

LOCATION: Phase 6b, Millbrook Park (Former Inglis Barracks) NW7 1PX

REFERENCE: 19/5827/FUL

Received: 30 October 2019

WARD(S): Mill Hill

Accepted: 30 October 2019

Expiry: 29 January 2020

APPLICANT: Poly UK

PROPOSAL: Full Planning Permission for Phase 6B, associated with the Millbrook Park development, for the erection of 2 linked buildings 6 storeys in height comprising 82 residential units (Use Class C3), 615sqm (GIA) of employment space (Use Class B1), together with associated plant, car parking, cycle parking, refuse stores, servicing areas and associated hard and soft 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 27 affordable housing units (including full nomination rights on these units) on the site in accordance with the following mix:-

Affordable Rented

10 x 2 bed flats

4 x 3 bed flats

Intermediate Housing

6 x 1 bed flats

7 x 2 bed flats

iv. Carbon Off Set Payment

Payment of the sum of Thirty Nine Thousand Five Hundred and Thirty Two Pounds (£39,531) index-linked as a contribution to ensure that the residential component of the Development achieves net zero carbon dioxide emissions;

Recommendation 2:

That subject to the completion of the agreement specified in Recommendation 1, the Committee grants delegated authority to the Service Director Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions as set out in this report and addendum

provided this authority shall be exercised after consultation with the Chairman (or in his/her absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

Conditions

Time Limit

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

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

Approved Plans

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

Application Drawings

Block JJ General Arrangement - Ground Floor – C413MPJ-CTA-JJ-00DR-A-07001-P1

Block JJ Tenure Plans 6B Tenure Plan - Ground Level – C413MPJ-CTA-JJ-00-DR-A-07081-P1

Block JJ General Arrangement Level - 01 – C413MPJ-CTA-JJ-01-DR-A-07002-P2

Block JJ Tenure Plans 6B Tenure Plan Level - 01 – C413MPJ-CTA-JJ-01-DR-A-07082-P1

Block JJ General Arrangement - Level 01 – C413MPJ-CTA-JJ-02-DR-A-07003-P1

Block JJ Tenure Plans 6B Tenure Plan - Level 01 – C413MPJ-CTA-JJ-02-DR-A-07083-P1

Block JJ General Arrangement - Level 03 – C413MPJ-CTA-JJ-03-DR-A-07004-P1

Block JJ Tenure Plans 6B Tenure Plan - Level 03 – C413MPJ-CTA-JJ-03-DR-A-07084-P1

Block JJ General Arrangement - Level 04 – C413MPJ-CTA-JJ-04-DR-A-07005-P1

Block JJ Tenure Plans 6B Tenure Plan - Level 04 – C413MPJ-CTA-JJ-04-DR-A-07085-P1

Block JJ General Arrangement - Level 05 – C413MPJ-CTA-JJ-05-DR-A-07006-P2

Block JJ Tenure Plans 6B Tenure Plan - Level 05 – C413MPJ-CTA-JJ-05-DR-A-07086-P1

Block JJ General Arrangement - Roof Level – C413MPJ-CTA-JJ-07-DR-A-07007-P1

Block JJ General Arrangement - Lower Ground Level - C413MPJ-CTA-JJ-LG-DR-A-07000-P1

Block JJ Tenure Plans 6B Tenure Plan - Lower Ground Level - C413MPJ-CTA-JJ-LG-DR-A-07080-P1

Block JJ General Arrangement Elevation - AA', BB', CC' – C413MPJ-CTA-JJ-ZZ-DR-A-07030-P1

Block JJ General Arrangement Elevation - DD', EE', FF' – C413MPJ-CTA-JJ-ZZ-DR-A-07031-P1

Block JJ General Arrangement Section - AA BB CC – C413MPJ-CTA-JJ-ZZ-DR-A-07050-P1

Block JJ Bay Studies Typical Bay Study 01 – C413MPJ-CTA-JJ-ZZ-DR-A-07051-P1

Block JJ Bay Studies Typical Bay Study 02 – C413MPJ-CTA-JJ-ZZ-DR-A-07052-P1
Block JJ Bay Studies Typical Bay Study 03 – C413MPJ-CTA-JJ-ZZ-DR-A-07053-P1
Block JJ1 General Arrangement Typical Apt Layout – C413MPJ-CTA-JJ-ZZ-DR-A-07060-P2
Block JJ2 General Arrangement Typical Apt Layouts – C413MPJ-CTA-JJ-ZZ-DR-A-07061-P1
Block JJ3 General Arrangement Typical Apt Layouts – C413MPJ-CTA-JJ-ZZ-DR-A-07062-P1
Phase 6B Site Plan – C413MPJ-CTA-XX-ZZ-DR-A-07100-P1
Phase 6B Site Sections – C413MPJ-CTA-XX-ZZ-DR-A-07150-P1
Landscape Tree Planting Plan Phase 6B – TOWN686(08)5002-R05
Courtyard Section Block JJ Phase 6B – TOWN686(08)7004-R04
Courtyard Section Block JJ Phase 6B Sheet 2 – TOWN686(08)7005-R00

Application Documents

Design & Access Statement (including Landscape), prepared by CT;
Landscape Statement (Incl. within DAS), prepared by TLA;
Comparative Document, prepared by CT;
Ecological Appraisal, prepared by Buro Happold Engineering (BH);
Sustainability Statement Prepared by BH;
Energy Statement, prepared by BH;
Drainage Statement , prepared by BH;
Operational Waste Management Strategy, prepared by BH;
Transport Assessment, prepared by BH;
Acoustics Report, prepared by BH;
Air Quality Assessment Technical Note, prepared by BH;
Geoenvironmental & Geotechnical Desk Study, prepared by BH;
Ground Engineering Interpretive Report & Remediation Method Strategy, prepared by BH;
Overshadowing Statement, prepared by Avison Young (AY);
Letter from Thomson Environmental Consultants dated 19th December 2019;
Thomson Ecology Arboricultural report and method statement ref: V-BHE-107-005-001 dated November 2018;
Letter from Avison Young dated 19 December 2019.

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.

Internal Space Standards

3. All 82 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 (2016).

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 (2016).

Wheelchair Homes

4. 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 (2016).

Hours of Construction

5. 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

6. Prior to occupation of the relevant phase of the development hereby approved, an External Lighting Assessment of lighting proposed within that Development Phase shall be submitted to and approved in writing by the Local Planning Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant phase.

Reason: To ensure the development provides adequate amenities of the future occupiers of the proposed dwellings and to accord with policy DM01 of the Barnet Local Plan and to mitigate the impact to species including bats in accordance with policies CS7 and DM16.

Materials for External Surfaces of Buildings

7. Prior to the commencement of above ground works, 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

8. Prior to the commencement of development, other than for ground works, site preparation or remediation, 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 2016.

Contaminated Land – Method Statement

9. 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 any verification report(s) 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

10. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement approved under condition 9 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.

BREEAM Standard for Non Residential

11. 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

12. A crime prevention strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the 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).

Detailed Surface Water Drainage Scheme

13. No above ground works shall be undertaken 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.

Off Site Drainage Works

14. No above ground works shall be undertaken 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

15. 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

16. 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 Parking

17. Before the relevant plot of the development hereby permitted is occupied the associated car parking space(s) shown on the plans hereby approved shall be provided 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.

Electric Charging Points

18. 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

19. Before the relevant plot of the development hereby permitted is occupied the associated cycle parking and cycle storage facilities shall be installed in accordance with the approved plans and such spaces shall be permanently retained 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.

Refuse Storage

20. Details of proposed refuse collection facilities and arrangements must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

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

21. 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, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. 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;
 - iv. 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;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. 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;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. 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

22. Before the commercial 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.

Residential Travel Plan

23. 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

24. 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.

