travel Plan targets.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

### **Workplace Travel Plan**

39. Before the commercial development is occupied the Workplace Travel Plan shall be submitted to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan coordinator. The Workplace Travel Plan should be in accordance with the latest TfL guidance and reviewed annually against the Workplace Travel Plan targets.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

### **INFORMATIVE:**

#### **Informative:**

1. The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a 278 Agreement under the Highways Act 1980.
2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
3. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units,

and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has been assessed at this time as liable for payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

## **Relief or Exemption from CIL**

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can potentially apply for relief or exemption under the following categories:

### **1. Charity**

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

### **2. Residential Annexes or Extension**

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

### **3. Self Build**

Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)



Visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief

## **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 March 2015); the Barnet Local Plan which comprises the Core Strategy and Development Management Policies DPD (adopted 2012); and the Mill Hill 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 the subsequent sections of this report dealing with specific policy and topic areas.

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 the development will fulfil them to a satisfactory level, subject to the conditions (including reserved matters) and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

#### National Planning Policy Guidance/Statements: The National Planning Policy Framework

National planning policies are set out in the National Planning Policy Framework (NPPF) which was published in March 2012 and replaces Planning Policy Statements and a range of other national planning guidance. It is supported by the National Planning Policy Guidance (NPPG) published in March 2014. The NPPF and NPPG seek 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.

## The Mayor's London Plan (2015)

The London Plan (published March 2015) 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 most relevant to the determination of this application are:

- 2.13 (Opportunity Areas and Intensification Areas)
- 3.3 (Increasing Housing Supply)
- 3.4 (Optimising Housing Potential)
- 3.5 (Quality and Design of Housing Developments)
- 3.7 (Large Residential Development)
- 3.8 (Housing Choice)
- 3.9 (Mixed and Balanced Communities)
- 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes)
- 4.4 (Managing Industrial Land and Premises)
- 5.2 (Minimising Carbon Dioxide Emissions)
- 5.3 (Sustainable Design and Construction),
- 5.7 (Renewable Energy)
- 5.21 (Contaminated Land)
- 6.3 (Assessing Effects of development on Transport Capacity)
- 6.9 (Cycling)
- 6.10 (Walking)
- 6.13 (Parking)
- 7.1 (Building London's Neighbourhoods and Communities)
- 7.2 (An inclusive Environment)
- 7.3 (Designing Out Crime)
- 7.4 (Local Character)
- 7.5 (Public Realm)
- 7.6 (Architecture)
- 7.15 (Reducing Noise and Enhancing Soundscapes)
- 7.21 (Trees and Woodlands).

## Local Plan

The development plan documents in the Barnet Local Plan constitute part of the statutory 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 (both adopted September 2012) and the Mill Hill East Area Action Plan (adopted January 2009).

## Core Strategy (Adoption version) 2012

Relevant Core Strategy Policies:

- CS NPPF (National Planning Policy Framework –Presumption in Favour of Sustainable Development), CS4 (Providing Quality Homes and Housing Choice in Barnet)
- CS5 (Protecting and Enhancing Barnet’s Character to Create High Quality Places)
- CS9 (Providing safe, effective and efficient travel)
- CS12 (Making Barnet a Safer Place)
- CS13 (Ensuring the Efficient Use of Natural Resources)
- CS14 (Dealing with Waste)

#### Development Management Policies (Adoption version) 2012

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.

Relevant Development Management DPD Policies:

- DM01 (Protecting Barnet’s Character and Amenity)
- DM02 (Development Standards)
- DM03 (Accessibility and Inclusive Design)
- DM04 (Environmental Considerations)
- DM06 (Barnet’s Heritage and Conservation)
- DM08 (Ensuring a variety of sizes of new homes to meet housing Need)
- DM16 (Biodiversity)
- DM17 (Travel Impact and Parking Standards)

#### Mill Hill East Area Action Plan (AAP) 2009

The Mill Hill East Area Action Plan (AAP) was adopted by the Council in 2009 and forms part of Barnet’s Local Plan containing policies relevant to the determination of planning applications in the area. The AAP forms a material consideration in the determination of Planning Applications in this area.

The relevant policies for the consideration of this application are:

- MHE1 (Mill Hill East Area for Intensification)
- MHE2 (Housing)
- MHE3 (Employment)
- MHE10 (Making the Right Connections),
- MHE12 (Sustainable Transport)
- MHE13 (Parking)
- MHE14 (Creating a Sustainable Development)
- MHE15 (Design)
- MHE16 (Delivering Design Quality)
- MHE18 (Delivering the AAP)

### **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 the 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 MHE1 and MHE2 of the AAP identifies that 2,660 homes are to be provided at Mill Hill East, in addition to Policy MHE3 which requires employment space to support 500 jobs. This is to be achieved via a number of means including the designation of 1ha of land adjacent to Bittacy Hill Business Park for employment use.

Of particular significance is the approval of outline planning permission for residential-led mixed use development on part of the land covered by the current application. This was granted consent in September 2011, as part of the proposals approved under the application (ref: H/04017/09) for the comprehensive redevelopment of the wider site. Also of relevance is the subsequent Reserved Matters application covering the adjacent Phase 6a site (ref: 15/03305/RMA).

