

Inglis Barracks, Mill Hill East

in the London Borough of Barnet

planning application no. H/04017/09

Strategic planning application stage II referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Outline application (access only)

Redevelopment of the site for residential led mixed use development, involving the demolition of all existing buildings (excluding the Officers Mess building) and ground re-profiling works, to provide 2,174 dwellings, a primary school, doctor's surgery, 1,100sqm of commercial uses, 3,470sqm of business employment uses, a district energy centre, and associated open space, means of access, car parking, and other infrastructure.

Full application

Change of use of officers mess into residential and health use.

The applicant

The applicant is **Mill Hill East Consortium**, and the architect is **PRP**.

Strategic issues

The land use principle to provide a large **mixed-use residential** led development to include **commercial** and **business** accommodation is in accordance with strategic planning policies and meets the policy requirements of the adopted **Mill Hill East Area Action Plan**.

The **housing** mix, density and accommodation quality are acceptable and appropriate conditions have been included on the decision notice. A minimum of **15% affordable** housing will be provided on-site and a review mechanism is included in the section 106 agreement which will provide for additional section 106 requirements in the following order of priority: step-free access to Mill Hill East underground station, secondary school contribution and additional affordable housing.

The strategic issues relating to **urban design**, **climate change** and **transport** issues that were raised at Stage I have been satisfactorily resolved. As such the application complies with London Plan policy.

The Council's decision

In this instance Barnet Council has resolved to grant permission.

Recommendation

That Barnet Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 26 November 2009 the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1A, 1B and 3C(b) of the Schedule to the Order 2008:

"1A: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats

1B: Development which comprises or includes the erection of a building or buildings outside of Central London and with a total floorspace of more than 15,000 square metres.

1C: Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which... has at any time in the five years before the making of the application been used as a playing field".

2 On 6 January 2010 the Mayor considered planning report PDU/2351/01, and subsequently advised Barnet Council that the application did not comply with the London Plan, for the reasons set out in paragraph 101 of the above-mentioned report; but that the possible remedies set out in paragraph 103 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor's concerns (see below). On 13 April 2011 Barnet Council decided that it was minded to grant planning, for the revised application, and on 20 May 2011 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Barnet Council under Article 6 to refuse the application or issue a direction to Barnet Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 2 June 2011 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The decision on this case, and the reasons will be made available on the GLA's website www.london.gov.uk.

Update

6 At the consultation stage Barnet Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 101 of the above-mentioned report; but that the possible remedies set out in paragraph 103 of that report could address these deficiencies:

- **Housing:** Conditions should be attached to ensure the Mayor's housing quality accommodation standards are achieved. A review mechanism for delivery of the affordable housing and planning obligations will be required within the section 106 given the large size of the scheme which requires a phased development.
- **Air quality:** Further detail on biomass boiler is requested for condition.
- **Children's playspace:** The development should make provision for 9,590 sq.m. of dedicated play space throughout the site.
- **Urban design:** The local authority should secure appropriate planning conditions to ensure the highest quality finish is achieved on all buildings throughout all the build out phases.
- **Inclusive design:** A comprehensive access statement is required to explain the design thinking behind the application and demonstrate how the principles of inclusive design have been integrated on this challenging site with steep gradients.
- **Climate change mitigation and adaptation:** In mitigation terms the application requires further technical detail as outlined in paragraphs 54-65. For adaptation the applicant is requested to investigate the feasibility of increasing the proposed area of living roofs.
- **Transport:** The applicant should address all issues outlined in paragraphs 69-97.

Housing

Viability

7 At the time of writing the Stage I report in January 2010 the viability appraisal had not been undertaken and as such there was no firm affordable housing offer. Extensive discussions have taken place between the applicants, Barnet Council and the GLA regarding viability and the provision of affordable housing. The site comprises land owned by VSM, Annington and Barnet Council. The VSM element of the site comprises the former Inglis Barracks which is now surplus to MoD requirements. The Annington property is former military married quarters which are occupied on shorthold tenancies and managed by Notting Hill Housing Trust. The Barnet Council site is a council depot which is currently still operational but will be relocated in due course. Under normal valuation criteria the values of the VSM and Barnet properties would be no more than the development site value. On this basis the consultant acting on behalf of the Council and the GLA has calculated that 30% affordable housing could be provided.

8 However, guidelines from the GLA viability toolkit explain that if a planning applicant can demonstrate that in order to make the site available for development there is a need to relocate the existing uses elsewhere, these costs can be taken into account when assessing viability. As such the cost of the relocation of the Council Depot and a proportion of the provision of new military facilities at RAF Northolt have been factored into the viability appraisal. The cost of the relocation of the depot has been assessed by Barnet as around £19 million. VSM have a development agreement with the MoD as part of Project MoDEL to provide new military facilities at RAF Northolt. The British Forces Post Office and the Courier Defence facility, previously at Inglis Barracks, relocated there in 2008. Inglis Barracks is one of six sites that form part of Project MoDEL and agreement has previously been reached by VSM/MoD with the GLA on other sites that the costs of providing facilities at Northolt can be met from the development values on the sites. In the case of Inglis Barracks the cost to be met has been assessed by VSM at £60 million.

9 Consequently it is only viable for the application to provide 15% (of the additional units over and above the extant permission) affordable housing on-site which will be split 60% social rented units and 40% intermediate units. An independent review of the viability information has

confirmed that this is the maximum reasonable amount of affordable housing that can be provided at this time.

10 A viability review mechanism is proposed in the Section 106 agreement which will provide for additional section 106 requirements in the following order of priority: step free access to Mill Hill East underground station; contributions towards secondary school provision and additional affordable housing. The review mechanism will be undertaken on a phase by phase basis using an agreed review toolkit.

11 The review mechanism will apply to profits generated over and above an initial rate of return of 20% and will be split 50% to the developer and 50% to the Council to incentivise the developer to increase profits. The review mechanism sets out that a maximum of 50% affordable housing would be provided in each phase and overall.

12 The Council’s independent consultant has carried out a sensitivity assessment and considers that it is likely, although not certain, that additional sums will be generated by the development through the review mechanism.

13 London Plan Policy 6A.4 (and as amended in the Proposed London Plan Alterations) establishes the strategic priorities for planning obligations. This states that affordable housing and transport should generally be given the highest importance. As such given the importance of step-free access at Mill Hill East underground station, and its inclusion in the Mill Hill East AAP, it has been agreed as a priority in this case. The Mill Hill East Area Action Plan sets out that the development of this site will generate a need for a contribution towards additional secondary school places hence inclusion of contributions towards secondary school provision as the second priority for additional section 106 requirements.

Housing mix

14 The proposal will deliver the following mix of units:

Accommodation	Total
<u>Flats</u>	
1 bed	641
2 bed	966
3 bed	50
<u>Houses</u>	
3 bed	240
4 bed	239
5 bed	38
Total	2,174

15 The private mix of units will reflect the mix of the units as set out above. The proposed mix for affordable housing units is set out below:

Type	Intermediate	Social rented
1 bed	42%	25%
2 bed	42%	25%
3 bed	16%	40%
4 bed	0	10%

16 London Plan Policy 3A.5 encourages a full range of housing choice. This is supported by the London Plan Housing Supplementary Planning Guidance, which seeks to secure family accommodation within residential schemes, particularly within the social rented sector, and sets strategic guidance for councils in assessing their local needs. Policy 3.12 of the draft replacement London Plan states that within affordable housing provision, priority should be accorded to family housing. Recent guidance is also set out in the draft revised interim Housing Supplementary Housing Guidance (October 2009) and draft replacement London Plan policy 3.8, which seeks to widen housing choice. The level of family sized social rented housing has slightly increased since the time of the Stage I report (46%) to 50% and this is supported.

17 The application is conditioned such that the units will meet the requirements set out in the Housing Design Guide as far as is practicable. As such the application now complies with the London Plan in this regard.

Child playspace

18 The Stage I report set out that the child yield for the development, calculated using methodology set out in the child playspace SPG, was 959 children and as such the development should make provision for 9,590 sq.m. of dedicated playspace. Clarification of the housing mix and tenure split has led to the child yield for the development reducing to 798 as such the development should make provision for 7,980 sq.m. of playspace. The following provision is proposed: a panoramic park of 1.37 hectares (including a neighbourhood playable space suitable for all ages and a small sports pitch), a central community park of 0.46 hectares (which will include a local playable space for 0-11 year olds), Eastern Park of 0.42 hectares (which includes a local playable space for 0-11 year olds), the Officer's Mess Gardens of 0.76ha (which includes an informal play area) and the primary school includes a sports pitch of 1.3ha and multi-use games area of 0.07ha which will be accessible to the local community out of school hours. In addition, more informal 'doorstep' playable spaces (0-5 year olds) are proposed within each of the apartment courtyard communal open spaces, and within the pocket parks distributed across the northern parts of the site. The estate roads throughout the northern part of the site are also proposed as homezone/play streets. As such the level of playspace proposed complies with London Plan policy.