Hard and Soft Landscaping

25. a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees 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 in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

Tree Protection Plan

26. a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement

detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

Excavation and Underground Services

27. Prior to the any works taking place within the root protection areas of any retained trees, plans showing the 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 2016.

Tree Works Specification

28. a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

Landscape Management Plan

29. a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas (including the proposed living fence) for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- No Excavation Northern Boundary**
30. Notwithstanding the plans hereby approved, no excavations or installations other than the boundary fence shall be carried out within 1.2m of the boundary with the scout camp on the north edge of the development.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

Boundary Treatment

31. a) The site shall not be brought into use or first occupied until details of the means of enclosure, including proposed levels and boundary treatments on the interface of Plot and the Scout camp, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Biodiversity Enhancements

32. The development shall not be occupied until details comprising a scheme of measures to enhance and promote biodiversity shall be submitted 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.

Balcony Screening

33. Before development hereby permitted is occupied, details of the proposed balconies including details of privacy panels where considered necessary by the Local Planning Authority shall be submitted and approved by the Local Planning Authority. The panels shall be provided in accordance with the approved details prior to the occupation of the development and retained as such thereafter.

Reason: In the interest of residential amenity in accordance with Policies CS5 of the Core Strategy (2012) and DM01 of the Development Management Policies (2012).

Air Quality Neutral

34. Prior to the commencement of any above ground works, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

Acoustic Mitigation measures

35. The measures as detailed within Millbrook Park Phase 6B Full Planning Application Stage 2 Acoustics Report dated 25 October 2019 Revision P02 by Buro Happold Engineering shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2016.

RESTRICT NOISE FROM PLANT

36. The level of noise emitted from any *residential or commercial* air handling plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a 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 room of a 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 Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

IMPACT OF NOISE FROM VENTILATION AND EXTRACTION PLANT ON DEVELOPMENT

37. a) No ventilation or extraction plant shall be installed until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the *residential and/or commercial* ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

INFORMATIVES:

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 wwgriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
3. Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow *BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations* and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

3. The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non

residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

4. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
5. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

6. The submitted Construction Method Statement shall include as a minimum details of:
 - Site hoarding
 - Wheel washing
 - Dust suppression methods and kit to be used
 - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding.
 - Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.

For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

7. 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.

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.

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.

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

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

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 2016) 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 Framework (February 2019)

The 2019 NPPF was adopted in February 2019 replacing the 2012 NPPF and includes minor clarifications to the revised version published in July 2018. The NPPF sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans for housing and other development can be produced.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF also 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', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan 2016 (Jan 2017 fix)

The London Plan is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). In March 2016, the Mayor published (i.e. adopted) the London Plan 2011 consolidated with: the further alterations to the London Plan published in March 2015, the Housing Standards Minor Alterations to the London Plan published in March 2016 and the Parking Standards Minor Alterations to the London Plan published in March 2016.

The London Plan policies most relevant to the determination of this application are as follows:

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), 3.6 (Children and Young People's Play and Informal Recreation Facilities), 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), 5.2 (Minimising carbon dioxide

emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.11 (Green roofs and development site environs), 5.12 (Flood risk management), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.21 (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), 7.8 (Heritage Assets and Archaeology), 7.15 (Reducing noise and enhancing soundscapes), 7.19 (Biodiversity and Access to Nature), 7.21 (Trees and Woodlands).

Draft Replacement London Plan 2017

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

The Inspector Panel Report following the Examination in Public was published in October 2019. The Inspector Panel was broadly supportive of the majority of the DLP, subject to several changes being made. The Mayor has subsequently declared in December 2019 it's 'intention to publish', accepting some but not all of the Inspector's recommendations. As not all of the Inspector's recommendations have been accepted. It is for the Secretary of State to decide whether the DLP can proceed to adoption.

Due to the advanced nature of the DLP increasing weight should be attached to those policies which the Inspector's report considered sound. Nevertheless the London Plan 2016 remains the statutory development plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2016 London Plan, while noting that account needs to be taken of emerging policies.

Core Strategy (Adoption version) 2012

Development Management Policies (Adoption version) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

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), CS7 (Enhancing and Protecting Barnet's Open Spaces), CS9 (Providing safe, effective and efficient travel), CS12 (Making Barnet a Safer Place), CS13 (Ensuring the Efficient Use of Natural Resources), CS14 (Dealing with Waste).

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: MHE2 (Housing), MHE6, MHE10 (Making the Right Connections), MHE12 (Sustainable Transport), MHE13 (Parking), MHE14 (Creating a Sustainable Development), MHE15 (Design), MHE16 (Delivering Design Quality), MHE17 (Conserving Built Heritage), 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), the adjoining Reserved Matters Approval for the Phase 6 site, the earlier drop in outline application for the development of this phase (15/06417/OUT) as well as the previous application for the development of this phase (18/6640/FUL) which was refused by members in June 2019.

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

Application Reference	15/06417/OUT
Case Officer	Andrew Dillon
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.
Stat Start Date	10/10/2015
Application Type	Outline Application
Decision	Granted
Decision Date	13/05/2016

Application Reference	18/6640/FUL
Case Officer	Andrew Dillon
Proposal	Full Planning Permission for the erection of 2 linked buildings ranging from 5-6 storeys in height comprising 87 residential units (Use Class C3), 700 sqm (GIA) of employment space (Use Class B1), together with associated plant, car parking,

	cycle parking, refuse stores, servicing areas and associated hard and soft landscaping
Stat Start Date	7/11/2019
Application Type	Full Application
Decision	Refused
Decision Date	23/07/2019

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 2,935m2 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

Application Reference	18/6352/RMA
Case Officer	Andrew Dillon
Proposal	Reserved matters application seeking approval of appearance, landscaping, layout and scale for Phase 6 of the Millbrook Park development pursuant to Outline planning permission reference H/04017/09 dated: 22/9/2011, involving the erection of 310 units in the form of 11 x 1 bedroom flats, 184 x 2 bedroom flats and 15 x 3 bedroom flats, the provision of 700 sq.m of Commercial Space, together with details to discharge the requirements of conditions 5, 8, 26, 27, 29, 32, 35, 48, 52, 70, 80, 83, and 85
Stat Start Date	06/11/2018
Application Type	Reserved Matters Application
Decision	Granted
Decision Date	13/03/2019

1.3 Consultation and Views Expressed

Public Consultation

Neighbours Consulted: 358

Replies: 239

Correspondence has been received from 239 members of the public of which 239 are in objection. Objections concern the following reasons:

Impact on Scout Camp

Camp site has been used for many years (since 1934) by beavers, cubs, explorers, rainbows, brownies, guides etc. The proposed development poses a fundamental risk to its continued use.

Proposed 6 storey building is built up to the boundary and will dominate and destroy rural setting of camp site.

Proposals do not address previous reason for refusal

Plans do not address objections to the previous scheme, namely too tall and overlooking of scout camp.

Proposals increase number of windows overlooking the camp.

No increase in units over the previous outline approval should be allowed.

The number of windows and balconies facing the camp site will result in significant overlooking of the field which is used for camping and games.

Proximity of proposed houses would prejudice the annual firework display which brings significant income to local groups

Safeguarding issues regarding having so many residential properties on the boundary with the scout camp, making it difficult to ensure secure boundary of site.

Future conflict between new proposed residential flats and noisy scout activities leading to potential ceasing of scouting activity.

Misleading plans showing trees further from the boundary than they are, and more trees going into the scout camp which don't exist

Impact upon boundary trees due to close proximity of development to the trees.