### **Application Site**

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	Outline Application
Decision	Granted
Decision Date	22/09/2011

## Adjacent to the Application Site

Application Reference	15/03305/RMA
Case Officer	Andrew Dillon
Proposal	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 6a of the Mill Hill East development pursuant to Outline planning permission reference H/04017/09 dated 22/9/11, involving the erection of a three storey B1 light industrial building providing 2,935m <sup>2</sup> of gross internal floor area together with associated access, car parking and landscaping together with details to discharge the requirements of: Condition 5 (Reserved matter details), 5b (Advanced infrastructure works), 26 (Access points), 27 (Details of estate roads), 30 (Existing adopted highway), 35 (Petrol/oil interceptors), 83 (Grey water/rainwater recycling) and 85 (Green/brown roofs).
Stat Start Date	29/05/2015
Application Type	Reserved Matters Application
Decision	Granted
Decision Date	24/09/2015

### **1.3 Consultation and Views Expressed**

#### Public Consultation

Neighbours Consulted: 577

Replies: 0

Neighbours Wishing 0

To Speak

#### Comments from Local Associations and Societies

##### **Mill Hill Preservation Society**

The Mill Hill Preservation Society has made the following representations:

- Landscaping to the northern edge and additional planting is supported. However, query the accuracy of the landscaping detail shown.
- Do not dispute the use or amount of proposed B1 use.
- The quantity of 40% affordable housing meets policy, and the argument that more should be provided is not based on planning requirement.
- The inclusion of a residential element is reasonable, however the density, and therefore massing is queried.
- MHPS objects to the massing noting the adjoining Phase (Phase 6) indicates 6 storeys reducing to 4 storeys adjacent to the Phase 6b site. It is noted that this does not conform to the overall principles of the Master Plan.
- Consider this site should contribute towards the upgrade of Mill Hill East underground station, even though it will be liable for CIL.

- In summary, MHPS request a reduction in the scale and massing, with further focus on the detail of landscaping.

### **Officer Comment**

*The comments from the MHPS are noted in relation to support of the principle of development and quantity of affordable housing. The issue of the appropriate scale of development is addressed later in this report, although the scale of development proposed is considered appropriate for its context. Landscaping conditions are suggested to ensure that landscaping is of an appropriate standard.*

*The comments in relation to step free access are noted and any additional profits from this phase would feed into any future viability review in relation to the wider Millbrook Park Site. However it would not be reasonable to require a specific contribution from this drop in application, which in reality would only be achievable through a reduction in the quantity of affordable housing provided on this plot.*

### **Mill Hill Neighbourhood Forum**

The Mill Hill Neighbouring Forum has made the following representations:

- Noted that as a "Windfall", offering additional profit to the developers, believe that all flats built on this site should be affordable with a mix of shared ownership and rented at 80% or lower based on market rent.
- Terms should additionally be agreed to the effect that each flat should be occupied by the first owner or tenant for a minimum of 10 years or any preferred discounts would be refundable.
- They should not be sold to "buy-to-let" owners.
- Further the early delivery of additional profits should bring forward the provision of "Step-Free access" at Mill Hill East Station.
- Request Made to Speak at Planning Committee

### **Officer Comment:**

*The comments from the Mill Hill Neighbouring Forum are noted, however in Planning Law there is no concept of a planning windfall and it is not possible to require the provision of a greater quantity of affordable housing than is required in policy. It is also not necessarily beneficial in regards to building mixed and balanced communities to build out this phase on this basis. It is also not possible to introduce a restriction on the sale of intermediate or private units in relation to the minimum length of first tenure.*

*The comments in relation to step free access are noted and any additional profits from this phase would feed into any future viability review in relation to the wider*

*Millbrook Park Site. However it would not be reasonable to require a specific contribution from this drop in application, which in reality would only be achievable through a reduction in the quantity of affordable housing provided on this plot.*

#### Internal /external and Other Consultations:

##### Highways

The Council's Highway Officer has confirmed no objection to the proposal subject to the attachment of appropriate conditions. Detailed comments are incorporated into officer report below.

##### Environmental Health

The Council's Environmental Health Team have not raised any in principle objections to the proposal. However further information has been requested in relation to the proposed energy centre.

##### Officer Comment:

Further information has been submitted by the applicant providing the information requested by the Council's Environmental Health Team. Final Comments will be reported in the Addendum prior to the Committee Meeting.

##### Metropolitan Police

This outline planning application does not have a crime impact statement, so I cannot comment. But, there is a movement plan.

At this stage I would suggest directed movement from the highway to the residential area is appropriate, but not around the building.

The building line should be extended by territoriality.

##### Officer Comment:

The matters raised are a matter for the detailed design stage, which will be subject to a future reserved matters application.

##### Historic England (Archaeology)

*'Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.'*

##### Natural England

Natural England have advised that they have no comments to make on this application.

#### Environment Agency

Advise that they had no need to be consulted on this application and therefore have no comments.

#### Thames Water

Thames Water have raised no objections subject to the attachment of requested conditions in relation to surface water and protection of water supply and drainage infrastructure.

### **1.4 Description of the Application Site**

The application site extends to approximately 0.424ha. It is bound to the north by land used as a Scout camp; the east by the eastern part of the waste transfer/recycling facility (known as Phase 6a which benefits from planning consent for B1 development); the south by Bittacy Business Centre; and the west by the Barnet Council waste depot (which benefits from planning consent for residential-led mixed use development).

Vehicular access is directly from Frith Lane (existing), however the plans approved under the OPP allow for future vehicle access to be provided from the west (via the Millbrook Park site).

The site is currently occupied by Barnet Council and forms part of a waste transfer/recycling facility (use class: Sui Generis). This facility is scheduled to close (and the site made available for development) by end of 2016. Existing operations (and jobs) are to be relocated to a new facility.