19 When considered in conjunction with existing provision in the local area the strategy indicates that almost all of the proposed homes are within the recommended distances to facilities (set out in the SPG) for each age group. The application now complies with the London Plan in this regard.

Sport and recreation

20 The stage I report set out that the site includes a 2.6 hectare disused playing field and an indoor gymnasium and three tennis courts. These were used by MoD personnel only and were not

public facilities and are being re-provided at RAF Northolt. Additionally the redevelopment proposes 1.3 hectares of new sports pitches of higher quality that will be fully accessible to the community and the new indoor sports hall being provided for the new primary school will be available for community use out of school hours. At Stage I the applicant set out that indoor sport facility provision in the study area was in excess of the levels sought by Sport England.

21 In addition to the proposed playing field a rounders pitch is being provided on-site in the panoramic park and a type 3 Multi Use Games Area (MUGA) of 0.07 hectares is proposed at the primary school. Off-site two tennis courts will be upgraded at Bittacy Hill Park, a multi-use sports area of 0.12 hectares will be provided at Bittacy Hill Park and a financial contribution of £100,000 is being made towards enhanced sports provision at Copthall.

22 Sport England has objected to the proposals due to the net loss of playing fields and lack of off-site provision of alternative sports facilities. It has indicated that the proposal would only be acceptable if sufficient off site facilities are provided to compensate for the loss on-site and to meet the needs of the development. It has requested that the Sports Facility Calculator (SFC) be used to assess what level this should be. The SFC is a planning tool which has been created by Sports England to help local planning authorities quantify how much additional demand for the key community sports facilities (swimming pools, sports halls and synthetic turf pitches) is generated by new developments. In the case of Mill Hill East the SFC recommends a contribution of £1.6 million to cover enhanced provision.

23 The applicant sets out that its research indicates an over supply of swimming pools and indoor facilities within a 5km catchment area when assessed against the standards applied by Sport England in the calculator. The applicant has thus concluded that a contribution is not needed for pools or halls. Sport England dispute this. The applicant sets out that the proposed provision of a MUGA covers the synthetic sports pitch requirement and as such offers a contribution of £100,000 towards indoor bowls.

24 Sport England maintains its objection on two grounds: the net loss of playing fields area and insufficient provision of community accessible indoor sports facilities. Given that the playing fields and indoor provision currently on the site were low grade and were not accessible to the public GLA officers agree with the conclusions of Barnet Council that the proposed provision on-site, off-site and financial contributions for sport are acceptable.

Urban design

25 The Stage I report set out that the scale, massing, permeability and layout of the outline application broadly accords with the five character areas identified in the AAP and is therefore supported. The report set out that as the detailed design is unknown at this stage appropriate conditions should be attached to the decision notice to ensure that the highest quality finish is achieved.

26 Since writing the Stage I report further information clarifying design has been submitted and the submission and approval of a site wide design code prior to commencement of the development has been conditioned as well as the approval of a design code, for each phase of the development, prior to the submission of any reserved matters applications for that phase. This is sufficient to ensure that the final detailed design will be of a high quality. The application complies with the London Plan in this regard.

Inclusive design

27 At Stage I the applicant was asked to provide details of the gradients across the site and submit further supporting information on the accessibility of the proposal. The applicant has submitted the requested information. The gradients have been minimised where possible however as the site has steep topography which drops 44 metres in height from the north-west to the

southern corners some steep gradients are unavoidable. The steepest slopes are in the centre of the site with gradients of 1:12. In these areas a sloping shared surface zone and adjacent stepped path are proposed together with a sequence of 1:12 ramps and landings around a series of pocket spaces. Whilst this is not ideal it is accepted that given the site's topography this solution is acceptable. The submission of an inclusive access statement with each reserved matters application is conditioned.

Climate change mitigation and adaptation and air quality

28 Since the time of writing the Stage I report the energy strategy has been revised and a biomass boiler is no longer proposed. Instead a gas fired combined heat and power plant (CHP) is proposed together with a district heating/cooling network. As such the air quality issues raised at Stage 1 in relation to the biomass boiler are no longer relevant. The energy centre is designed so that it can be converted to use an alternative fuel at a later date. As far as is possible, given the constraints of the site and phasing, all uses will be connected to the district network. It is accepted that due to the topography the northern part of the site cannot be connected into the network, it is also accepted that due to phasing Phase 1 (of which 92 are apartments) will not be connected to the network and it is accepted that the houses will not be connected to the network. That said the majority of the flats are connected to the district network. The houses and buildings to the north of the site will be fitted with solar thermal panels and air source heat pumps. Photovoltaic panels will also be installed where appropriate in both the north and south of the site.

29 The submission of a statement, prior to the development of each phase, demonstrating that the residential units will achieve a minimum of code level 4 initially and code level 6 by 2016 unless otherwise agreed in writing by the local planning authority is conditioned together with the issuing of a code certificate prior to the occupation of each stage. Similarly the submission of a certificate certifying that BREEAM 'Very Good' is met by the commercial elements prior to occupation is also conditioned.

30 The provision of the energy centre prior to the occupation of the 700th unit is conditioned together with the provision of a CHP plant of at least 500kwe prior to the occupation of the 1000th residential unit and that within 5 years a review of renewable energy options for the CHP plant is undertaken and submitted to and approved in writing by the local planning authority in consultation with the GLA. In addition the provision of no less than 10,000 sq.m. of roof mounted photovoltaic panels is conditioned prior to the occupation of the 1,500th residential unit unless otherwise agreed in writing by the local planning authority and in consultation with the GLA.

31 The provision of greywater recycling and rainwater harvesting of 10% of rainwater is secured by condition.

32 Given the open nature of the site currently and of the surrounding area the Stage I report set out that the level of green and brown roofs should be increased. The application is conditioned such that the provision of roof space as green or brown roofs should be maximised with a minimum provision of 10% green or brown roofs.

Transport for London's comments

33 At stage 1 Transport for London (TfL) raised a number of issues in relation to the quality of the transport assessment and Travel Plan and the proposed mitigation and financial contributions. Since the Stage 1 report was published the applicant has submitted further revisions to the transport assessment and travel plan which have addressed TfL's concerns, in particular the impact upon buses and Northern Line demand and capacity. TfL also requested that it should be signatory to the section 106 agreement in order to secure financial contributions and to have a role in agreeing and implementing transport improvements. Importantly the applicant and the council have agreed that TfL should be a signatory. This is welcomed by TfL.

34 TfL also requested that the developer undertake improvements to Mill Hill East station and the forecourt area to ensure that a high quality gateway was delivered which reflected this important strategic development site, in particular TfL expressed the importance of funding step free access at the station. Following preparation of a feasibility study and further discussions with the council and the applicant, it was agreed that the developer will make a step free contribution to TfL of £2.9m if viable. The payments will be staged during implementation of the scheme based on a viability review mechanism. The details of how this will be delivered are to be secured through the full drafting of the section 106 agreement. In addition, the section 106 agreement includes obligations to design and implement improvements to the station forecourt so as to integrate with the main square on the north side of Bittacy Hill. These improvements ensure that the scheme is in accordance with the adopted Area Action Plan Policy *MHE12 Sustainable Transport*; and London Plan policy *6.1 Strategic Approach*.

35 TfL previously raised concerns about the level of car parking proposed which is high for a strategic development site with good access to the Underground. However the public transport accessibility level (PTAL) is low and therefore TfL has in this case taken a more relaxed approach to parking standards. It should be noted that the proposed parking ratio does fall within the London Plan standards as set out in London Plan Policy *6.13 Parking*. Further parking surveys and controls will also be undertaken using a financial contribution made to the council. In addition, TfL has secured contributions towards cycle vouchers, car club spaces and subsidised travel vouchers through a residential travel incentives fund. A travel plan has been agreed and will be included as an appendix in the section 106 agreement.

36 Adequate provision has been made for pedestrians and for cyclists, a PERS assessment was undertaken and funding has been secured by the council to make improvements to the existing networks so that they link better with the site. Cycle parking will be provided in accordance with London Plan parking standards, however TfL would have liked to see more emphasis placed on the provision of cycle lanes and priority for cyclists, it is hoped that cycling will be enthusiastically promoted through the travel plan and expenditure of the *Residential Travel Incentives Fund*. The application is considered to be in accordance with London Plan *Policy 6.9 Cycling* and *6.10 Walking*. One outstanding issue is the timing delivery of the land currently owned by the Council which is used as a depot, as it will not be possible to fully integrate the development with the station and link with new bus routes until this land becomes available. TfL requests that the Council and the developer work closely to ensure that this does not compromise transport and access.