Highways

Highway danger due to extra traffic in Mill hill, particularly in relation to the scout camp

Highway congestion due to increase in residential units.

Barnet Borough District Scout Council

As Chair and on behalf of the Barnet Borough District Scout Council I write regarding the above Planning Application and wish to lodge our objections.

For the sake of clarity and for the avoidance of any doubt, Barnet Borough District Scout Council is the electoral body which supports Scouting in the District. It is the body to which the District Executive Committee is accountable and is elected by the members of Barnet Borough Scouts, in accordance with the requirements of the Charity Commission and of The Scout Association. Members of the Executive Committee must act collectively as **Charity Trustees of the Scout District**, and in the best interests of its members to:

Protect and maintain any property and equipment owned by and/or used by the District

Promote and support the development of Scouting in the local area and Manage and implement the **Safety Policy locally**.

This new application represents the developer's response to an earlier application (18/6640/FUL), which was refused on the grounds that the proposed development, by virtue of its excessive height, scale, massing and proximity to the boundary would represent an over development of the site resulting in a discordant and visually obtrusive form of development which would be detrimental to the amenities and future operations of the adjoining scout camp. The proposal would therefore be contrary to policy DM01 of the Barnet Local Plan Development Management Policies 2012.

We wish to object to the proposal, first on the basis that the proposed height of the two buildings comprising block JJ remains at 6 storeys and which are around 22m in height plus the PV units on the roof. This clearly fails to address point one of the grounds for refusal!

This proposal has moved the building line back about 8metres from our boundary but this makes no significant difference whatsoever to the perceived scale and massing, when viewed from our camp site.

It cannot be emphasised enough that we have a legal obligation in respect of Safeguarding – something that the Council is well engaged with and has had a relationship with us in respect of its implementation.

We take all aspects of Safeguarding extremely seriously and every adult involved in Scouting has to hold a valid Disclosure & Barring Service clearance. Frith Grange Camp Site hosts activities that involve children as young as 6 years, hosts a Special Needs facility for Vulnerable Young Adults and certainly during the summer months we regularly have, at any one time, several hundred young people on the site.

Concerns in respect of being overlooked by occupants of the new apartments and thus breaching the Safeguarding protocols were, to some extent eventually addressed by the developers in their previous (refused) application. We are therefore totally amazed and astounded that this new application is showing a total of 12 opening windows in the wall that faces directly toward our camping field! Ten of these windows have an unobstructed view! In addition, there are also unobstructed side view from 10 balconies overlook the camping site. When we discussed this with the Consultants working for Poly UK, the Project Manager claimed more than once that the views out of these windows on to our site were acceptable, as it was considered "Natural Surveillance"! Surely a gross mis-use of

the legal attribution designed to provide a safer environment in a PUBLIC SPACE – not in respect of a PRIVATE property.

To be overlooked and in plain view of any resident from these two tower blocks which will surround this green field site is totally unacceptable! It should be noted that two of our buildings are a dormitory and a large toilet block – these will be directly viewable by residents of the new properties and from those openable windows they will have the opportunity of watching the children 24/7 as they go about their tasks and play whilst camping in tents or sleeping out under the stars at night.

In the context of the concerns raised regarding Safeguarding, Security and Safety we would remind the Officers of the statement contained in the Council's Policy Plan DM01 and also referred to later in this submission, that "Development proposals should create safe & secure environments and reduce opportunities for crime and minimise the fear of crime."

We further object to the proposed Landscaping and Tree Planting scheme in as much as the portion that abuts our boundary is inappropriate and inadequate to provide any screening of the buildings, when viewed from our site. The scheme as described to us by the Project Manager during a meeting, is solely for the benefit of residents and not to screen their building from the camping site users. Indeed, the trees are not there to either prevent residents looking in to our site nor our users from viewing the flats. According to our advisers, the trees might survive but will be stunted and will certainly not thrive when planted in just 300mm of top soil over a sand bed on top of a concrete slab! With the amount of planting shown on the drawings (large bushes and trees), the roots will be so compacted and matted that the trees will fail to mature properly; the heights portrayed on the drawings are outrageously optimistic. The developers have so far failed to submit an Arboricultural Impact Assessment to demonstrate the impact of their excavations on the adjacent woodland and trees. It has been calculated that there will be significant, if not total loss of the Ash and Oak trees on our boundary, largely as a result of root destruction during the construction of the foundations for the 'green wall' and retaining wall to be built above the concrete basement car parking for Phase 6b and Phase 6. The loss of these trees will ensure that there is no visual protection or separation between us and the flats. The Applicant has failed to demonstrate how the loss of this tree belt will not occur and they stated in a meeting that they do not have any mitigation intention for such a loss. Furthermore, the developer's drawings are misleading and inaccurate; the plans showing the line of trees on our site are dimensionally incorrect, our measured topographical survey shows four or five of the trees in this line of trees to be within 300mm or closer to the boundary with the developer's site.

We have commissioned a detailed professional report in respect of the potential risk to and damage of our trees (around 22 in number) which are growing on/along the boundary line and which will be impacted by the proximity of the underground car

park and other the retaining structures to the developer's garden above their basement car park, which together with the foundation of the green wall will abut our boundary. The excavations required to build these permanent works will further intrude closer to our boundary and the draining and backfilling behind the permanent works may breach our boundary. Sketches of the proposed temporary works to enable the permanent works should, in this particular case, be included as part of the Planning Application

This Planning Application impinges upon and has devastating consequences for our premises. Frith Grange Camp Site is the Headquarters of Barnet Borough Scout District and has been in continual use by them (or their predecessors Finchley Boy Scout Association and Finchley & Golder Green Scout District) for a period of 85 years (lease granted 1934) and has a further 67 years of its current lease still to run. The Scout District currently has in excess of 2000 members, of which over 1600 are Youth members. The facilities at Frith Grange are in almost continual use throughout the year and provides the only facility of its type where outdoor Scouting in the entire Borough of Barnet can be implemented. Frith Grange is a heavily used site, popular with our 28 Scout Group and 4 Explorer Units and also attracts a large number of visitors from the UK and from overseas, especially in the summer period, when camping is at its peak. During this summer we again hosted 120 Scouts from Israel for 2 weeks – the largest single camping group we welcome and a great opportunity for us to foster International relations. Frith Grange's unique features for a site in London – open and airy, with no neighbours to worry about, unrestricted, safe & secure is all ABOUT TO BE RUINED BY OVERLOOKING FROM SIX STORIED BLOCKS OF FLATS and the site made far less enticing and attractive to use!

Paragraph 124 of the National Planning Policy Framework (2018) makes it clear that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. The proposed scale and massing of development accepted on the outline planning application (i.e. 4 storeys) was presumably considered to represent good design and result in a scale of development broadly acceptable to neighbouring sites and communities. The 4-storey proposal was probably just about acceptable. The outline permission was clear about design expectations and set a clear and detailed context for future development. The height, mass and bulk of the proposed buildings is wholly and totally unacceptable, still does not represent good design and fundamentally does not meet the expectations and aspirations of good design as set out in the NPPF. Indeed, Paragraph 130 of this document specifically states that permission should be refused for development of poor design that fails to take the opportunities available for IMPROVING the character and quality of an area and the way it functions. Clearly this Application for Planning Approval, does not address the reasons given for the refusal of the first plan (18/6640/FUL). Attached are two

images which show the views to and from the windows of phase 6B overlooking the camp site.

This application is contrary to Policy DM01 of the Barnet Local Plan Development Management Policies 2012: In terms of DM01 we believe that clauses b, d, j and k are not satisfied.