The application site falls within the area covered by the Mill Hill East Area Action Plan. Where relevant the policies of this document are discussed in greater detail in subsequent sections of the report. Other key planning policy designations include the land on the southern part of the site which is identified as Green Belt. The site is located within Flood Risk Zone 1 and has a low risk or less than 1 in 1000 annual probability of river or sea flooding.

Outline Planning Permission was granted in September 2011 for the comprehensive redevelopment of 33.6ha of land at Mill Hill East for residential-led mixed use development (ref: H/04017/09). The planning permission was in 'hybrid' form and approves the following development:

- Outline Planning Permission for the demolition of all existing buildings (excluding the former Officer's Mess) and ground re-profiling works to provide 2,174 dwellings, a primary school, GP Surgery, 1,100 sqm of 'high street'



(A1/2/3/4/5) uses, 3,470 sqm of employment (B1) uses, a district energy centre and associated open space, means of access, car parking and infrastructure (with all matters reserved for future determination except access).

- Full planning permission was granted for the change of use of the Officer's Mess building to residential (C3) and health (D1).

Under the proposals approved as part of the outline consent (reference H/04017/09) for the wider Mill Hill East (Millbrook Park) area it is expected that the land surrounding the application site will change significantly over the coming years.

The application site falls within land identified as Phase 6b of the wider Millbrook Park site (plot CHP and the western part of plot EMP). The Outline Planning Permission allows for these plots to be developed for B1 (business) use and for an energy centre, at building heights of up to 4 storeys.

In terms of the quantum of development, the Outline Planning Permission allows a maximum of 3,470sqm of B1 floorspace in total to be delivered across plots EMP and plots EE, FF, HH, GG (other Phases within the Permission). A plot-by-plot breakdown of this use is not defined on the approved plans/documentation. Therefore, the amount of allowable development (maximum/ minimum) on individual plots is not controlled.

Plot EMP is split between Phase 6a and Phase 6b. Reserved Matters planning consent (ref: 15/03305/RMA) was granted on 25th September 2015 for Phase 6a for 2,935 sqm of B1 floorspace. The quantum of floorspace to be delivered in Phase 6a was led by the future occupier (Barry M Cosmetics) requirements to allow their business sufficient capacity to consolidate their operations in a single location in addition to providing them space to grow.

The grant of this Reserved Matters consent leaves a balance of up to 535 sqm to be provided within the remainder of the developer. It is the applicant's intention supported by the Council that B1 floorspace should be provided both within the Employment Area identified as Phase 6b and also around the public square contained within the future Phase 6 in order to create a mixed use gateway area into the development.

It is noted that the energy centre (minimum 630sqm) is also an essential piece of infrastructure that is necessary to be retained to support the delivery of the outline planning permission on other plots. However, as a result of the aspirations of the outline planning permission, the remainder of land known as Plot EMP would under the parameters of the Outline Consent become redundant land due to the limited quantity of employment land remaining under the Outline Approval.

### **1.5 Description of Proposed Development**

In summary the application seeks outline planning permission (with all matters reserved except access) for:

- Up to 66 residential units (mix of one/two bed flats);
- 700 sq. m of employment (Class B1) uses; and
- 630 sq. m energy centre (to serve the wider Millbrook Park site).

## **1.6 Procedural Considerations**

The proposed development is not in accordance with the outline consent in terms of land uses and development parameters and therefore cannot be taken forward pursuant to the outline consent. Therefore, the appropriate procedure is to apply for a standalone 'drop-in' planning permission. The acceptability in procedural terms of a standalone drop-in application has previously been established on the Millbrook Park site on the School Plot (planning permission ref: H/04386/12). The principle of such an application is therefore acceptable in procedural terms.

However, whilst this application is independent of the outline planning permission (ref: H/04017/09) consideration must be given to this application in context of the outline planning permission.

The application seeks outline planning permission (all matters reserved except access) for mixed-use development (residential, employment and energy centre) for the land known as Phase 6b, independent of the extant outline planning permission.

The documents submitted for approval are as follows:

- Red Line Boundary Plan, identifying the extent of the Application Site (within which development is proposed) and the extent of land within the ownership of the Applicant.
- Parameter Plans (Scale and Movement; and Landscaping) , defining the maximum extent of the proposed routes, spaces and buildings; and
- Outline Development Specification, setting out the type (uses and maximum quantity of development that could be provided (detailed within this Planning Statement).

In addition to the above, a range of other documents were submitted to provide information to assist the determination of the application. A number of these documents make commitments and recommendations in order to make the proposed development acceptable. The documents are as follows:

- Illustrative Masterplan, providing an indication of what the overall proposed development could look like. It is not submitted for approval, but shows one way in which a development of the type and scale proposed might fit within the Specified Parameters for the outline components, for which planning permission is being sought.
- Planning Statement, explaining how the proposed development responds to relevant planning policies. It also sets out why the proposed development is being promoted and what benefits are expected to be delivered from it.

- Design and Access Statement (DAS), explaining the design evolution of the proposed development to inform the illustrative masterplan, as matters that have been reserved for approval at a later date include layout, scale, appearance and landscaping.
- Suite of Technical Reports.

## **2. Planning Appraisal**

### **2.1 Principle of Development**

The outline planning permission (ref: H/04017/09) establishes the principle of the employment and energy centre uses. However, consideration must be given the quantum proposed and the inclusion of residential use proposed by this application.

