

DELEGATED POWERS REPORT NO.

1678

SUBJECT: Mill Hill EastInglis Barracks - Highways Performance Agreement

Control sheet

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to the Governance Service for publishing

All reports		
1. Governance Service receive draft report	Name of GSO Date	Paul Frost 23 rd March 12
2. Governance Service cleared draft report as being constitutionally appropriate	Name of GSO Date	Paul Frost 23 rd March 12
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Jane Fitzgerald 21 st March 12
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	Manjit Lall 20 th March 12
5. Strategic Procurement clearance obtained (<i>report author to complete</i>)	Name of SPO Date	n/a
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Tobenna Erojikwe 12 th April 12
7. Policy & Partnerships clearance obtained (<i>report author to complete</i>)	Name of P&P officer Date	Andrew Nathan 16 th March 12
8. Equalities & Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Andrew Nathan 16 th March 12
9. The above process has been checked and verified by Director, Head of Service or Deputy	Name Date	Declan Hoare 13 th March 12
10. Signed & dated report, scanned or hard copy received by Governance Service for publishing	Name of GSO Date	Paul Frost 23 April 2012
11. Report published by Governance Service to website	Name of GSO Date	Paul Frost 21 May 2012
12. Head of Service informed report is published	Name of GSO Date	Paul Frost 21 May 2012
13. Expiry of call-in period	Date	n/a
14. Report circulated for call-in purposes to Business Management OSC members & copied to Cabinet Members & Head of Service	Name of GSO Date	n/a

ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER (EXECUTIVE FUNCTION)

Subject **PERFORMANCE AGREEMENT(HIGHWAY ELEMENTS) –
MILL HILL EAST / INGLIS BARRACKS**

**Officer taking
decision** Interim Director for Environment Planning and Regeneration

Date of decision 23 May 2012

Summary	This report seeks approval to proceed with a Performance Agreement for the next stage of the Mill Hill East Development (Inglis Barracks) Site
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Officer Contributors Mervyn Bartlett – Transport and Regeneration Manager
Gangan Pillai – Traffic and Development Manager

Status (public or exempt) Public

Wards affected Mill Hill

Enclosures

**Reason for exemption from
call-in (if appropriate)** Not applicable

Contact for further information: Mervyn Bartlett 0208 359 3052 or Gangan Pillai 0208 359 3044

Serial No. 1678

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Outline planning consent for the Inglis Barracks Planning Application was granted on 22nd September 2011 by the Planning and Environment Committee. This application was for the comprehensive redevelopment of the site for a residential led mixed use scheme to provide 2,174 dwellings, a primary school and a range of other uses including employment and 'High Street' uses. Planning permission was granted subject to 98 conditions.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Mill Hill East Area has been designated as an Area of Intensification in the London Plan. The redevelopment of Mill Hill East is one of the Council's Key projects which will provide more than 2,000 homes and 500 jobs over the next ten years. The project will support the 'Successful London Suburb' initiative by delivering homes, jobs and a new primary school in a new suburban quarter for Barnet.

3. RISK MANAGEMENT ISSUES

- 3.1 This agreement is required in order to deal with the timely discharge of a number of highway aspects of planning conditions and pre-application discussions in relation to reserved matters applications to allow the Inglis Barracks development to commence on site. The agreement will also cover the highways approval process such as those required for the adoption of new roads. The Council's in house highways team is not resourced at a level to provide the timely and comprehensive advice and assistance required by the developers unless an additional temporary senior highways officer is employed. Without this support there is a risk to the delivery of the project.
- 3.2 The appointment of a temporary senior highways officer (fully funded by the applicant) will ensure that comprehensive and timely advice is provided to meet the applicants' timescale.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 This agreement will not give rise to any specific equalities and diversity issues.
- 4.2 The involvement of local people and community groups during the design process has enabled the diverse needs of existing and future residents to be met in the master plan.
- 4.3 All of the new housing in the development will be built to 'Lifetime Homes' standards (where applicable) and 10% of the properties will be wheelchair accessible or easily adaptable for residents who are wheelchair users. This fully accords with London Plan Policy 3A.4 and AAP policy MHE2.
- 4.4 The site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site. Where funding allows all new public transport facilities and buildings to be used by the public will be fully accessible.