- Clause b is not met because the scheme does not present high quality design that is based on an understanding of the local character of our camp site, and does not respect the scale, mass and height of the surroundings.
- Clause d is not met because the overlooking of our camp site does not contribute to its safeguarding and leaves it open to the fear of crime.
- Clause j is not met as the basement car parking is not well laid out, and the proximity of the buildings will detract from the existing wildlife habitat of our camp site.
- Clause k is not met as trees will be lost as a result of building up to the boundary. There is no acknowledgement of this impact and no mitigation proposed. This will also impact on ecology and is not considered within the supporting Ecology Report.

The height of the proposed development must be considered to directly conflict with Policy DM01 of the Local Plan, it would still create an unacceptable development in respect of mass, scale and height, would not afford adequate privacy and outlook for our campsite as an adjoining occupier and by virtue of the increased overlooking, would not create a safe or secure environment, increasing the potential for fear of crime and perception of crime. Natural Surveillance can not possibly be cited as an acceptable excuse for having windows or balconies overlooking the site.

The proposed development still represents overdevelopment of the site with the proposed unit numbers and the height will impact significantly on the amenities for us as adjoining neighbours, creating an unacceptable development, which is too dense and directly impacts upon our amenity through increased overlooking and a significant reduction in privacy.

It has been noted previously that since the first part of the Millbrook Park development and the school were open for business, the traffic flow along Frith Lane had increased considerably and could be described as being extremely busy indeed during the rush hours. In the last 12 months the amount of traffic has continued to increase and the road is now busy at all times. The evening rush hour coincides with the time our Scout Groups start to use the Frith Grange site! Advices by the developers that their road layout for Phase 6 & 6B will ensure that traffic does not use Frith Lane is inaccurate and misleading as well as being unenforceable! It can be guaranteed that as occupancy of Millbrook Park increases the traffic flow along Frith will also increase. The road is already a "rat run" to avoid Nether Street in particular. It is already dangerous for users of Frith Grange Camp Site to enter & exit the grounds when Frith Lane is busy – drivers are impatient when held up by our Members trying to turn in across the traffic, drive too fast to see what is happening on the brow of the hill and generally behave badly. To permit development of the Millbrook Park estate above the previously intended levels would be to place even

more vehicles on the road past our site and increase the potential of a very serious accident quite considerably.

Further, we wish to place on record the fact that we have legal advice in respect of the typical campsite activities that take place frequently and year around such as, fire lighting, cooking, camp fires, fund raising events, large gatherings, musical events & parties etc – all of which can be noisy, create smells (cooking) and can start as early as 6:00 a.m. and continue until late at night! Occupiers (and their successors) of the properties that may be built must be made aware of our existence, the breadth and extent of our activities and accept that they cannot initiate legal action of any type whatsoever to limit or prevent the continuance of our scouting activities. We would expect that these facts will be included in the Head Leases granted by the Freeholder, a partner in which is, we understand, the London Borough of Barnet.

We **strongly object** to the proposed development which clearly conflicts with policies of the NPPF, Barnet Local Plan and fails to address the reasons cited for the refusal of application 18/6640/FUL and would respectfully request that the application is refused.

Officer Comment

All comments have been taken into account in the determination of the planning application and are addressed in the officer report below. The issues in relation to the scout camp is discussed in greater detail below.

Elected Representatives.

None Received.

Residents Associations and Amenity Groups.

Mill Hill Preservation Society

SITE: Millbrook Park (Former Inglis Barracks) Mill Hill East NW7

PROPOSAL: Full Planning Permission for Phase 6B, associated with the Millbrook Park development, for the erection of 2 linked buildings 6 storeys in height comprising 82 residential units (Use Class C3), 615 sq m (GIA) of employment space (Use Class B1), together with associated plant, car parking, cycle parking, refuse stores, servicing areas and associated hard and soft landscaping

PLANNING REFERENCE: 19/5827/FUL

We have viewed this application on the LBB planning portal following a presentation by the development team at The Studio earlier this month. We appreciate that the time limit on the previous outline application has now expired and that this new application relates more in planning terms to application 18/6640/FUL registered in November 2018 and refused for the following reasons:

The proposed development, by virtue of its excessive height, scale, massing and proximity to the boundary would represent an over development of the site resulting in a discordant and visually obtrusive form of development which would be detrimental to the amenities and future operations of the

adjoining scout camp. The proposal would therefore be contrary to policy DM01 of the Barnet Local Plan Development Management Policies 2012.

From this description we have isolated the following items in order to evaluate the new scheme:

- a. Excessive height, scale and massing
- b. Proximity to the boundary
- c. Discordant and visually obtrusive form of development
- d. Detriment to the amenities and future operations of the adjoining scout camp
- e. Contrary to Policy DM01 of the Barnet Local Plan Development Management Policies 2012

a. Excessive height, scale and massing: In our opinion not much has changed in the new design to ameliorate the excessive scale of the development. The scheme design follows that of the adjoining phases and to a large extent the original design that was considered inappropriate.

The massing has changed slightly as block JJ3 has been brought back from the boundary by circa 8 metres. Whilst there is the loss of a few units, in our opinion the massing is still excessive. The most disappointing aspect is that of the height, which does not seem to have changed. The architect explained that the eaves line had been changed, but the overall building height is the same with the same number of floors; it remains higher than adjacent developments and will continue to dominate the neighbouring scout camp. We still find the proposal to be an overdevelopment of the site.

b. Proximity to the boundary: There is no discernible change in the position of block JJ1 in relation to the north boundary with the scout camp site. The above ground part of block JJ3 has been altered to be clear of the boundary, but at basement level the car park is still as large as before and close to the boundary. The Applicant has also failed to submit an Arboricultural Impact Assessment to demonstrate the impact of such excavation on the adjacent woodland and trees. We have examined the site on Google Maps to see the effects of this construction and we calculate that there will be significant, if not total loss of trees on the northern boundary with the scout camp, largely as a result of root destruction through the construction of the basement. The continued loss of these trees will ensure that there is no visual protection or separation distance between the scout camp and the residential properties. The Applicant has failed to demonstrate how the loss of this tree belt will not occur or how they will mitigate against its loss.

Part of this issue, we have been told, is that the basement area of phase 6B is providing car parking spaces for the adjacent phases to which it is now physically linked, otherwise the phase 6B basement need not be as large as shown. It therefore seems apparent that as the need to provide car parking for the adjacent development is fixed, that the scale of phase 6B should be reduced to reduce the parking demand created by the proposal, thus enabling the basement to be reduced in size.

The resultant impact on safety and child safeguarding is significant and must be considered in detail before any development is approved on this particular site.

c. Discordant and visually obtrusive form of development: The history of this site as part of the Millbrook Park development, and later as an approved outline

planning design, is of a scheme that blended in with the massing of the adjoining buildings and created a step change in design massing to allow a nod to the lower density site to the north. This current scheme exhibits buildings that are as large as most on Millbrook Park and taller than the adjacent approval site, without the subtlety of the overall massing stepping down to the surrounding properties. Given the massing is fundamentally unchanged and the height the same, the scheme is still discordant and visually obtrusive.

d. Detriment to the amenities and future operations of the adjoining scout

camp: We believe the amenity of the scout camp, in respect of the use of the site by young children in a country environment, is diminished due to the overlooking of the site and therefore operation of the scout camp is compromised. The windows and balconies in block JJ1 will overlook the site unless the visual screening by trees is perfect, and given the lack of evidence by the Applicant to demonstrate that there will be no harm to this retained tree belt, or that any impact will be adequately mitigated against, it can only be assumed that the entire block will directly overlook the scout camp to its detriment. The windows and balconies in block JJ3 also compromise the use and working of the scout camp site and our comments on block JJ1 apply here to JJ3 as well. Unless the height and massing of the entire development is reduced, the loss of the tree belt is guaranteed and there will always be significant detrimental impact on the future operation and amenity of the scout camp site.