The outline planning permission permits a maximum of 3,470sqm of B1 floorspace in total across plots EE, FF, HH, GG, and EMP (Contained within Phases 6 and 6b). A plot-by-plot breakdown of this use is not defined on the approved plans/documentation in order to provide flexibility, and therefore, the amount of allowable development (maximum/minimum) on individual plots is not controlled.

Plot EMP is split between Phase 6a and Phase 6b under the outline planning permission. Reserved Matters planning consent (ref: 15/03305/RMA) was granted on 25th September 2015 for the adjacent Phase 6a for 2,935 sqm of B1 floorspace. The quantum of floorspace to be delivered in Phase 6a was driven by the future occupier (Barry M Cosmetics) requirement to allow their business sufficient capacity to consolidate their operations in a single location in addition to providing them space to grow.

The approval this Reserved Matters planning consent for Phase 6a has resulted in a remainder of only 535 sq. m (maximum) being able to be delivered under the outline planning permission. The submitted Planning Statement advises that it is the applicant's intention to provide this remaining balance across plots EE, FF and GG (Within Phase 6) through the creation of a hub within the new centre. If delivered in this way, the remainder of plot EMP (within Phase 6b) would become redundant brownfield land under the outline planning permission.

The applicant considers that this provides an opportunity for development for an alternative use and intensification of the site. The NPPF supports the effective use of land by reusing land that has been previously developed (brownfield land) and the promotion of mixed-use developments to achieve multiple benefits from the use of land, as a core planning principle which should underpin decision taking. Under the outline planning permission, the land would only be used to deliver a CHP which would not constitute an efficient use of the land. Therefore the principle of intensification of the land is supported by the NPPF, Barnet Core Strategy and MHE AAP policy.

#### **Employment Land**

The Council's most recent Employment Land Review was published in 2009. This quantified the amount of additional employment land that would be required in order to meet the borough's job targets. Barnet Core Strategy Policy CS8 allocates sufficient sites (including Mill Hill East) to provide for these assessed needs in full. This reflects London Plan Policy 2.3 identifying Mill Hill East as an opportunity area.

As identified above, the outline planning permission establishes the principle of employment use on the site. However, the outline planning permission sought to

deliver the borough's employment land needs in full in the Mill Hill East area to accommodate 500 jobs. The need for further employment floorspace would need to be supported by market demand or the need to provide further space to deliver the 500 jobs required under the AAP. The applicant has submitted the following information in this regard.

#### *Market Demand*

In terms of market demand, the applicant has previously identified that an occupier on Bittacy Business Park (Barry M Cosmetics) has expressed an interest in expanding its existing light industrial accommodation onto the Millbrook Park Site. This has come forward through the submission of a reserved matters application for Phase 6a (i.e. a location specific demand). This is the only expression of interest that has been sought for this land. Provision to accommodate this demand has been delivered through the grant of reserved matters consent on the Phase 6a land.

The applicant has identified through discussions with agents that prospects of any further interest are considered to be limited due to the resulting space (which can be more than adequately provided for in Plots EE/FF/GG/HH). This is reflected in the evidence that informed the MHE AAP which suggests that demand in this location is likely to be limited owing to its locational constraints.

#### *Job Generation/Economic*

Whilst the applicant is proposing a mixed-use development, the proposals will not lead to a loss of jobs. Existing Council jobs associated with the waste depot site are to be relocated. Notwithstanding this, the Development Plan sets a target for the delivery of 500 jobs at Mill Hill East. This target is set for the MHE AAP area as a whole, not just the Millbrook Park site which takes up around two-thirds of the AAP area. Therefore the Millbrook Park site should be reasonably expected to accommodate its proportional requirement.

Notwithstanding this the Environmental Statement submitted alongside the outline planning permission for the wider Millbrook Park site estimates that around 486 jobs can be supported within the Millbrook Park development, comprising of the following:

- Up to 3,470sqm of B1 floorspace (up to 183 jobs) spread across Plots EMP/EE/FF/GG/HH (as identified above, the western part of Plot EMP proposes to accommodate the majority of this floorspace);
- Home working (210 jobs);
- Retail (47 jobs);
- GP surgery (6 jobs) – this will now not come forward following the recent grant of permission (ref: H/04541/14) for a change of use to residential due to the demonstrated lack of occupier demand for health use; and
- School (40 jobs).

In addition, the applicant has identified further reasonably significant further sources of employment coming forward in the AAP that were not anticipated by the Environmental Statement at the time the outline planning permission was granted, including:

- The enlargement of the school (+ 20 jobs);

- Expansion of IBSA House;
- Additional home working opportunities (associated with additional housing associated with these revised plans) (+9 jobs);
- Potential redevelopment and/or intensification of Bittacy Business Park); and
- Commercial development in/around the tube station.

While some of the potential job generating opportunities may or may not materialise on balance it is considered that the applicant has demonstrated that there is a likelihood of the MHE AAP target being exceeded over the plan period, which suggests that not all of the site contained within Phase 6b will need to be developed for employment purposes in order to achieve this target.

#### *Proposed Accommodation*

Notwithstanding the identified likelihood that the MHE AAP target of 500 jobs will be exceeded over the plan period, the applicant recognises the aspirations associated with this opportunity area and the clear support in principle to exceed job creation and housing delivery targets.

In terms of employment provision, the application proposes the provision of up to 700 sq. m of employment (B1) floorspace in the interests of creating mixed and balanced communities and providing flexibility to accommodate potential future demand.