37 A number of other transport improvements have also been secured in the section 106 agreement including a £625,000 bus network contribution to be paid to TfL, in order to provide better bus access to the site, the funding may be spent on diversion of bus routes and will be used to fund the cost of changes to the network. The payments will be paid direct to TfL in 2 tranches linked to delivery of the north-south and east-west link roads. The applicant will also pay £50,000 to the council to upgrade stops on Bittacy Hill and Frith Lane as well as providing a new stop at the station and two new stops within the site to serve the diverted routes. Further improvements to the bus network include an obligation to construct a bus driver facility and bus turning space within the heart of this site, this will ensure that buses can stand and turn and drivers will have use of facilities during waiting periods. These works are welcomed by TfL and will provide a greatly improved transport network serving the site in accordance with London Plan Policy *6.2 Providing public transport capacity and safeguarding land for transport* and *6.7 Buses, bus transits and trams*.

38 The full list of transport mitigation and contributions were agreed as heads of terms at Barnet's planning committee. TfL will continue to work with the council and the developer to agree the final version of the section 106 agreement.

39 The applicant is seeking a clause in the section 106 agreement which guarantees that in the event of it submitting a section 73 application (to vary a condition) and therefore being liable to pay the proposed Mayoral Community Infrastructure Levy or Community Infrastructure Levy which may have been introduced by Barnet, they will not be left in a worse financial situation than as currently negotiated with this application. It has been agreed that TfL will be a signatory to the section 106 agreement. Legal advice given to the GLA sets out that if TfL signs the section 106 agreement the GLA will not be bound by the agreement as TfL and the GLA are separate legal entities. Further discussion needs to take place between the applicant, TfL and Barnet Council as to the potential impact such a clause may have on TfL's ability to collect the contributions set out above.

40 In summary, TfL welcomes the improvements which have been made to the application since stage one, the assessment of highways and public transport is considered to be robust. The section 106 heads of terms reflect negotiations between the applicant and the council and are welcomed. Further work is required on viability review, the CIL clause and on the final design of the station interchange and bus facilities which are to be secured in the section 106 agreement. The application is now acceptable on transport grounds and is in accordance with the London Plan and Area Action Plan.

Other comments

41 Brent Council raised no objection to the application provided that consideration is given to the transport impact on Brent. This impact has been assessed.

42 CABE expressed concern that the taller blocks at the southern end of the site will not appropriately relate to the scale of the buildings outside of the site. It also expressed concern that the context of the area had not been fully considered in drawing up the plans. The Inspector considered this issue at the Area Action Plan examination in public and was satisfied at the approach proposed. Concern was also expressed that the early phases are at the top of the site which is furthest away from the tube station. A temporary route will be provided to the tube station in the early phases which will be replaced by a permanent route in due course.

43 The Highways Agency raised no objection to the proposal. English Heritage (archaeology), Thames Water and the Environment Agency raised no objections subject to requested conditions being included in the decision notice. These have been included.

44 The Metropolitan Police Authority have asked for space for police facilities to be included in the development. Discussions are on-going and will be dealt with at the reserved matters stage. Detailed applications will be required to meet Secured by Design standards.

45 Natural England set out that further detail should be provided of how the open spaces proposed link to the existing open spaces. This will be followed up in the reserved matters applications. It also asks that green roofs should be maximised. At least 10% of roofs are conditioned to be green/brown and there is also a condition that provision should be maximised as reserved matters applications come forward. It also asks that an ecological mitigation and management plan be conditioned and that further bat surveys should be carried out and a lighting strategy prepared. An appropriate condition has been included and strategies recommended.

46 NHS Barnet are broadly satisfied with the proposals and Sustrans support the application.

47 Sport England object to this application and their response and the GLA response to it is set out above.

Response to consultation

48 Consultation letters were sent out to 5,000 local residents and businesses. The Council also held two Planning and Development Forums for the local community on the applications. 83 responses were received from local residents. The following planning matters were raised: the road network is already at capacity; the traffic surveys are not sufficient; the increase in traffic has been underestimated; the proposal will increase congestion; insufficient parking is proposed; current tube services are inadequate; the bus route should be rerouted to the top of the site; the east/west link should be brought forward in an early phase; there is no assurance that the public transport improvements proposed will be delivered; the siting of the bus stops and layout of the roads are not suitable; safety of pedestrians; damage to parked cars from the increased bus movements; the incentives to decrease car use will not be sufficient; density is excessive and is out of character with the surrounding area; too many flats are proposed; flats should be built to a minimum standard to ensure they are a sufficient size; the mixing of architectural styles is not supported; the level of community facilities is insufficient; there should be more recreational facilities; the Officers' Mess should be recreational facilities rather than residential; existing health facilities are at capacity; schools are oversubscribed and concerns were raised on potential future changes to catchment areas for existing schools; the school should have a larger capacity and be built earlier in the development; the school should be at the top of the site; accommodation should be provided for the elderly; more facilities should be provided for young people; concerns relating to the loss of vegetation on the site; there should be more open space given the density; views from the panoramic park will not be panoramic given the surrounding development; play provision is too vague and restricted; local playable space is too small; there will be overlooking and loss of privacy to houses in Partingdale Lane; increase in noise and air pollution; there should be a landscaped buffer between IBSA House and the development; quality of life in Mill Hill will be degraded; the application does not comply with the AAP; the permission should be for three years only; the development will be difficult to manage; concern that the utilities/infrastructure will not be able to cope; lack of green/brown roofs; noise and disturbance from construction traffic; the application is overdevelopment; risk of flooding to the surrounding area; site suffers from low level radiation; the planning obligations are inadequate. The strategic issues raised have been dealt with in the Council's committee report and in the Stage I and Stage II report.

49 Brian Coleman, the London Assembly member for Barnet, objected to the application on the following grounds: the development is too dense and if taken with the other potential development in the AAP area could exceed the AAP target of 2,600 units; the proposal would overwhelm local transport infrastructure; the transport assessment underestimates the number of vehicle movements generated by the development; the heights are excessive adjacent to the Green Belt; the application has a lot of opposition locally; the application is overdevelopment; the development does not address parking and traffic concerns; the development does not fit the aspirations of the AAP; the application does not address the impact on adjoining roads; and the development does not provide adequate parking. The strategic issues have been dealt with in the Council's committee report and in the Stage I and Stage II report.

50 The Woodside Park Garden Suburb Residents Association objected to the application on the following grounds: concern that unit cap in the AAP will be exceeded if other sites come forward; the level of population is not sustainable; the employment uses would generate more jobs than the target set out in the AAP; the amount of parking is inadequate; traffic impact will be severe and has not been properly assessed; heights of the buildings are excessive; concerns relating to design quality. The strategic issues have been dealt with in the Council's committee report and in the Stage I and Stage II report.

51 The Mill Hill Preservation Society objected to the proposal on the following grounds: overdevelopment in a suburban area; loss of green space; densities proposed are above the average density for new homes in Barnet; too many 1 and 2 bed apartments are proposed; the level of green space is less than that proposed in the AAP; loss of trees and hedgerows; there

should be a maximum of two storeys adjacent to the green belt rather than three stories; a community centre with adult education, arts and sports use as well as activities for young people should be provided; community uses should be placed on the ground floor of the Officer's Mess; the existing road network will not cope; parking should be increased; the impact of construction traffic on the Mill Hill Conservation Area; it is a pity that the CHP is gas fuelled and not renewable energy. The strategic issues have been dealt with in the Council's committee report and in the Stage I and Stage II report.

52 The Federation of Residents Associations in Barnet consider that the scheme does not comply with adopted AAP or UDP policies for the following reasons: the number of units is more than approved in the AAP; the application is overdevelopment; the existing road infrastructure will be overloaded; there is no alternative provision for public transport; inadequate amount of open space; there is an opportunity to increase level of development at reserved matters stage; does not take account of impact on utilities and amenities of the area by growth at other sites. The strategic issues have been dealt with in the Council's committee report and in the Stage I and Stage II report.

53 The International Bible Students Association (IBSA) occupy IBSA House adjacent to the application site and they made the following comments: the proposal fails to provide a landscaped buffer to their site; the buffer should be of a sufficient size to mitigate noise disturbance in the event of expansion of IBSA House; the proposed off-site highways works will not accommodate the delivery lorries that serve IBSA House. This is a local matter and is dealt with in Barnet's committee report and addendum report.