We draw your attention to paragraph 91 and 92 of the NPPF which seek to promote and preserve healthy, inclusive and safe places that benefit the local community.

The extent of impact likely to result, as a consequence of this proposal, will undermine the safe and healthy environment created by this community facility, and is likely to undermine its long-term attractiveness and potential retention.

e. Contrary to Policy DM01 of the Barnet Local Plan Development Management Policies 2012: In terms of DM01 we believe that clauses b, d, j and k are not satisfied.

☐ Clause b is not met because the scheme does not present high quality design that is based on an understanding of the local character of the adjoining scout site, and does not respect the scale, mass and height of the surroundings.

☐ Clause d is not met because the overlooking of the scout site does not contribute to its safeguarding and leaves it open to the fear of crime.

☐ Clause j is not met as the basement car parking is not well laid out, and the proximity of the buildings will detract from the existing wildlife habitat of the scout site.

☐ Clause k is not met as trees will be lost as a result of building up to the boundary. There is no acknowledgement of this impact and no mitigation proposed. This will also impact on ecology and is not considered within the supporting Ecology Report.

For these reasons we request that you refuse planning permission for this overdeveloped site.

MHPS are of the opinion that the scheme needs to be significantly revised with further improvements in massing, with a reduction in height to elements alongside the scout camp site, a significant reduction in basement area to enable the retention of existing trees and to ensure adequate mitigation planting can also be incorporated.

We believe that the issue of child safeguarding on the scout camp site is a very important consideration and overlooking is part of this. If this means a further reduction in units so be it – it is more important to end up with a scheme that is right for the location. After all, the site will still be providing ‘windfall’ housing in the Borough.

Officer Comment

All comments have been taken into account in the determination of the planning application and are addressed in the officer report below. The issues in relation to the scout camp is discussed in greater detail below.

Internal /external and Other Consultations:

Metropolitan Police

Detailed design advice provided. No objection in principle raised subject to a secured by design condition being attached to the approval.

London Underground Infrastructure Protection

No Objections raised.

Transport for London

With regards to the above mentioned site, TfL offers the following comments:

- It is noted from the submitted TA that the applicant states that ‘*Parking for residents has been agreed at pre-application stage with LBB officers agreed at a ratio of 0.75 spaces per unit for Phase 6B and 0.85 for Phase 6 (the latter granted under separate reserved matters approval). The number of spaces provided within the Phase 6B boundary exceeds this level in order to supplement the limited space within the Block GG footprint, which would otherwise be underproviding. This allows the requisite number of spaces to be provided when taken across the two applications. In this way, 62 spaces of the 89 provided within the Block JJ lower ground floor boundary are allotted to Phase 6B and the remainder to Phase 6.*’ In light of this a Car Parking Design and Management Plan must be secured to ensure that parking allocation will be undertaken as described. In line with the Draft London Plan car parking standards, 20% of the spaces should be provided with electric vehicle charging points and passive provision for the rest, the applicant needs to increase passive provision to meet this standards, which shall also be secured by s106/ condition as well as set out within the Car Parking Design and Management Plan.
- For the commercial element, the current and Draft London Plan car parking standards do not prescribed visitor car parking, therefore this ground level visitor car parking should be removed from the proposal.
- A legal restriction for parking permit should be imposed to exclude future resident’s eligibility for local parking permits.

- It is currently understood from the TA that '*Cyclists will share the access route with cars accessing the car park, via the Phase 6 Block GG car park access*', TfL is concerned this would compromise safety of cyclists by sharing the same route as vehicular traffic, and therefore a separate mean of access to street should also be provided for cyclists between the Lower Ground Floor cycle storage and street.
- In line with the latest Draft London Plan cycle parking standards, it requires that each 1bed 2 person residential unit be provided with a ratio 1.5 cycle parking spaces, 2 spaces for all units with 2 beds or more, therefore, the proposal would requires at least 150 residential long stay cycle parking spaces for 29 1bed 2 person units and 53 units with 2 or more beds. The applicant must therefore improve the provision with high quality design adhering Chapter 8 of the London Cycle Design Standards (LCDS) and demonstrate in the plans the planning cycle storage would provide sufficient room to accommodate the spaces with at least 5% of them for wider/ adopted cycles.
- A Way-finding strategy should be provided for this part of the proposal to improve the site's legibility which promote the use of walking and cycling.
- All landscaping and public realm should be designed to high quality and meet the Mayor's Healthy Street and Vision Zero objectives.
- A Residential Travel Plan for the residential units and Work Place Travel Plan for the commercial units should be secured by the Council.
- A Delivery Servicing Plan (DSP) for the site should be secured condition.
- The submission, and implementation of a Construction Logistics Plan (CLP) produced in line with the current TfL guidance for CLP should be secured by condition.

As such, the applicant is required to address the issues raised above satisfactorily ensuring the amended proposal would be London Plan policy compliance.

Highways

No objections subject to conditions. Detailed comments incorporated into officer report.

Tree Officer

Detailed comments provided in relation to proposed planting and tree protection.

Scientific Services

No objections subject to conditions.

Officer Comment

All comments have been taken into account in the determination of the planning application and are addressed in the officer report below. The issues in relation to the scout camp is discussed in greater detail below.

1.4 Description of the Application Site

The application site referred to as Phase 6B forms part of a significant new residential settlement on the former Inglis Barracks site known as Millbrook Park. The site measures 0.42 ha and is located on in the south east corner of the Millbrook Park site. The site is bound to the north by the Frith Lane Scout Camp and an area of retained woodland, which is accessed from Frith Lane. This campsite and adjacent public woodland is designated green belt land; to the south by Bittacy Hill Business Park; to the east by Phase 6a (Barry M Cosmetics development); and to the west by the Phase 6 development which was recently granted reserved matters approval.

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 through Phase 6 via Inglis Way).

The site was formerly occupied by Barnet Council forming part of a waste transfer/recycling facility (use class: Sui Generis). This facility has subsequently closed and the site is in the process of being made available for development. 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) 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 allowed for these plots to be developed for B1 (business) use and for an energy centre, at building heights of up to 4 storeys.

A subsequent drop in outline application was approved in February 2016 for the development of Phase 6b under planning reference 15/06417/OUT. This development provided for 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. The approved building heights for this phase varied between 4 and 6 storeys. This permission was not implemented and has now lapsed.

Planning consent for the provision of the energy centre within the Millbrook Park plaza fronting Bittacy Hill was granted in 2016 under planning reference 16/4389/RMA. As such this energy centre does not need to be provided within this plot.

An application was submitted in November 2018 under planning application reference 18/6640/FUL for the following development.

‘Full Planning Permission for the erection of 2 linked buildings ranging from 5-6 storeys in height comprising 87 residential units (Use Class C3), 700 sqm (GIA) of employment space (Use Class B1), together with associated plant, car parking, cycle parking, refuse stores, servicing areas and associated hard and soft landscaping’

The application was subsequently refused by Planning Committee in June 2019 (decision issued in July 2019) for the following reason:

‘The proposed development, by virtue of its excessive height, scale, massing and proximity to the boundary would represent an over development of the site resulting in a discordant and visually obtrusive form of development which would be detrimental to the amenities and future operations of the adjoining scout camp. The proposal would therefore be contrary to policy DM01 of the Barnet Local Plan Development Management Policies 2012.’

1.5 Description of Proposed Development

In summary the application seeks full planning permission for the following development.