#### Proposed Residential Use

##### *Site Suitability, Availability and Viability*

There are no obvious infrastructure capacity constraints or physical constraints to development. Key development management issues include the relationship with the adjacent Green Belt (including the Scout camp) and the need to ensure a satisfactory level of residential amenity for future occupiers (bearing in mind the adjacent industrial uses and the Scout camp). The application is for outline planning permission with all matters reserved except access. Should the application be approved, further details would need to be provided as part of any future reserved matters application for the site including the detailed design and specifications of the development.

The site is expected to become available for development from 2016 and the landowner considers residential-led mixed use development to be viable. This provides an opportunity to deliver new housing (alongside jobs) in the short term.

The London Plan requires 22,250 new homes to be delivered in the period 2011-2021, based on an annual monitoring target of 2,255 dwellings per annum. These housing targets for the borough have since been increased following the publication of the London Plan (2015).

For Mill Hill East, this means that housing supply targets set out in the MHE AAP (Policies MHE1/MHE2) and Core Strategy Policy CS3 are not to be treated as maximums. Instead, the matter of amount/quantum should be determined having regard to the NPPF's aim of significantly boosting the supply of housing and optimising the potential of sites, in the context of general development management

policies in regards to appropriate scale and the impact of the development on local infrastructure.

Accordingly, the principle of exceeding the development plan target for 2,660 dwellings at Mill Hill East through the mixed-use residential development of this site is acceptable in planning terms subject to the detailed consideration below.

## **2.2 Amount of Development**

### Residential Amount (Density) and Mix

As part of a mixed use development, this outline application seeks planning permission for up to 66 new units, comprising a mix of 22 x 1-bed/2person units and 44 x 2-bed/4person units. The proposed mix is considered to make efficient use of the site and is appropriate for the location (south of the wider Millbrook Park site) in close proximity to Mill Hill East London Underground station.

#### Density

It is noted that the parameter plans approved by the outline planning permission permitted development up to 3-4 storeys (12-15m) in height across Plots EMP and CHP. The proposed scale of the development seeks a reflection of the adjacent Phase 6 (Plot GG) which under the outline planning permission allows for development up to 6 storeys in height (20m).

The London Plan Policy 3.4 seeks to optimise housing potential. It states that development should take account of local context and character, design principles and public transport capacity to optimise housing output in line with the relevant density range set out in Table 3.2 (Sustainable residential quality density matrix). Table 3.2 identifies the appropriate density ranges based on the setting and public transport accessibility level (PTAL).

The site has a PTAL rating of 2/3 and is located within a urban setting, as defined by the London Plan and Local Policy DM01, being located in an area of mix of uses and medium building footprints ranging in storey heights.

It is proposed to provide a mix of 1 and 2 bed units. With detailed matters reserved, the number of habitable rooms is currently unknown. However, the proposed density is in keeping with the existing approved context which comprises buildings up to 4 and 6 storeys to the west (Phase 6) and 3 commercial storeys to the east (Phase 6a).

The development seeks planning permission for up to 66 dwellings across the 0.42ha site. This equates to approximately 157 u/ha. These figures are within the identified ranges for a site with this PTAL and setting, being 45-175 u/ha. The scheme is comfortably within the range for units in keeping with the principles of sustainable development and making best use of this brownfield site. The proposed densities accord with London Plan policy by optimising land for a new sustainable residential development whilst respecting the local context and character.

## Housing Mix

The development proposed under this application is in the form of 1 and 2 bed units which does not strictly comply with Policy CS4 and DM08, which identifies 4 beds as the highest priority and 3 beds as a medium priority, account needs to be taken of the wider Outline Planning Permission for Millbrook Park Site. This consent envisages the provision of 240 three bed units, 239 four bed units and 38 five bed units. The layout of the development maximises the provision of the majority of houses and hence larger units within the northern part of the site, with an increase in density and linked decrease in habitable rooms numbers towards the southern part of the site including the station. In this context the balance of accommodation provided in this site is considered acceptable.

## Affordable Housing

The scheme proposes 40% affordable housing on the basis of a 60% social rented and 40% intermediate split in accordance with Core Strategy Policy CS4 and Development Management Policy DM10. A full breakdown of the proposed housing mix is outlined in the table below.

	<b>Private</b>	<b>Intermediate</b>	<b>Rent</b>	<b>Total</b>
<b>1 bed flat</b>	12	5	5	22
<b>2 bed flat</b>	27	6	10	44
<b>Total</b>	<b>40</b>	<b>11</b>	<b>15</b>	<b>66</b>

## Employment

The grant of the Reserved Matters consent for Phase 6a left a balance of up to 535 sq. m. to be provided within future phases including this phase. This application proposes 700 sq. m of B1 employment space leaving the 535 sq. m balance under the Outline Planning Permission available for delivery around the future Public Square. Therefore, the application will result in an uplift of 700 sq. m. This additional employment floorspace will result in direct/indirect job creation which is supported by the strategic policies of the NPPF, Barnet Core Strategy and MHE AAP.

## CHP

The outline planning permission (ref: H/04017/09) establishes the principle of a 630 sq. m energy centre use. This outline application proposes to locate the energy centre use within the basement in accordance with the principle of sustainable development which complies with the NPPF and Barnet Local Plan policy.

## **2.3 Scale**

Whilst regard should be had to the outline planning permission as a material consideration, as a standalone application, the scale is not controlled by the parameters set by the outline planning permission.



It is noted that the parameter plans approved by the outline planning permission permitted development up to 3-4 storeys (12-15m) in height across Plots EMP and CHP. The remainder of Plot EMP which falls under Phase 6a to the east allows development up to 3 storeys (15m noting its commercial nature). The adjacent Phase 6a Reserved Matters planning permission permitted 3 commercial storeys of 13m in height along the front of the building, with a setback stacking area increasing to 15m in height.