54 Access in the Borough of Barnet advised that it has been involved throughout the process and that their comments and concerns have been answered to their satisfaction. Residential units complying with Lifetime Homes Standards, wheelchair accessible housing and affordable housing are provided and thought has been given to resolving the change in levels on the site, especially in the Central Slopes area.

55 Barnet District Scout Council lease the campsite in the southern area of the site and the campsite will be retained under the current proposals. The Scouts have set out that the security of the campsite should be maintained and they request that the current perimeter fence is strengthened or replaced. This is conditioned.

Article 7: Direction that the Mayor is to be the local planning authority

56 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

57 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons,

and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Articles 6 or 7.

Financial considerations

58 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*Costs Awards in Appeals and Other Planning Proceedings*) emphasises that parties usually pay their own expenses arising from an appeal.

59 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

60 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

61 The land use principle to provide a large mixed-use residential led development to include commercial and business accommodation is in accordance with strategic planning policies and meets the policy requirements of the adopted Mill Hill East Area Action Plan.

62 The housing mix, density and accommodation quality are acceptable and appropriate conditions have been included on the decision notice. A minimum of 15% affordable housing will be provided on-site and a review mechanism is included in the section 106 agreement which will provide for additional section 106 requirements in the following order of priority: step-free access to Mill Hill East underground station, secondary school contribution and additional affordable housing.

63 The strategic issues relating to urban design, climate change and transport issues that were raised at Stage I have been satisfactorily resolved. As such the application complies with London Plan policy.

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planning report PDU/2351/01

6 January 2010

Inglis Barracks, Mill Hill East

in the London Borough of Barnet

planning application no. H/04017/09

Strategic planning application stage 1 referral (new powers)

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

The proposal

Outline application (access only)

Redevelopment of the site for residential led mixed use development, involving the demolition of all existing buildings (excluding the Officers Mess building) and ground re-profiling works, to provide 2,174 dwellings, a primary school, doctor's surgery, 1,100sqm of commercial uses, 3,470sqm of business employment uses, a district energy centre, and associated open space, means of access, car parking, and other infrastructure.

Full application

Change of use of officers mess into residential and health use.

The applicant

The applicant is **Mill Hill East Consortium**, and the architect is **PRP**.

Strategic issues

The land use principle to provide a large **mixed-use residential** led development to include **commercial** and **business** accommodation is in accordance with strategic planning policies and meets the policy requirements of the adopted **Mill Hill East Area Action Plan**.

The **housing** mix, density and accommodation quality are acceptable subject to conditions, and the **30% affordable** housing offer has yet to independently assessed, but the applicant will be requested to agree to a **review mechanism** for the phased delivery of planning obligations and affordable housing during the development.

The provision of new **primary school**, **doctor's surgery** and 5.5 hectares of **Open Space**, including 1.3 hectares of **playing fields** is supported.

However, there are some strategic issues in relation to **urban design**, **climate change** and a significant number of **transport** issues that will need to be resolved before this application can be considered to fully comply with London Plan policy.

Recommendation

That Barnet Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 101 of this report; but that the possible remedies set out in

Context

1 On 26 November 2009 the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 6 January 2010 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application site is referable under Categories 1A, 1B and 3C(b) of the Schedule to the Order 2008:

- *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats";*
- *"Development which comprises or includes the erection of a building or buildings outside of Central London and with a total floorspace of more than 15,000 square metres."*
- *"Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which... has at any time in the five years before the making of the application been used as a playing field".*

3 Once Barnet Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 Mill Hill East is an area of significant development potential. It is designated under London Plan policy 2A.6 as an 'Area of Intensification' for the delivery of 3,500 new homes and 500 new jobs over the period 2001-2016. In response to this designation Barnet Council has produced a Mill Hill East Area Action Plan (AAP). The AAP was formally adopted in January 2009 and contains a strategic target for 2,000 new units on the site and a minimum of 500 new jobs. The whole AAP covers approximately 48 hectares and is under the ownership of seven different landowners, the largest being the Ministry of Defence (MoD) who is vacating former military barracks, occupying the northern area, to release 20.5 hectares of land for development. Barnet Council owns the depot site and a scout camp land in the south.

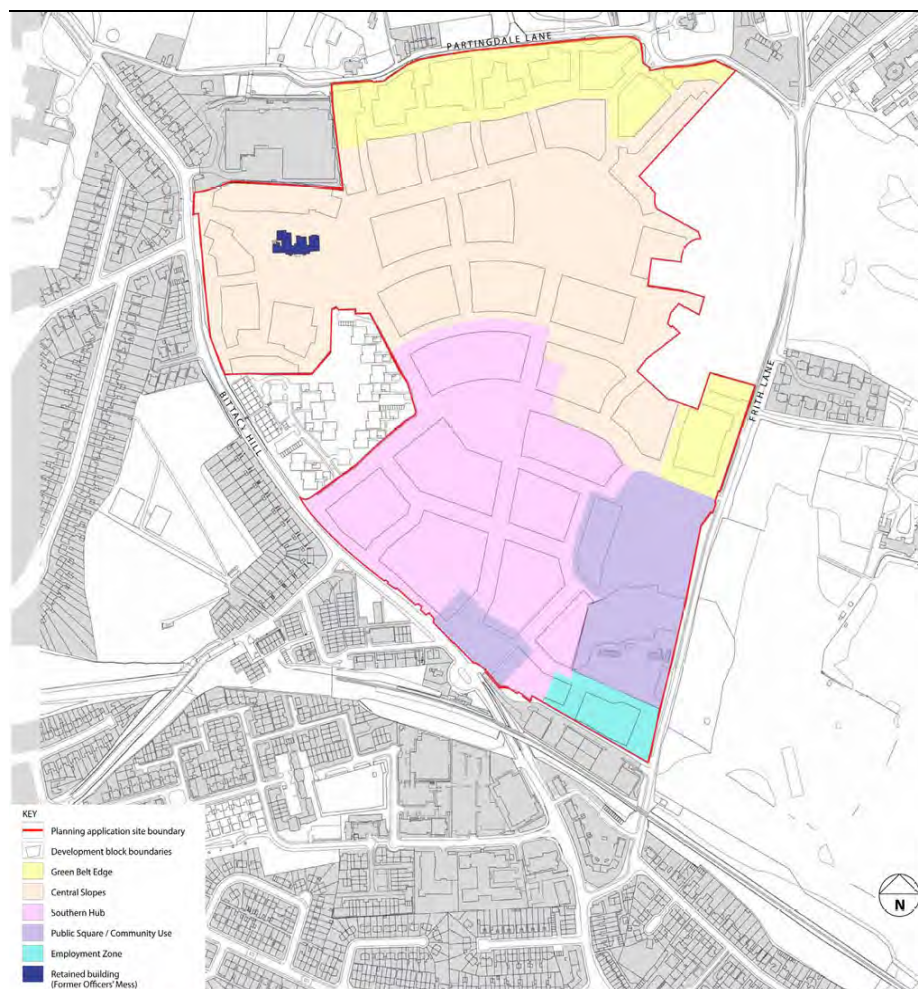
7 This proposal only covers part of the AAP area and excludes the Notting Hill Housing Trust (NHHT) land, occupying land immediately northwest of the proposed southern hub, and the land owned by Annington Property in the north-eastern area of the AAP. The red line boundary of the application site contains 33.6 hectares and adjoins Frith Lane to the east, Bittacy Hill to the west and Partingdale Lane to the north, with Mill Hill East Underground station immediately south. Designated Green Belt land abuts the sites northern boundary and part eastern boundary, with suburban character housing to the west and south.

8 Steep topography, particularly within the central area where a gradient of 1:12 is found, is a key feature of the site. There is a 36-metre fall in gradient from the northwest to the southern corner of the site. The site also contains a large amount of open land and mature trees, mostly located on the Green Belt edge. The south-eastern corner of the site comprises a scout camp surrounded by dense woodland bordering the Green Belt.

Details of the proposal

9 The application submitted is part outline and part full detailed. The outline application seeks approval of access to the site with all other matters of layout, scale, appearance and landscaping reserved. A series of parameter plans accompany the application showing indicative land use, scale, landscaping, site levels strategy and character areas. The site would be split into three differing character areas to accommodate a total of 2,174 dwellings, a primary school, GP surgery, 1,100sqm of commercial uses, 3,470sqm of business employment uses, a district energy centre, and associated open space. The Green Belt edge character area (PTAL 1) would comprise Over 90% housing, the central slope character area (suburban PTAL 2-3) would comprise 60% housing / 40% flats and the southern hub (urban PTAL 2-3) would comprise over 90% flats and the commercial and employment uses. In terms of indicative scale, the building heights would range from a two-storey maximum at the Green Belt edges, up to four storeys on the central slopes and a maximum of six storeys in the southern hub. The southern hub area would also contain civic square to be located opposite the existing Mill Hill East Underground Station.