‘Erection of 2 linked buildings 6 storeys in height comprising 82 residential units (Use Class C3), 615sqm (GIA) of employment space (Use Class B1), together with associated plant, car parking, cycle parking, refuse stores, servicing areas and associated hard and soft landscaping.’

1.6 Main Changes from previous scheme (18/6640/FUL)

The current application involves the following changes from the previously refused scheme 18/6640/FUL:

- Reduction of 5 residential units (1 x 1 bedroom flat and 4 x 2 bedroom flats) from 87 units to 82 units;

- Reduction of 85 sqm of commercial (Use Class B1) floorspace, from 700 sqm to up to 615 sqm to respond to market demand and improve fire fighting access and residential lobby arrangement;
- Altered layout and massing to increase the distance to the northern boundary with the Scout Camp boundary from 2.3m to 8.3 – 9.8m;
- Reduction of building footprint from 1,803 sqm to 1,664 sqm;
- Reduction of residential parking spaces from 65 spaces to 62 spaces, and an increase of on street employment parking from 4 spaces to 6 spaces; and
- Reduction of cycle parking spaces from 144 spaces to 135 spaces, with the reduction of on street commercial cycle spaces from 3 spaces to 2 spaces.

1.7 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 original outline consent or in accordance with the earlier drop in outline application for this phase (19/0859/OUT). Therefore, the appropriate procedure is to apply for a new standalone 'drop-in' planning permission. The principle of such an application is considered acceptable and appropriate 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 of the outline permission adjoining the development site.

2. Planning Appraisal

2.1 Principle of Development

The principle of the development of this site has already been established under the previous planning approvals H/04017/09 and 15/06417/OUT, as such the basic principle of development is considered acceptable.

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).

Policy 3.3 of the London Plan recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Policy CS3 'Distribution of growth in meeting housing aspirations' identifies Mill Hill East as one of the three main areas (the other two being Brent Cross and Colindale) for providing the bulk of the housing requires for the borough, as part of a borough wide requirement for 28000 additional homes over a 15 year time period.. It is noted that this housing target was subsequently revised upwards in the Further Alterations to the London Plan in 2014 to an annual target of 2349 over a ten year period.

The draft new London Plan (December 2017) will when adopted replace the existing London Plan 2016. The new London Plan sets out mayoral policies for the period 2019-2041, with housing targets set only for the first ten years of the Plan. The revised housing target for Barnet is to provide a revised "minimum" Borough Housing target of 31,340 homes, on an Annual Monitoring Target of 3,134 homes. The target date ends in 2029.

Accordingly, the principle of exceeding the quantity of residential 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 planning application seeks planning permission for up to 82 new units (in comparison to 87 units in the earlier refused scheme and 66 units in the earlier drop in application), comprising a mix of 29 x 1-bed, 49 x 2-bed and 4 x 3 bed 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.

In terms of density the proposal results in a density of approximately 524 habitable rooms per hectare.

Housing Mix

The proposed development proposes a mix of 1, 2 and 3 bed units. While the proposal does not strictly comply with Policy CS4 and DM08, which identifies 4 beds as the highest priority and 3 beds as a medium priority the application represents an improvement over the previous drop in outline application which proposed only 1 and 2 bed units, while the current scheme also proposes four 3 bedroom units. The previously refused scheme also proposed four 3 bedroom units, and no objections were raised in the reason for refusal in relation to the proposed housing mix.

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 33% affordable housing by unit and 36% by habitable room on the basis of a 52% affordable rented and 48% intermediate split by unit (58% socially rented and 52% intermediate by habitable room). A full breakdown of the proposed housing mix is outlined in the table below.

	Private	Intermediate	Rent	Total
1 bed flat	23	6		29
2 bed flat	32	7	10	49
3 bed flats	0	0	4	4
Total	54	13	14	82

In comparison with the previous outline approval, in quantitative terms, the proposal represents an uplift of 1 unit but a decrease in the approved percentage, however this scheme did not include any three bedroom units and as such the proposals represent a qualitative improvement over this previous scheme.

In comparison to the previously refused scheme, the application represents a increase of 1 private unit and a decrease of 6 affordable units. A full comparison is set out below.

Table 6.2 – Refused Housing Amount and Mix

	Private	Intermediate	Social Rent	Total
1 bed flat	21 (24%) +2	6 (7%) -	3 (4%) -3	30 (34%) -1
2 bed flat	33 (38%) -1	11 (13%) -4	9 (10%) +1	53 (61%) -4
3 bed flat	0 (0%) -	0 (0%) -	4 (4%) -	4 (5%) -
Total	54 (62%) +1	17 (20%) -4	16 (18%) -2	87 (100%) -5

It is noted however that this previous scheme was refused and as such can not be used for benchmarking purposes. The finances of the scheme have changed to the reduction in the number of units forming part of the development and given that this is not a buildable scheme (except in the event of an appeal being granted), the affordable housing needs to be considered on its own individual merits.

In this regard it is noted that the scheme complies with the mayoral target of 35% affordable housing by habitable room along with emerging local plan policy as set out in the replacement Local Plan (although currently of limited weight), the scheme maintains the quantity of larger socially rented units and is considered acceptable providing an appropriate quantity of affordable housing.

Employment

The application proposes 615 sq.m of employment space, which represents a 85 sq.m reduction on both the previous outline approval for the phase (Planning reference 15/06417/OUT) and the previously refused scheme (planning reference 18/6640/FUL).

The predominate reason for the reduction in floorspace is the reduction in the portion of the development containing the employment space in order to improve the relationship with the scout camp. Nevertheless the employment space still represents additionality over and above the original outline approval. The 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.

2.3 Scale

Whilst regard should be had to the outline planning permission, and the previous drop in outline approval as a material consideration, as a standalone application, the scale is not controlled by the parameters set by the outline planning permission or the previous drop in application on the site.

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. The reserved matters approval for Phase 6 (located adjacent to

the application site to the west allowed for development up to 6 storeys in height (20m).

The drop in outline approval, approved in 2016, allowed for a split development of 6 storeys along the rear of the plot and a 4 storey building adjacent to the scout camp boundary.

The previously refused scheme proposed two linked buildings of six storeys in height located approximately 2.4m from the boundary of the scout camp at the closest point (as submitted the scheme extended to the boundary).

The scale and massing of the current have been altered following the refusal of the previous scheme to respond the reasons for refusal. As a result of this the building footprint has been reduced from 1,803 sqm to 1,664 sqm. The reduction in the building footprint has allowed the building line to be pulled back from the northern boundary away from the Scout Camp. The distance between the building and this boundary has been increased from 2.354m to 8.3-9.8m, which is further than the distance previously approved and the distance for the approved Phase 6 scheme, which is 1.370m from the Scout Camp boundary.

The relationship of the proposed development to the scout camp is discussed in greater detail below, nevertheless in townscape terms the relationship is considered acceptable due to the difference in height between the plots (the application site is effectively a storey lower) and the design amendments which have been made to the scheme pulling the scheme back from the boundary, and the introduction of a wider landscaped area adjoining the scout camp allowing additional screening to be planted on the application side of the boundary.

In relation to other portions of the site, the proposed scale matches that of the adjoining development within Phase 6 and accords with the general character of the 'southern hub' portion of the wider Millbrook Park development and it is considered that the scale proposed under this development is appropriate in this context.

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, to the south of the plot.

In terms of pedestrian and vehicle access, pedestrians and cycles will access the site from the South East (Frith Lane), North West (Short Street) and the South West (from Millbrook Plaza). Trips from to and from the South East are likely to be limited, with the majority of routes coming to and from Mill Hill East Station and the retail offer to the west within Millbrook Plaza.