Phase 6 (Plot GG) which is located adjacent to the application site to the west allows for development up to 6 storeys in height (20m).

Parameter Plan 'Scale and Movement' which is sought for approval under this application outlines the development zones within which buildings would be located. Two development zones are proposed. The smaller development zone located to in the north eastern corner of the site adjacent to Phase 6a seeks planning permission up to 4 storeys in height. The second development zone located spanning from east to west in the southern part of the site seeks planning permission for up to 6 storeys in height. It is noted that each storey would be on the basis of a maximum 4.5m ground to first floor and 3m on all upper floors. Therefore, the maximum height of the building would be 20m when measured immediately from the ground.

The justification provided by the applicant is that the proposed development would continue to maintain a good relationship to Phase 6, creating visual interest in the range of heights, allowing for a stepping down of Phase 6a (Barry M) towards Frith Lane. On balance it is considered that the density proposed under this development is appropriate in this context. While the comments from the Mill Hill Preservation Society are noted, it is considered that the development can accommodate an increased height over and above the parameters approved in the Outline Planning Permission in regards to the site adjoining Phase 6 which allows for a maximum of 6 storeys. The approval of this parameter plan does not necessarily mean that the development can always be built up to the maximum in its entirety as it will be up to any future reserved matters application to work up the detailed design and demonstrate that the massing of the proposal is appropriate.

## **2.4 Layout**

The siting and plan form of the buildings ensures that there is good demarcation between the public and semi-private realm and a strong frontage to the proposed vehicular and pedestrian access street.

Vehicular and pedestrian access to the apartments, B1 employment/commercial building and CHP, including all associated car & cycle parking and visitor parking, will be provided by extending the secondary street from Phase 6 to the north west of the application site.

The illustrative site layout shows how a shared surface street providing access to a landscaped court could be incorporated with a turning head and visitor parking. A ramp along the northern edge provides access to the parking and CHP located at basement level.

The parameter plans provide for a shared landscaped amenity space (approx. 400m<sup>2</sup>) between the two residential buildings (Blocks A & B) which is open to the south for good sunlight and amenity. Additional amenity is proposed in a semi-private garden area along the south frontages of Blocks A and B. Both these areas have good surveillance from the adjacent apartments.

The existing belt of mature trees along the north boundary will be preserved and reinforced if necessary to maintain privacy to the north. This is discussed further below.

## **2.5 Appearance**

The application is for outline planning permission with appearance being reserved for approval at a later date.

## **2.6 Amenities of Future Occupants**

The proposed residential uses are noise sensitive receptors. However, appropriate internal noise levels for the residential units can be achieved through the inclusion of mitigation measures as confirmed by the applicant's noise assessment and is safeguarded by Planning Conditions.

While the application is in Outline Form only, the indicative layout plans submitted with the Design and Access Statement demonstrate that the proposal can incorporate dual aspect units resulting in an adequate standard of outlook. It is also a requirement that any future scheme complies with both the London Plan and National Space standards in relation to both room sizes and private and communal amenity areas.

## **2.7 Impacts on amenities of neighbouring and surrounding occupiers and users**

### Properties on Frith Lane

The closest properties are located either 400m to the north or 137m to the south on the opposite side of the railway track, due to this distance separation it is not considered that the proposal would adversely affect the amenities of neighbouring residents in these locations.

### Scout Camp

The site adjoins the scout camp which is located immediately to the north. Whilst this application is for outline planning permission, the applicant's Arboricultural Implications Assessment confirms that the site can accommodate the proposed development without negatively impacting upon trees. Therefore, the proposed development will be screened by existing mature trees along the boundary and would be of limited visibility when viewed from the scout camp, particularly during the summer months when this facility is likely to be in greater use.

The building contains limited windows on this elevation to minimise the loss of privacy. In relation to noise and disturbance, whilst the proposed occupier of the employment use is unknown, it is likely that normal hours of operation will occur

Monday to Friday. Given that the scout camp is more likely to be in use in the evening or weekends, it is not considered that the relationship would result in significant noise and disturbance problems. It is noted that the future residential use would create a new noise sensitive receptor. Therefore, the application has been accompanied by a noise assessment which the Environmental Health Officer has examined and confirmed that anticipated noise levels would be within permitted levels.

#### Phase 6a

Reserved Matters planning permission for Phase 6a has been granted to allow Barry M Cosmetics future relocation to new premises. As part of the determination of that planning permission, Barry M Cosmetics hours of operation were identified as Monday to Friday 9 – 5, which would not conflict with the proposed employment or residential uses.

#### Bittacy Hill Business Park

Other commercial uses, including the current site used by Barry M are located immediately to the south of the site, due to the nature of the use of these buildings which is in part similar to that proposed under this planning application. Therefore, it is not considered that the proposal would adversely impact upon the occupiers of these premises.

#### Future Phases

In assessing any future scheme for the adjoining site, one of the considerations will be to ensure that the layout and design of a scheme does not prejudice any existing land uses and incorporates appropriate mitigations measures. On this basis it is not considered that the proposal would adversely impact upon the amenities of occupiers of units in future phases.

## **2.8 Transport, parking and highways matters**

### Access

Vehicular and pedestrian access to the apartments, B1 employment/commercial building and CHP, including all associated car & cycle parking and visitor parking, will be provided by extending the secondary street from Phase 6 to the north west of the application site. This in turn accesses via the internal Millbrook Park Road network to the west via which access is possible to Bittacy Hill and Frith Lane. The proposed access is considered appropriate and would help to avoid future conflict between the adjoining use at 6a.