Figure 1: Parameter plan of the sites character areas (Source: PRP Architecture)



10 The full application seeks approval for the change of use of the existing Officers Mess building, located in the north eastern area of the site, into ten residential units and a small doctor's surgery. A total of 2,544 car parking spaces and 2,254 cycle spaces are proposed across the site.

Case history

11 A pre-application request was on 10 July 2008 when representatives of the GLA were asked attend a series of pre-planning application workshops with the landowners, Barnet Council and their advisers. Four meetings took place between 24 June 2008 and 18 July 2008 discussing design principles, housing, energy, landscape, biodiversity and open space. A report (ref: PDU/2344/01) based upon these meetings was sent to the applicant on the 24 November 2008.

12 On 26 March 2009 the GLA received a request for a follow up pre-planning application advice meeting regarding the above proposal. On 22 April 2009 a pre-planning application meeting was held at City Hall and a report (ref: PDU/2344/02) was sent by the GLA to the applicant on the 29 May 2009.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- Land use principle *London Plan;*
- Employment *London Plan;*
- Housing *London Plan; PPS3; Housing SPG; Providing for Children and Young People's Play and Informal Recreation SPG; draft Housing Strategy*
- Urban design *London Plan; PPS1*
- Inclusive design *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Wheelchair Accessible Housing BPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Climate change *London Plan; PPS1, PPS Planning and Climate Change Supplement to PPS1; PPS3; PPG13; PPS22; the Mayor's Energy Strategy; Sustainable Design and Construction SPG*
- Ambient noise and Air quality *London Plan; the Mayor's Ambient Noise Strategy; PPG24; the Mayor's Air Quality Strategy; The Control of dust and emissions from construction and demolition BPG; PPS23*
- Open Space and Green Belt *London Plan; the Mayor's draft Open Space Strategies BPG; PPG2*
- Biodiversity and trees *London Plan; the Mayor's Biodiversity Strategy; the Mayor's 'A Tree and Woodland Framework for London'; PPS9*
- Sport and recreation *London Plan; PPG17*
- Transport *London Plan; the Mayor's Transport Strategy; PPG13;*

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2006 Barnet Unitary Development Plan, Mill Hill East AAP and the London Plan (Consolidated with Alterations since 2004). The draft replacement London Plan, which was released for consultation on 12 October 2009, is a material consideration.

Land use principle

15 This is a mixed-use development proposed on a large site identified as the Mill Hill East 'Area for Intensification'. London Plan policy 2A.6 identifies such areas to exploit their public

transport accessibility and potential for increases in residential, employment and other uses, through higher densities and more mixed and intensive use. This policy is reinforced further within policy 2.13 of the consultation draft replacement London Plan. The proposed mix and intensity is also in accordance with the adopted Mill Hill East AAP. The land use principle is fully supported.

Employment

16 The proposed 3,470 sq.m of new business (B1) floorspace would enhance the quality and flexibility of London's office market offer in line with strategic policy 3B.2, improve employment opportunities for Londoners under policy 3B.11, and the potential research floorspace is further supported by strategic policy 3B.5. The proposed employment space would help meet the Mayor's indicative target, under Annex 1 of the consultation draft London Plan, which seeks 1,800 new jobs in the Mill East area.

Housing

17 London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 70% of housing should be social and 30% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements. Policy 3.13 of the consultation draft replacement London Plan echoes the principles of policy 3A.10. However, draft policy 3.12 seeks to ensure that 60% is social and 40% intermediate.

18 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit is recommended for this purpose. The results of a toolkit appraisal would need to be independently verified. Policy MHE2 of the AAP is in accordance with the London Plan policies mentioned above.

19 In terms of affordable provision on the outline site, the 150 existing dwellings owned by Annington Property Limited, which were formerly the married quarters, will be replaced with 150 market dwellings. The 123 consented dwellings, part of the Annington/Countryside scheme, would contain 25 affordable units for social rent, and this tenure mix would be retained as part of the proposal. The scheme as a whole would therefore contain 589 affordable units, which equates to 27% units affordable or 30% affordable based on habitable room.

20 Affordable housing policy H5 in Barnet Council's UDP has been saved and is compliant with regional policy 3A.10 and emerging policy 3.13, which both require borough councils to 'seek the maximum reasonable amount of affordable housing' on sites of ten or more units gross. Hence a financial toolkit appraisal has been requested from the applicant to demonstrate that the proposed affordable housing offer is the maximum. Once this is submitted, Barnet Council will then request an independent assessment of the toolkit. The affordable housing offer cannot be considered acceptable until the results the independent assessment is provided to the GLA. A review mechanism for delivery of the affordable housing and planning obligations will be required within the section 106 given the large size of the scheme which requires a phased development.

Tenure split

21 London Plan policy 3A.9 states that borough affordable housing targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should also take account of the London Plan strategic target that 70% of housing should be social and 30% intermediate provision, and of the promotion of mixed and balanced communities. Policy 3.12 of the consultation draft replacement London Plan demands a 60:40 split in favour of social.

22 The tenure split for this scheme would be 337 social rented units and 252 intermediate units. This represents a 60:40 split between social rented and intermediate on habitable room numbers, which is supported by emerging strategic policy 3.12 and therefore acceptable.

Mix of units

23 London Plan Policy 3A.5 requires new development to offer a range of housing choices in terms of the mix of housing sizes and types, taking into account of the housing requirements of different groups. In support of this policy, the London Plan Housing Supplementary Planning Guidance (SPG) seeks to secure family accommodation within residential schemes, particularly within the social rented sector, and sets strategic guidance for councils in assessing their local needs. Recent guidance is also set out in the draft London Housing Strategy 2008 and draft replacement London Plan policy 3.8.

24 The proposal would provide a broadly acceptable mix of unit sizes across all tenures; particularly positive would be the provision of 31 four-bed units for social rent. Policy 1.1b of the draft London Housing Strategy seeks more family sized homes with 42% of social rented and 16% of intermediate housing to have three bedrooms or more. This scheme would provide 46% three and four-bed units for social rent and 16% for intermediate, in this regard the proposal would marginally exceed the Mayor's target for family sized social rent and would achieve the intermediate target. The mix is supported and would provide a range of housing for all social groups in accordance with policy 3A.5 and emerging policy 3.8. However, the results of the viability assessment could potentially alter this mix.

Density

25 London Plan Policy 3A.3 outlines the need for all development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city (policy 4B.1), and with public transport accessibility. Table 3A.2 'density matrix' of the London Plan provides guidelines on density in support of policy 3A.3 and policy MHE2 of the adopted AAP is consistent with the London Plan's density matrix and seeks different densities across the large site, dependant upon public transport accessibility levels and context.

26 As the public transport accessibility level and context varies significantly across the site, it is therefore appropriately divided into three different character areas, which set individual densities. This includes; the Green Belt edge to achieve 40 dwellings per hectare, the central slopes to achieve 65 dwellings per hectare and the southern hub to achieve 144 dwellings per hectare. All these densities sit comfortably within the guidance range of London Plan policy 3A.3 and AAP policy MHE2 and would therefore maximise the potential across the large site.

Quality of accommodation

27 The outline application comprises the majority of the proposed new housing and layout is a reserved matter. However, section 3.18 of the Design Principles document illustrates the indicative housing block typologies across the site, which includes flat cluster blocks and corner apartments to maximise dual aspect, which is supported by draft replacement London Plan policy 3.5 and the

draft London Housing Design Guide 2009. However, there would also be double-banked blocks with single aspect units. The Design Principles document confirms that these blocks would have an east-west orientation to ensure good levels of natural daylight. The proportion of single aspect units should be minimised, especially those facing north or south. Appropriate conditions should be included to ensure these layouts typologies are achieved across the site, to limit any north or south facing single aspect units, as well as conditioning submission of a daylight and sunlight assessment for all internal habitable rooms.

28 With regard to accommodation floor area size, there should be no differentiation between the private and affordable housing units. Given the outline nature of the application no details of internal space standards have been provided at this stage, however all units should accord with the minimum standards as set out in table 3.3 of the draft replacement London Plan and this should be appropriately conditioned. Moreover, it appears that each unit would be of a regular shape and have good storage space, therefore providing practical and usable layouts.