Vehicle Access

For residents, vehicular access to the site will be from the west, through Phase 6, with access to the basement to the south of Block GG. Vehicular access for the employment spaces will be from the east along Frith Lane to the south of Barry M. The access route to the south of Phase 6 will be one way once users have crossed into

the site boundary, and as a result will leave the site through Phase 6. There will be no access to the employment unit from the west.

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

2.5 Appearance

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The National Planning Policy Framework (published 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.1 of the London Plan further emphasises the need for a good quality environment, with the design of new buildings supporting character and legibility of a neighbourhood. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Architectural design criteria are set out at Policy 7.6.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high quality design. In this regard Policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the

appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments.

Scale, massing and detailed design

The current application proposes two blocks of six storeys in height connected by a single storey link building. The buildings form an open courtyard to the north-west corner of the site enclosed by the private and shared ownership ground floor units. The building position has been arranged to allow light and views to pass through the site from the south providing daylight for the internal courtyard and fenestration as well as the scout camp to the north.

The roof form of the two main buildings has been simplified over the previous scheme with a singular parallel ridge being provided north to south through the two main blocks providing a more satisfactory visual appearance to the previous refused scheme. The balcony and fenestration pattern has also been simplified from the previous scheme appearing more harmonious in visual appearance.

In relation to other portions of the site, the proposed scale matches that of the adjoining development within Phase 6 and accords with the general character of the 'southern hub' portion of the wider Millbrook Park development and it is considered that the scale proposed under this development is appropriate in this context.

In relation to materials the application proposes the same material palette as approved on the adjoining Phase 6 development, consisting of a simple material palette consisting of red stock bricks, standing seam roofs, semi solid metal balconies and recessed timber windows. While the final details will be secured by condition the overall material approach is considered acceptable, in keeping with the character of Millbrook Park, while providing suitable variety between phases.

Conclusion for External Appearance

Overall, the proposal successfully incorporates various architectural elements within a coherent design and is considered acceptable in principle resulting in a high-quality development in accordance with Policies CS5 and DM01.

2.6 Amenities of Future Occupants

Development plan policy requires that new dwellings are provided with adequate outlook.

The layout proposed for Phase 6 avoids any single aspect north facing units through orientating the development on an east-west axis. The majority of units in all blocks are dual aspect, with single aspect units limited where possible. All apartments were designed with generous floor to ceiling windows in order to maximise the amount of light entering rooms. The only exception to this are the bedroom windows on the flank facing the scout camp, in this location, the openings provided in the north-facing bedrooms are raised-sill windows (+0.825 above FFL), in order to minimize the visual connection with the adjacent Scout Camp.

In comparison the previous refused scheme proposed angled louvres facing the scout camp, however these were significantly closer to the boundary than the current scheme and were also not ideal from a living quality perspective.

Privacy

The layout of the development has been designed to ensure the protection of residential privacy and the avoidance of overlooking between units, with good separation between elevations and use of level changes and landscaping. through staggered window placement and utilising level changes and landscaping to maximise privacy and to ensure an appropriate level of privacy for new residential units.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The Mayor's Housing SPG November 2012 includes a wider ranging Minimum Floorspace Table based upon the same standards.

All of the units proposed would have a gross internal floor area which would exceed the requirements of the London Plan for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

Amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance as well as the Millbrook Park Design Code requires the provision of 5 sq.m of amenity space for each habitable room for flats, and between 40 and 85 sq.m for houses depending on the number of habitable rooms.

Every dwelling has access to some form of private amenity space in the form of balconies with access to the shared communal gardens proposed in the centre of the blocks. All of the proposed units meet or exceed the minimum standards outlined in the as stated and the proposal is acceptable on grounds of private and communal amenity space provision.

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.

Phase 6

Reserved Matters approval has been granted for the development of Phase 6 under planning reference 18/6352/RMA. This phase is being developed by the same developer and the plans have been designed to ensure a satisfactory interface

between the two phases. As such is not considered that the proposal would adversely affect future occupiers of this phase.

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.

Scout Camp

The main sensitive adjoining use is the scout camp to the north of the application site. In relation to the interface with the development and the scout camp, the development of this phase directly adjoins the scout camp to the north, in particular the main central field located to the south of the existing accommodation and toilet blocks. Substantial levels of public comments have been received in regards to the proposed buildings and the scout camp and the potential impact on the future operation of the scout camp as a result of introducing noise sensitive uses (i.e. residential) in close proximity to a field used for camping.

In planning policy terms there are no specific standards or requirements in relation to residential uses and scout camps in relation to issues such as overlooking. Notwithstanding this the Council acknowledges the importance of this facility in providing leisure opportunities to the growing young population within the borough including from the Millbrook Park development.

The basic principle of development on this portion of the development has been established under the previous outline planning approvals, however the previous planning application was refused planning permission for the following reason:

‘The proposed development, by virtue of its excessive height, scale, massing and proximity to the boundary would represent an over development of the site resulting in a discordant and visually obtrusive form of development which would be detrimental to the amenities and future operations of the adjoining scout camp. The proposal would therefore be contrary to policy DM01 of the Barnet Local Plan Development Management Policies 2012.’

The current application has sought to address the previous reason for refusal by making several design changes to the proposal.

- Altered layout and massing to increase the distance to the northern boundary with the Scout Camp boundary from 2.3m to 8.3 – 9.8m;

- Reduction of building footprint from 1,803 sqm to 1,664 sqm;

The increase in the separation distance from the scout camp is welcomed reducing the massing of the proposal on the scout land. Account also needs to be taken of the change in levels between the two sites, with the application site being located a minimum of 1.5m below the height of the scout land. Additionally a 1.8m living fence is proposed along the top of the retaining wall, effectively preventing any direct overlooking from ground floor level. While it is acknowledged that the building will still be visible and the scout camp will be visible from the proposed properties, the relationship (with 8.3-9.8m separation as opposed to 2.3m) is now more similar to the relationship which would exist between a dwelling house and a neighbouring residential property and is considered to represent a significant improvement over the previously refused scheme.

Another significant change from the previous refused scheme concerns the proposed landscaping. Under the previous scheme a financial contribution of £45,164.00 was secured to provide additional screening on the scout side of the common boundary. This contribution attracted criticism on the grounds that any planting would impinge upon the area of field used by the scouts for various activities including camping.

The current scheme does not propose any off site planting, rather it is proposed to utilise the new 8.3m wide landscape area to provide additional planting, which previously would have been provided on the scout side of the boundary. While the landscaping will be over the proposed basement car park deck. The applicant has provided the following additional clarification.

‘The proposed scheme includes an irrigation system that will prevent drought stress. Furthermore, with regards to the growing medium and subsoil, we are providing approx. 240sq metres of soft landscape area where the trees can grow with an average depth of approximately 800mm. This amounts to 96 cubic metres topsoil plus a further 96 cubic metres of subsoil.

There are 8 semi-mature trees proposed for the area between the building and the Scout Camp Boundary which allows for 12 cubic metres of topsoil per tree, in addition to 12 cubic metres of subsoil per tree. Therefore, when coupled with the irrigation system there is ample growing medium to ensure the trees will thrive and achieve their optimum growth. ‘

Advice from the Council’s arboricultural officer is that this growing medium should be sufficient to provide long term growing medium for the proposed planting. The Council’s tree officer has also suggested conditions regarding protecting the (scout) trees on the boundary of the site and requiring approval of any pruning works.

Overall it is considered that the proposal would represent a satisfactory relationship with the adjoining scout land, representing a marked improvement over the previously refused scheme.

2.8 Transport, parking and highways matters

Access

Pedestrians and cycles will access the site from the South East (Frith Lane), North West (Short Street) and the South West (from Millbrook Plaza). Trips from to and from the South East are likely to be limited, with the majority of routes coming to and from Mill Hill East Station and the retail offer to the west within Millbrook Plaza.