### Trip Generation:

The addition of these residential units and the intensification of commercial land use will result in an additional 22 AM Peak Hour trips (a 4.5% increase on consented development total trips) and 17 additional PM Peak Hour trips (a 5.5% increase). The additional trips equate to just a 0.5% AM Peak Hour and 0.4% PM Peak Hour increase in traffic flows on roads in the immediate vicinity of the site. Therefore the

proposed intensification is unlikely to have and significant detrimental impact on the surrounding highway network.

Parking provision:

The existing outline permission for the development was approved with the following average parking allocation.

For 1bedroom units = provision of 1.0 parking space per unit

For 2bedroom units = provision of 1.0 parking space per unit

For 3bedroom units = provision of 1.2 parking space per unit

For 4bedroom units = provision of 2.0 parking space per unit

The table below shows the parking requirement for the proposed development.

No. of units	Types	Parking Ratio	Parking Req.
22	1b	1.0	22
44	2/3b	1.0	44
Total			<b>66</b>

No breakdown has been provided between the proposed 2 bedroom units and the 3 bedroom units. However, a total of 81 parking spaces are proposed comprising 71 parking spaces for the proposed residential use and 10 parking spaces for the proposed commercial use. The parking provision is therefore in accordance with the agreed parking standards stated above.

Sustainable Travel

The submitted car parking plans show that 26 parking spaces are being provided with Electrical Vehicle Charging Points (ECVP) comprising 20% Active and 20% Passive ECVPs in accordance with London Plan Parking Standards. 10% of the parking spaces will be provided for the disabled users. This is considered acceptable in accordance with Policy Requirements.

The site is also located a short distance from Mill Hill East Underground Station 250m and local bus services running along Bittacy Hill and Frith Lane and as such is accessible by means other than private motor vehicle.

#### Cycle parking Provision:

A total of 66 long-stay cycle parking spaces and two short-stay cycle parking spaces will be provided. This is considered acceptable in accordance with Policy Requirements.

#### Travel plan:

The submitted transport statement advises that the residential and commercial elements of the scheme will connect to and feed into the relevant residential and commercial travel plans developed pursuant to the Outline Planning Permission. While this approach is supported, as this is a stand alone application, it is necessary to reattach conditions requiring the applicant to resubmit a residential and commercial travel plan for the Council's Approval. It is anticipated that the submitted travel plans will confirm that the scheme will operate in conjunction with the Travel Plans for the wider Millbrook Park Site.

#### Street lighting

The provision of adequate and well designed lighting will influence potential criminal behaviour and should help to reduce the risk of crime and fear of crime for those people living and visiting within this latest phase of the Mill Hill East development.

A condition is suggested requiring the provision of a detailed lighting plan including lux lines prior to the commencement of development for this phase. Similar Conditions were attached in relation to other phases of development within the Millbrook Park Development.

### **2.9 Landscaping/Trees**

#### Trees

There are a total of 14 trees on site none of which are Category A, however three are Category B, and 11 are Category C. The majority of these trees are located along the boundary of the site with the Scout camp to the north.

Development Management Policy DM01 requires proposals to be well laid out in terms of landscaping. Whilst the detailed landscaping of the future development would form part of the a Reserved Matters controlled by the LPA, Policy DM01 still requires trees should be safeguarded, or where felled require replanting as

appropriate. The applicant's Arboricultural Impact Assessment confirms that the site can accommodate the proposed development without negatively impacting upon trees and will provide adequate areas of landscaping to provide for additional planting. Therefore, the development complies with the requirements of Development Management Policy DM01.

#### Maintenance

As landscaping is a reserved matter, the application submission provides limited details of post planting management of landscaped areas. Suitable conditions are attached requiring the submission and approval of a landscape management plan including specifications for replacement planting if necessary and identifying site specific management requirements for establishment period (years 1-5) and management beyond.

#### Hard areas

The application has not specified the materials to be used for hard surfaced areas a suitable condition requiring details to be submitted and agreed has been attached.

### **2.10 Environmental Issues (Air Quality and Noise and Energy)**

#### Air Quality

The application is accompanied by an air quality assessment. The assessment identifies that the main potential impact concerns the proposed energy centre which is required under the parameters of the Outline Planning Consent. Following comments received from the Council's Environmental Health Officer, further information has been received from the applicant concerning the specification of the energy centre. Any further comments from the Council's Environmental Health Officer will be reported in the Addendum.

#### Noise

The application is accompanied by a noise assessment which demonstrates that the development would not result in any significant increase in traffic noise levels when measured from adjoining residential properties. The application proposes various measures to ensure that the internal ambient noise levels are at an appropriate level including through the use of wall ventilation rather than trickle vents and through restrictions on plant noise. All of these matters are also covered by condition as detailed measures will be a matter for a future reserved matters application.

#### Energy

The application is accompanied by an energy and sustainability statement which advises that the development will adhere to the principles of the Energy Strategy approved for the wider Millbrook Park development and it is expected the development will achieve a 40% reduction in Co2 levels over the building regulations Part L 2013. This is considered acceptable.