29 As a number of flatted blocks are proposed shared circulation is an important consideration. Requirement 3.2.1 of the draft London Housing Design Guide 2009 states that the number of dwellings accessed from a single core should be no more than eight per floor and section 3.24 of the Design Principles document confirms that this figure would not be exceeded which is welcomed. The developer should also commit to providing one lift minimum within any three storey, or above, residential blocks.

30 The apartment blocks would have central courtyards to provide amenity space for the residents. These spaces would be shared semi-private and would also provide good visual amenity to upper floor flats overlooking the internal courtyards. The flats at courtyard level would be provided with private amenity space to ensure their privacy. This rationale is supported and the active surveillance of the spaces would also ensure good security and ownership for residents. These semi-private amenity areas would be further supplemented by a number of publicly accessible parks across the site totalling 5.95 hectares. All the single-family dwellings would be provided with private rear gardens, which are also welcomed. The proposal would provide an excellent level of outdoor amenity for all prospective residents.

Children's play space

31 Policy 3D.13 of the London Plan sets out that "the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs." Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that there will be approximately 959 children within the development. As such the development should make provision for 9,590 sq.m. of dedicated play space throughout the site.

Ambient noise and Air Quality

32 The application site is within an Air Quality Management Area. Therefore, effects on local air quality related to the biomass boiler proposals have been considered within the Environmental Statement. The maximum air quality impact of the energy centre is predicted to be of slight adverse significance and no air quality objectives would be exceeded due to the proposal, subject to Barnet Council including appropriate air quality conditions.

33 It is requested that the biomass boiler is certified as an exempt appliance in accordance with the Clean Air Act 1993. A list of exempt appliances can be found at: www.uksmokecontrolareas.co.uk/appliances.php

34 The biomass boiler must also be one of the lowest emitting models available on the Government's Exempt Appliance list at the time of installation and the following information should also be provided, which should be conditioned:

- The brand, model and thermal capacity of the biomass boiler and details of the additional abatement technology that has been investigated for fitment to reduce air pollution emissions. What reductions in emissions will this produce?
- The type, height and location of the chimney
- A breakdown of emissions factors for nitrogen oxide, particulates and any other harmful from the biomass boiler.
- An assessment of the impact of the emissions to ground level concentrations and any additional impact to surrounding buildings/structures. It would be most helpful if the results of dispersion modelling were presented on a map.

35 There are no strategic noise issues concerning the proposed development.

Urban design

36 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. London Plan policy 4B.1 sets out a series of overarching design principles for development in London. In addition to Chapter 4B, London Plan policies relating to open space (3D.8) and sustainable design and construction (4A.3) are also relevant for this proposal. Design policies contained within chapter 7 of the draft replacement London Plan are also relevant.

Massing and scale

37 The height and form of the buildings respond positively to the varying sensitivity of long distance views and the differing contexts surrounding the site. The form of development also appropriately reflects the requirements of the respective character areas illustrated in chapter 8 of the AAP. For example the rationale concentrates the taller buildings within the southern hub enabling the highest residential densities closest to the Underground station. The southern hub enjoys the lowest topography, which allows for the tallest buildings, up to six storeys along a new high street, on the site without unduly harming the setting of nearby Green Belt. To respect this important Green Belt setting, the scale of the buildings along the eastern and northern site boundaries, with Frith Lane and Partingdale Lane respectively, would be predominately 2-3 storey houses and this massing would be repeated along the northwestern edge with Bittacy Hill to respect the suburban context to the west of the site. The steep topography is most apparent in the central slopes character area; here 4-storey high apartment blocks would predominate and would utilize the east-west site contours to overcome level changes. These heights coupled with the level changes allow for both outlook and sunlight to be maximized for units on the central slopes.

Site permeability and connections

38 Policy MHE10 of the AAP seeks good permeability within the site which should be appropriately linked to the surrounding area, and that new streets promote the importance of place making rather than highway domination. The application has responded positively to this policy and includes a highly permeable route through the site to link Bittacy Hill in the west with Frith Lane in the east which will allow bus routes through the development, subject to TfL requirements discussed later in the report. A new high street is also proposed to run south from the east-west

route to connect with the Underground station, this route would also serve the highest density housing and the commercial and business uses with the site. A street hierarchy to include avenues, lanes and pedestrian and cycle paths would then be structured around these two primary routes. The permeability of these streets would create a legible structure to site, define the different residential character areas and physically link all those residents with the amenities located throughout the site, which is further supported by emerging policy 7.4.

Appearance

39 Policy MHE16 of the AAP seeks that the development demonstrates a high quality architectural design, and although this an outline application, whereby appearance is a matter reserved, the application has set indicative parameters. It is positive that pastiche design would not be encouraged, and instead a palette of traditional materials would be used to create an up to date contemporary appearance. A variety of building types and sizes should ensure that a monotonous development across the site is avoided whilst also achieving a coherent townscape for the new Mill Hill East community, in line with emerging policy 7.6. Visual variety will be aided further as development phases come forward at different times and would likely be designed by different architects who would employ differing facade design and materials. The development programme will help define the individual residential character areas to provide legibility and sense of place for residents in accordance with emerging policy 7.1.

40 At pre-application stage officers raised concern about the possible appearance of ground floor frontages of any car parking areas located under first floor amenity decks serving apartment blocks. This was a particular concern for the central slopes, as level changes would promote this type of parking. To avoid blank frontages with car park venting the applicant proposes for vehicles to enter the underground parking via under-croft entrances cut into the proposed southern elevations of these blocks. This approach would allow residential units to flank and conceal the car parking behind, hence maximising the active ground floor residential frontages accessed directly from the public realm to increase sense of ownership and security, which is welcomed.

Layout

41 A clear and robust layout is proposed which would enable the development to be implemented without compromising the integrity or cohesiveness of place making. The layout has been derived from a network of permeable streets and open spaces. The street hierarchy and individual characteristics of the open spaces would ensure that the environment would be legible and accessible for all residents and users of the site. A new civic square opposite the Underground station is one of the key elements in creating a legible layout. This square is to be the southern gateway to the development providing a clear visual link and pedestrian desire line from the station northwards, up a new high street, into the heart of the development. A network of landscaped streets would then lead residents to their homes and the public open spaces throughout the site

Inclusive design

42 The outline nature of the proposal is recognised but London Plan policy 4B.5 and emerging policy 7.2 both seek the highest standards of accessibility and inclusion and forms part of the design process from the outset. Very limited detail has been provided under sections 4.04 and 4.08 of the Design Principles and Design and Access Statement documents respectively. The applicant has failed to respond to the inclusive design advice provided at pre-application stage. A comprehensive access statement document would need to be submitted, before the application is again reported to the Mayor, to explain the design thinking behind the application and demonstrate how the principles of inclusive design, including the specific needs of disabled people

have been integrated into the proposed development and how inclusion will be maintained and managed. Currently the planning application fails to accord with strategic policy.

43 Typical flat and dwellinghouse layouts within a typical block representing each character area must be provided and demonstrate that all the Lifetime Homes criteria have been addressed and how the layouts change between a fully wheelchair accessible unit and one that can be easily adapted for future occupation by a wheelchair user should be included. This is very important given the steep gradients across the site. The best practice guide on wheelchair accessible housing provides a useful checklist that can be used in the access statement to demonstrate the adaptability of the new homes proposed. With careful planning and generous space standards, and by embedding the inclusive design concept into the process from the outset, the scheme should exceed 10% wheelchair accessible housing.

44 The access statement should make clear how the topography has impacted on the accessibility of the pedestrian routes and what opportunities have been taken to ensure that people who find slopes difficult to negotiate are not going to be at a disadvantage. Ideally pedestrian routes should aim to have a gentle gradient of 1 in 60 or less but this will obviously not be the case in those parts of the site that are steeply sloping. In this instance a plan illustrating the gradients across the site to demonstrate that there are sufficient gentle routes that can be taken as a reasonable alternative to the steeper routes is achievable, aiming to achieve the best possible gradients on all routes, but no steeper than 1 in 20.

45 The pedestrian routes to all of the different buildings on the site should be designed to ensure full and easy access for all users. The access statement should show how disabled people access each of the buildings safely, including details of levels, gradients, widths and surface materials of the paths and how they are segregated from traffic and turning vehicles. Connectivity to the surrounding streets and public transport network is also a key issue. Whilst the sloping nature of the site is acknowledged it is important that there is disabled access across the site, including to the panoramic park. The transport assessment should cross reference with the access statement and demonstrate where accessible bus stops and taxi drop offs are located in relation to the site and whether the local station is accessible. It would be helpful to demonstrate that all the footways, pedestrian crossings and paths within and surrounding the site are safe and accessible for everyone. An access audit of the surrounding streets showing existing and proposed pedestrian links and step free routes would adequately demonstrate that any barriers to disabled people have been removed. Ideally, this should be illustrated on a plan. The lighting design is particularly important to create safe and well and evenly light routes through and into the site, particularly for women at night.