For residents, vehicular access to the site will be from the west, through Phase 6, with access to the basement to the south of Block GG. Vehicular access for the employment spaces will be from the east along Frith Lane to the south of Barry M. The access route to the south of Phase 6 will be one way once users have crossed into the site boundary, and as a result will leave the site through Phase 6. There will be no access to the employment unit from the west.

Parking provision:

Parking for the residential portion of the development is provided in the form of a basement underground car park. The basement for Phase 6B proposes to provide 89 spaces. This will provide 62 parking spaces at a ratio of 0.75 spaces per unit for the Phase 6B development, as per Draft London Plan Policy. The surplus of 27 spaces within this basement enables Phase 6 to provide a car parking ratio of 0.85 spaces per unit.

At street level, four parking spaces, accessed from Frith Lane, are provided for Phase 6B for employment use and servicing.

This level of car parking is considered acceptable in this instance due to the location of the site in close proximity to Mill Hill East Station.

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 and 17 additional PM Peak Hour trips. The net additional trips to the consented scheme equate to 8 AM Peak Hour trips and 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 any significant detrimental impact on the surrounding highway network.

Sustainable Travel

The application supporting documents advise that electrical charging will be provided in the form 20% Active and 20% Passive ECVPs in accordance with adopted London Plan Parking Standards. 10% of the parking spaces (9 spaces) will be provided for disabled users. This is considered acceptable in accordance with adopted 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:

Cycle parking will be provided in accordance with adopted (2016) London Plan cycle parking requirements with 135 long-stay spaces provided for residents in secure cycle stores on-plot, either at ground floor or basement levels. Office units will be required to provide cycle parking for staff within their demise as part of their tenant fit out, in accordance with London Plan requirements as a minimum (five spaces). Additionally, five short-stay (visitor) spaces provided at ground floor as part of the public realm proposals.

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.

Construction Management Plan (CMP):

A Construction Management Plan (CMP) will need to be submitted as condition.

Delivery and Servicing Plan (DSP):

A Delivery and Servicing Plan has been submitted with this application. This sets out the number of trips and types of vehicles being used to service the site. The plan describes routes accessible for smaller and larger vehicles to the site and on-street loading areas. For deliveries a concierge services is provided for residents for small parcels and should be pre-arranged.

Waste Management Strategy:

A Waste Management Strategy has been submitted with this application. Waste storage rooms are provided at the ground floor. The drag distance is 10-12 metres to the collection point and slightly over the 10 metres limit set out in LBB guidelines. This would seem to be acceptable following confirmation by the Waste Dept. The waste storage room at Core JJ3 is beyond the drag distance and the site management team will assist with moving bins to a collection point.

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

The application site is currently cleared and contains no trees or other soft landscaping. However a line of mature Ash trees is located immediately to the north on the adjoining scout camp.

The proposed buildings are set away from the boundary with the Scout camp by 8m and 15m. This is an improvement from the previous submission where the proposal was initially proposed up to the boundary of the site, before being amended to a position 2m from the common boundary. However the submitted plans appear to suggest that the proposed basement has been positioned closer (1.2m to 3m) to the boundary compared with the previous application 18/6640/FUL.

The main potential issues with this concern, firstly any impact upon the trees located in the adjoining scout camp and secondly, the ability of the soil above the basement deck to support the proposed landscaping.

The applicant has provided further justification in relation to these two issues which has been assessed by the Council's Arboricultural Officer.

In relation to the first point the applicant has advised that the proposed basement will not be any closer (1.2m increasing to 3.54m to the east of the site) than the previous refused scheme and that tree roots have already been severed 1m from the boundary pursuant to earlier advanced infrastructure consents and therefore should not adversely affect retained trees on the scout camp providing that suitable tree protection measures are put in place.

'The proposed scheme includes an irrigation system that will prevent drought stress. Furthermore, with regards to the growing medium and subsoil, we are providing approx. 240sq metres of soft landscape area where the trees can grow with an average depth of approximately 800mm. This amounts to 96 cubic metres topsoil plus a further 96 cubic metres of subsoil.

There are 8 semi-mature trees proposed for the area between the building and the Scout Camp Boundary which allows for 12 cubic metres of topsoil per tree, in addition to 12 cubic metres of subsoil per tree. Therefore, when coupled with the irrigation system there is ample growing medium to ensure the trees will thrive and achieve their optimum growth. '

Advice from the Council's arboricultural officer is that this growing medium should be sufficient to provide long term growing medium for the proposed planting. The Council's tree officer has also suggested conditions regarding protecting the (scout) trees on the boundary of the site and requiring approval of any pruning works. The final details of the proposed landscaping will also be secured by condition.

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, conditions are attached requiring the achievement of air quality neutral targets.

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

A low-carbon strategy has been implemented across the development. Through the application of the energy hierarchy the development as a whole achieves a carbon dioxide emissions reduction of 73% on site against Part L 2013. This is a significant reduction and exceeds the 35% on-site requirement. A further one off carbon off-set payment of £39,531 is proposed in order to achieve the Zero Carbon Homes target.

A BREEAM (2018) pre-assessment which accompanies the application identifies the proposed B1 element of the development can achieve the required "Very Good" rating which is a requirement of the Barnet Borough's local plan.

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 and the secured off site contribution for tree planting as well as carbon offset payments.

Affordable Rented

10 x 2 bed flats

4 x 3 bed flats

Intermediate Housing

6 x 1 bed flats

7 x 2 bed flats

Carbon offset payments of £39,531

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).

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 1st 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).

3. EQUALITIES AND DIVERSITY ISSUES

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

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

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;

- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

As set out above, objections have been raised by a number of objectors (and in particular the Barnet Borough District Scout Council) that the increased height of the scheme will have a material and adverse impact upon the campsite which is used by children and vulnerable young adults resulting in a significant loss of privacy.

Officers acknowledge that young persons, as well as persons with learning and physical disabilities use the adjoining campsite and there is the potential for the development to impact on the camp site in terms of overlooking and loss of privacy for the users of the site especially the identified protected groups. Members are required to take into account the potential impact on the specified protected groups when considering the merits of the application

Officers consider that the main issue from an equalities perspective is to ensure that the proposed development safeguards the existing use of the scout camp and does not prejudice the scout's continued operation in providing a safe and secure environment for the identified protected groups. To this end, officers have worked with the applicant to mitigate, as far as possible, the impact on the scout camp. As indicated above, the applicant has pulled the proposed buildings back from the boundary of the scout camp allowing for a clear separation between the buildings and the camp site (an improvement from the previously submitted and refused scheme). In addition, extra planting is proposed on the application side of the boundary along with the introduction of a living fence along the boundary.

Officers have weighed the mitigation proposed by the applicant in the balance and consider that a fair balance has been struck between the needs of the camp and the proposed development. In making the recommendation in respect of the planning application therefore, officers have given weight to the impact that the proposal would have on the identified protected groups and consider that the harm is outweighed by the other considerations and the mitigation set out in this report. It should be noted that the duty under the Equalities Act is to have due regard to the specified matters and not a duty to achieve a specific result.

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 proposal is acceptable on visual amenity, access, highways, biodiversity, and drainage grounds. The proposal would not significantly affect the amenities of neighbouring residential properties. It would provide for much needed quality housing, including affordable housing, that would have a good standard of accommodation including outlook, privacy and access to daylight.

It is considered that the application has adequately addressed the previous reasons for refusal pursuant to planning application 18/6640/FUL, by means of reducing the footprint of the proposal and pulling back the application from the common boundary with the scout camp.

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

REFERENCE: 19/5827/FUL