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

- 5.1 This agreement is to cover the additional cost of employing a temporary senior highways officer and their supervision by a Principal Highways Officer at a cost of £7000 per month (funded by the applicant) for an initial duration of six months with the possibility of an extension up to one year. The applicant will also fund any other additional incidental costs in preparing the performance agreement.
- 5.2 The costs of the appointment of the temporary senior highways officer and their supervision by an existing highways officer are being underwritten by the Developers (Inglis Consortium) and there are no staffing, ICT or property implications arising from this appointment. The costs take into account that various highway fees and charges will be due to the Council which normally contributes to funding staff resources. In this instance however additional staff costs will be incurred due to the requirement to recruit temporary staffs which are more expensive than permanent staff.

6. LEGAL ISSUES

- 6.1 The White Paper, (2007) Planning for a Sustainable Future introduced Planning Performance Agreements (PPA) to put into place a more effective and collaborative mechanism for handling complex planning applications. Although it has no statutory framework (provided Developers and LPAs operate within the restrictions of Local Authority Finance), it allows both the developer and Local Planning Authority (LPA) to agree a project plan and programme which will include the resources necessary to process the planning application to a firm timetable. It gives certainty on timescales, costs or supporting evidence from experts. It is another stage in the Government's drive to reform the planning system. The proposed Agreement that is the subject of this report, relates to highway aspects of planning conditions and pre-application discussions in relation to reserved matters applications to allow the Inglis Barracks development to commence on site, as well as other highways issues incidental thereto. The proposed Agreement will therefore be an Agreement between the Developer and the Local Highway Authority and the same principles that are adopted for Planning Performance Agreements will apply.
- 6.2 Section 93 of the Local Government Act 2003 gives Local Authorities the power to charge for discretionary Services, provided that has the power but not the statutory duty to provide the service and the recipient agrees to the provision of the service. In exercising the power to charge for discretionary services, the authority has the duty to ensure that income received does not exceed the cost of providing the service.

7. CONSTITUTIONAL POWERS

- 7.1 Constitution, Part 3, Responsibility for Functions, Section 6 Powers delegated to officers, paragraph 6.1 – Chief Officers can in respect of operational matters within the Chief Officer's sphere of managerial responsibility take decisions to authorise and accept quotations for contracts to the limits placed on Chief Officers by Contract Procedure Rules for approved schemes with sufficient estimate provision.

8. BACKGROUND INFORMATION

- 8.1 The London Borough of Barnet issued outline consent for the Inglis Barracks Development on the 22nd September 2011.
- 8.2 There are a number of complex pre-commencement and other planning conditions that need to be discharged before the development can start on site. In addition, the developer wishes to progress detailed Reserved Matter pre-applications in relation to a number of phases of the development and obtain timely approval for the associated highway layouts.
- 8.3 The applicant has developed a business plan and programme which requires these applications to be dealt with in a very tight timescale. In order to meet these timescales the applicant is willing to enter into a Performance Agreement (PA) to fund the cost of a dedicated senior highways officer to deal with this work.
- 8.4 Existing highways staffs are fully employed highways officers dealing with existing work and could not guarantee to meet the exceptionally short timescales required in respect of these complex planning matters. A senior highways officer will be required on a temporary basis to fulfil the terms of this Highways Performance Agreement.
- 8.5 The applicant has agreed to fund the costs of the Senior Highways Officer and the supervision up to a maximum of £7000 per month.
- 8.6 The agreed rates for the Officers are set out in the attached draft Highways Performance Agreement. The Senior Highways Officer will be obtained through the LBB Temp Desk.

9. LIST OF BACKGROUND PAPERS

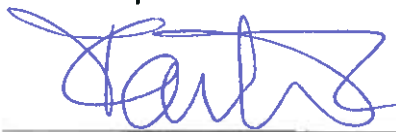
- 9.1 Inglis Barracks Planning Application H/04017/09
- 9.2 Any person wishing to inspect the background papers listed above should telephone Mervyn Bartlett on 0208 359 3052 or Gangan Pillai on 0208 359 3044

10. OFFICER'S DECISION

I authorise the following action:

- 10.1 The entry into a Performance Agreement with Inglis Consortium in respect of the matters set out in this report.

Signed



Pam Wharfe

**Interim Director for Environment Planning and
Regeneration**

Date

20/4/12