46 Provision and future management of the blue badge bays should take into account changes in demand for bays in future, including visitor provision to both the residential and the commercial uses. The parking plan and travel plan should address the needs of disabled people.

Open Space and Green Belt

47 Emerging strategic planning policy 7.15, which seeks that open space is planned appropriately in Intensification Areas, supports the approach to open space. Moreover, policy MHE7 of the AAP required 5.5 hectares of public open space across the AAP area and given that 5.95 hectares of open space is proposed, together with communal residential courtyards, the proposal would exceed the aspirations of the AAP, which is welcomed. The 'Public Realm and Open Space strategy' document showing the character areas of open space and their individual design parameters is also supported by policy MHE7.

48 The moderate scale, two storey maximum, of the proposed development in the Green Belt edge character areas would ensure the openness of the neighbouring Green Belt land would remain unharmed in compliance with PPG2 and emerging London Plan policy 7.16. However, given the highly elevated and highly visible nature of the site there would be a number of long distance views into the site. Therefore it is important that the green appearance of the site is retained, especially given the setting of the site in close proximity to Green Belt. For this reason the provision of green and brown roofs should be maximised across the site, especially on the central slope and southern hub where the density of development is higher. Presently only a limited number of living roofs are proposed which is not compliant with emerging London Plan policy 5.11.

Biodiversity and trees

49 Policy MHE9 of the AAP recognises that the site is currently of limited nature conservation importance. However, a comprehensive Environment Statement accompanies the application, which systematically assesses the impacts of the proposed development and sets mitigation measures where appropriate. These measures include the development of green corridors across the site that promote shelter and foraging capacity, provision of bird and bat boxes, a sensitive lighting strategy around existing bat habitats and the retention of the significant landscape areas containing trees and shrubs; namely the Officer's Mess gardens and woodland around the Scout Camp. The implementation of these mitigation measures would ensure no significant adverse impacts on existing biodiversity in accordance with PPS9 and draft London Plan policy 7.19.

50 Policy MHE9 of the AAP seeks that mature trees are retained wherever possible and should be reinforced with new planting and this is echoed in emerging London Plan policy 7.21. The trees on the site are of variable quality and an arboricultural survey has been carried out to establish the condition of trees on the site. There is commitment to retain the majority of best quality category A and B trees across the site, particularly the groups of mature trees in the northern part of the site, which contribute to amenity. It is also proposed to retain the woodland area adjacent the Scout Camp and the boundary vegetation along Bittacy Hill, Frith Lane and Partingdale Lane; also to be supplemented with new native species. The unavoidable losses of some existing trees would be mitigated by a planting strategy of new trees and further arboricultural statements would be required at each reserved matters stage, which should be secured by condition. These measures would ensure that the proposal would be in accordance with the AAP and strategic policy.

Sport and recreation

51 The site includes a 2.6 hectare disused playing field so 'Planning Policy Guidance 17: Planning for Open space, Sport and Recreation' (PPG17) is relevant. MoD personnel have used the playing fields within the last five years, who have now relocated to RAF Northolt, where a replacement playing field of equivalent quality and quantity has been provided. The playing fields have never been accessible to general public. The 'Open Space Sport and Recreation Study Report' accompanying the application, concludes that the existing provision of outdoor sports facilities in the study area around the site currently exceeds the National Playing Fields Association 'six acre standard'. Additionally the redevelopment proposes 1.3 hectares of new sports pitches of higher quality that will be fully accessible to the community and this is welcomed.

52 The outline application would also result in the demolition of an indoor gymnasium and three tennis courts. Again, the use of these facilities was for MoD personnel only and re-provision of equivalent quality and quantity has been made at RAF Northolt in accordance with PPG17. Additionally the general public will have access to the indoor sports facilities proposed in association with the new primary school that will be an improvement for the local population in terms of access to sports facilities. Notwithstanding this, the 'Open Space Sport and Recreation Study Report' concluded that indoor sport facility provision in the study area was in excess of the

levels sought by Sport England. The proposals would therefore improve sport and recreation facilities in the Mill Hill East area in compliance with PPG17, London Plan policy 3D.8 and emerging policy 3.20.

Climate change

53 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise carbon dioxide emissions.

Mitigation

54 London Plan policies 4A.3-11 focus on mitigation of climate change and require a reduction in a development's carbon dioxide emissions through the use of passive design, energy efficiency and renewable energy measures. The London Plan requires developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures and prioritising decentralised energy, including renewables.

Be lean

55 The applicant has submitted an energy assessment in accordance with London Plan policy 4A.4 and the content of this report acceptably follows the energy hierarchy as set out in policy 4A.1. The baseline emissions have been estimated using benchmarks that have been related to 2006 building regulations. The estimated baseline emissions are 7,237 tonnes of carbon dioxide per annum. Further information is required to fully understand how the baseline emissions have been estimated

56 To accord with policy 4A.3 the energy strategy indicates that 11% carbon savings would be achieved as a result of the energy efficient design measures. However no information has been given on what specific measures that would be adopted

57 The energy strategy should include the demand reduction and energy efficient design measures that would be adopted, and clearly lay out minimum commitments throughout the development phasing, including minimum insulation values, air tightness, use of energy efficient lighting and so forth. These measures will have to be addressed for flats and houses separately. The results of building regulations approved modelling, as for the baseline emissions, should be used to demonstrate the carbon savings, beyond current building regulations that the minimum commitments would achieve.

58 The energy statement should also set out proposals for how non-regulated energy and carbon dioxide emissions would be reduced through the use of energy efficient appliances and equipment, controls and good management practice.

Be clean and be green

59 The energy strategy is proposing to install a district-heating network to supply the higher density central and southern area of the proposed development with heat, whilst the lower density northern area and area around the Officers Mess would employ individual heating solutions.

60 The rationale given by the applicant for not installing a district heating approach in the lower density areas of the development could be supported, but the applicant is requested to submit a schematic that includes the proposed heat network throughout all the densities. This schematic should include an estimation of the number of dwellings in each phase area, dwelling

(heat) density, proposed building height, type of dwelling or similar information, in order to better illustrate and further understand the rationale for not extending the heat network to the lower density areas of the scheme.

61 If the lower density areas includes block of flats, as well as single dwellings, the type of heating systems that is being proposed for those flats should be clearly understood. Finally, the proposals for the heat network that would be used to supply the higher density areas of the site should be related to the development-phasing plan to illustrate how the heat network would evolve with the phasing.

62 The proposals include a single energy centre feeding a communal heat network connected to all heat loads. In compliance with policy 4A.5, the applicant has also investigated the possibility of connecting to adjacent sites, which turned out negative due to other developments constraints; email conversations have been provided to support this. An indicative layout of the communal heat network is provided, which appears reasonable and drawings are provided to indicate that enough space has been allocated to the energy centre. All elements of the heat network would be metered.

63 The district-heating network supplying the high-density areas of the site would be supplied with heat generated with combined heat and power plant of a total capacity of 800 kilowatts. This has been estimated to save carbon emission by a further 19%. Additionally, a biomass boiler of 2 megawatts is being proposed to supplement the heating provision of the district-heating network during the winter period.

64 In relation to the lower density element of the scheme individual air source heat pumps and solar thermal systems would be used. These technologies combined with the biomass boiler would reduce carbon emissions by a further 9%.

65 It is understood that the residential element will be naturally ventilated and this is welcomed. However, the energy assessment should address the potential risk of overheating within the buildings in the site, especially single aspect units, and set out the measures that aim to minimise the need for active cooling systems, minimisation of internal gains, minimisation of unwanted summer solar gains through the use of external shading devices, appropriate use of thermal mass and night cooling.

Adaptation

66 London Plan policy 4A.9 outlines five principles for ensuring effective adaptation to climate change in new developments. These are to minimise overheating and contribution to heat island effects, minimise solar gain in summer, contributing to flood risk reductions, including applying sustainable drainage principles, minimising water use and protecting and enhancing green infrastructure. Policies 4A.10 – 4A.16 cover strategic issues relating to overheating, living roofs and walls and water efficiency, and these policies are echoed by draft replacement London Plan policies 5.9-5.15. Further guidance is given in the Mayor's Supplementary Planning Guidance (SPG) 'Sustainable Design and Construction', which sets out the Mayor's essential and preferred standards for sustainable design and construction.