### **2.11 Planning Obligations and CIL**

## S106

As the application includes the provision of affordable housing it is necessary for the applicant to enter into a S106 agreement covering the cost of preparing the agreement and in order to ensure the delivery of the following affordable housing units:

### Affordable Rented

6 x 1 bed flats

10 x 2 bed flats

### Intermediate Housing

5 x 1 bed flats

6 x 2 bed flats

As the application will sit alongside the wider consent for the remainder of Millbrook Park, no additional monitoring fees are required as it is considered that the payments in connection with this agreement are sufficient for on-going monitoring costs.

### Barnet Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

Barnet Council is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in The London Borough of Barnet. Barnet Council adopted a CIL charge on 1st May 2013. This set a rate of £135 per square metre on residential and retail development within the borough. All other uses and undercroft car parking areas are exempt from this charge.

The calculation of the Barnet CIL payment is based on the floor areas of the residential elements of the development (except for any potential undercroft car parking areas). As the application is in outline form any Barnet CIL charges would be made following any reserved matters approval. Once received any payments made under the Barnet CIL would be potentially available to deliver infrastructure (for example new educational facilities) needed to support the development proposed.

### Mayoral Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

The Mayor of London is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in Greater London. The Mayor of London adopted a CIL charge on 1<sup>st</sup> April 2012. This set a rate of £35 per square metre on all forms of development in Barnet, except that which is for education and health purposes (which are exempt from this charge).

The calculation of the Mayoral CIL payment is carried out on the basis of the floor areas of the residential and other elements of the development (except for potential education and health uses in the scheme). As the application is in outline form any Mayoral CIL charges would be made following any reserved matters approval.

### **3. EQUALITIES AND DIVERSITY ISSUES**

Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> 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 the proposed development would not conflict with the Council’s statutory duty under this legislation, the Council’s Equalities Policy or the commitments set out in Barnet’s Equality Scheme.

### **4. CONCLUSION**

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 Mayor’s London Plan and the Barnet



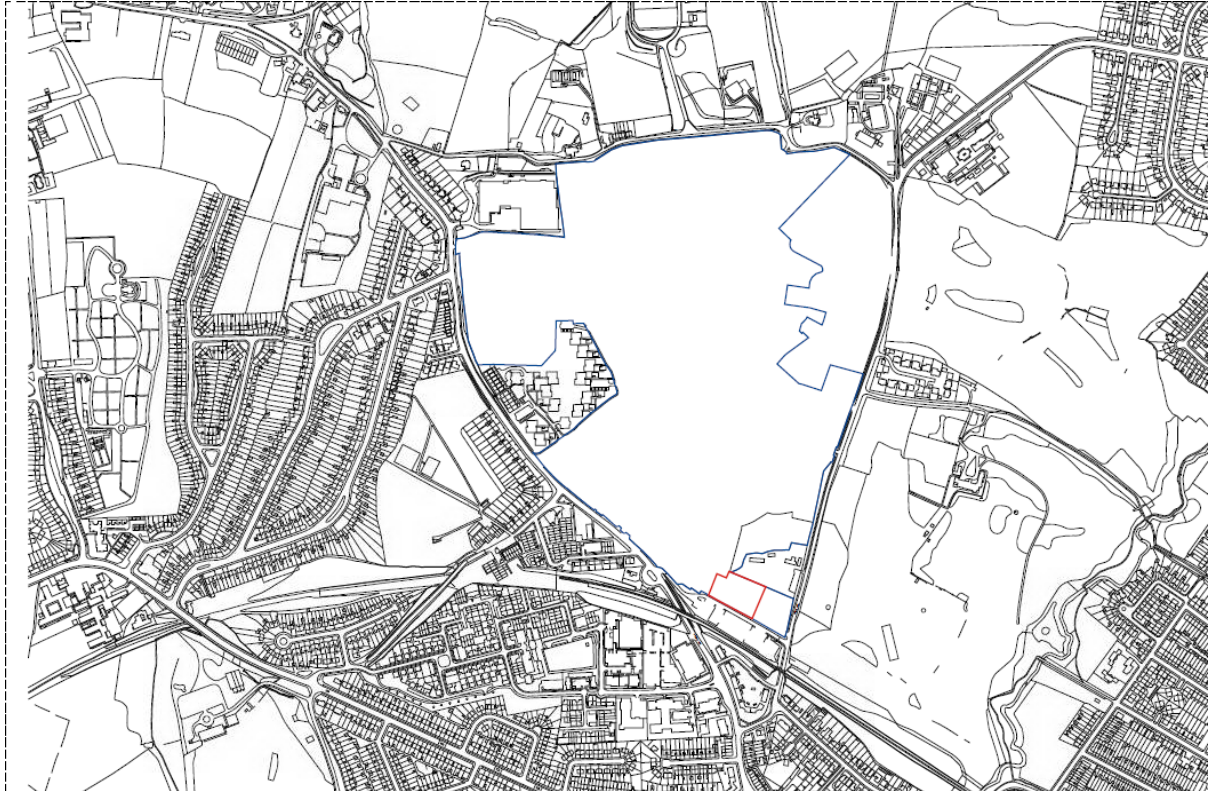
Local Plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

The principle of varying the provisions of the Outline Planning Approval are considered acceptable, providing welcomed additional employment space and residential accommodation in particular affordable housing. The proposal is considered acceptable in terms of scale, layout and use and is not considered to adversely impact upon local infrastructure or the highway network.

The application is therefore recommended for approval subject to the applicant entering into a S106 agreement and compliance with the attached conditions.

**SITE LOCATION PLAN: Phase 6b, Millbrook Park (former Inglis Barracks),  
Mill Hill East, London, NW7 1SJ**

**REFERENCE: 15/06417/OUT**



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.