67 Chapter 3 of the 'Environmental Sustainability and Energy Strategy' document, accompanying the application, positively demonstrates how the proposal would achieve the Mayor's essential standards for sustainable design and construction. The layouts of the buildings have been carefully considered to best utilise the site's topography and orientation to achieve the principles of passive design in accordance with emerging policy 5.9. A landscape strategy is proposed to ensure new street trees will be planted as the development is built out; these trees would supplement the retained 5.85 hectares of green space and the existing woodland on site

in line with policy 5.10. With regard to green roofs, only a small proportion is proposed and the applicant is requested to significantly increase this, where feasible, to comply with policy 5.11. A comprehensive sustainable urban drainage system (SUDS) is outlined in the applicant's 'Technical/Infrastructure Strategy' document, which accords with AAP policy MHE14 and draft London Plan policy 5.13. The proposed SUDS techniques include permeable paving, ponds, basins and bunds for water storage, swales and filter drains and living roofs. The delivery of the SUDS should be secured under section 106. The proposals also incorporate rainwater harvesting and dual potable and grey water recycling systems, which is supported under emerging policy 5.15. These should be secured by condition or s106 agreement.

68 AAP policy MHE14 requires the residential development to achieve a Code for Sustainable Homes Level 4, which shall increase to achieve Level 6 by 2014. Commercial and community buildings are required to achieve a BREEAM pre-assessment rating of 'excellent' minimum. Appropriate conditions should be attached to ensure these goals are met for this proposal.

Transport

69 TfL has worked alongside the Council on the Mill Hill East AAP as the site is designated as an Area for Intensification, which focuses on developing the land around the Underground station. The planning application and transport assessment is expected to consider the development in greater detail than that which was assessed in the AAP. TfL is aware that Barnet Council is a landowner and has an interest in the site. Importantly TfL will need the red line to be amended to address the Underground station and will expect to be made signatory to the s106 agreement as a landowner.

70 The Council and applicant are reminded that since November 2007 TfL has operated a pre-application advice service. TfL was unable to attend the GLA pre application meeting on 22 April 2009, however the report stated at paragraph 55 that the applicant would enter into pre-application discussions with TfL. Unfortunately a meeting was not arranged which is very disappointing, particularly for a scheme of this large scale. The applicant claims to have agreed a number of issues within the transport assessment relating to impact and public transport improvements during preparation of the AAP. This will need to be clarified by TfL.

London Plan policy

71 The London Plan 2008 and draft revised London Plan (October 2009) sets the strategic policy framework for development, which concentrates upon ensuring that sufficient capacity is provided to meet demand and that transport infrastructure improvements are phased together or in advance of development. The cumulative impact of developments must also be assessed. There is a strong emphasis on sustainable forms of transport including walking and cycling. All development and transport infrastructure should be accessible to all including mobility impaired users. Encouraging mode shift and behavior will be a key to achieving these objectives, including robust and committed travel plans. Reference is also made to TfL's Transport assessment best practice guidance.

Public transport strategy

72 The application site is broadly consistent with that applied in the AAP; however some key land holdings have been excluded including Mill Hill East Underground station and land owned by Notting Hill Housing Trust. In addition the AAP required developers to prepare a public transport strategy within policy MHE12: Sustainable transport which states "*Preparation of a public transport strategy will be required in consultation with TfL and developers will be required to make appropriate contributions to the provision of public transport*". This is re-confirmed in policy

MHE18: 'Delivering the AAP' which states that a comprehensive approach will be required to development of the site and that the following documents; a "Public transport strategy" will need to be approved by the council at or before the planning application stage.

73 The strategy will need to include a fuller assessment of the timing of public transport improvements with development triggers including multimodal trips by phase in the form of a delivery plan. Highway, public transport, walking and cycling improvements should be delivered in advance of or concurrently with development. The cost of proposed mitigation will also need to be provided, in accordance with London Plan policies 3C.2 'Integrating transport and development', and Policy 6.3 'Assessing transport capacity' of the draft revised London Plan. The strategy will also need to include the timing of the proposed works to the Underground station and forecourt and expected timing of any changes or enhancements to the bus network, once agreed with TfL.

74 A phasing plan must be developed which demonstrates how the proposed development will come forward and how transport mitigation and improvements will be delivered within each phase. A viability assessment will also need to be prepared and submitted and TfL will need to review this against the need to provide key infrastructure improvements early, in particular works to the Underground station. In addition TfL understands that there may be difficulties in bringing forward the land needed to deliver a high quality interchange due to the availability of the Council depot to the south of the application boundary. TfL will not support an adhoc approach to redevelopment of this site. The AAP established the principle of developing the southern end and transport interchange during the early phases.

Mill Hill East Underground station

75 It should be noted that the very purpose of designation of this site for this amount of residential units was predicated on accessibility to the Underground network, as Mill Hill East is a branch line. At present the transport assessment underestimates the number of likely Underground users, only 71 in the peak hour for a development of this scale where central London is in the future likely to continue to be the preferred employment destination of new residents.

76 Mill Hill East Underground station and public transport interchange is owned by TfL and must be redeveloped as part of this planning application. As a result TfL will expect the planning application to include the following provisions: a more robust assessment of Underground trips, step free feasibility study, gate line and ticketing feasibility study, funding of the full cost of step free works and funding of ticketing facilities at the station, an assessment of retail potential, and forecourt and public realm strategy including use by buses.

77 TfL will require the full funding of step free access at Mill Hill East through the s106 agreement, as this was a key objective in TfL's review of the AAP, as is referenced on page 57 of the document under policy MHE12: Sustainable Transport. The application currently does not address the Station to a sufficient level of detail and this represents a departure from the AAP, as the boundary included the station. For example, station refurbishment, step free access, the public square and bus movements. There may also be opportunities to create retail or cycle club accessibility at the station. To this end TfL will expect to be a s106 party, as the application must include works over TfL land.

Highway impact

78 TfL does not expect the development to have an unacceptable impact upon the Transport for London Road Network (TLRN) or the Strategic Road Network (SRN). However the A1 Holders Hill Junction will need to be independently assessed as was set out in the AAP, including implications for buses. There seems to be an over emphasis on car parking and car use which does

not appreciate use of the Underground station. TfL wishes to see further details of the modeling to assess traffic flows in particular in relation to buses. The approach to the trip generation seems reasonable but the results appear low, in particular for public transport. Further clarification is required as to the justification for lower flows at key junctions in the 'with development' scenario. Highway improvements need to account for all users, including buses, pedestrians and cyclists and should include cycle lanes, advanced stop lines and bus priority measures at key junctions.

Car parking

79 The planning application includes a total of 2,570 car parking spaces, 2,516 being for residential use. TfL made clear during discussions on the AAP that parking should not exceed 1 space per unit across the site. This is further supported above in TfL's comments on the importance of the Underground station in making this site acceptable for this level of residential units. While TfL accepts that some of the larger three and four bed units may require more parking there is clearly a need to provide car free and lower car ratios for the smaller one and two bed units, as these will be higher density and benefit from proximity to the Underground and bus interchange. All other uses will need to include car parking in accordance with London Plan standards.

80 A car club should also be provided within the site to assist in reducing the residential parking levels. TfL is aware that local residents have expressed concerns about highway impact and congestion. The way to address this issue is to significantly reduce reliance on the car in this part of London. Hence greater emphasis must be on use of the Underground station and buses.

81 Other controls will be required such as Controlled Parking Zones (CPZ) and a parking management plan. The developer will need to monitor take up and look at car ownerships levels for both affordable and market housing before TfL can agree to the proposed parking ratios. These changes are necessary to ensure compliance with London Plan policy 3C.23 Parking strategy and the draft revised London Plan policy 6.13 Parking in the draft revised London Plan.

Electric Vehicles

82 The applicant should provide electric vehicle charging points in line with the London Plan consultation draft replacement which states that 20% of all residential spaces must be for electric vehicles (or 1 point/ 5 car parking spaces) with an additional 20% passive provision. For commercial development the target is 20% with a further 10% passive provision, and for retail 10% with a further 10% passive provision. For passive provision the developer is expected to demonstrate that the additional space or points can be provided at the time of implementation or at some time in the future.

Cycle parking

83 TfL welcomes the proposed number of cycle parking spaces which have been confirmed in the TA as according with TfL cycle parking standards as referred to in the London Plan, including the draft revised version. A high level of cycle parking and facilities must be provided at Mill Hill East station to support linked trips and encourage mode shift. A cycle club should also be set up; one location could be at the station. Plans will need to be submitted illustrating the location and planning conditions will be required to secure safety measures and cycling facilities.

Buses

84 TfL will require further more detailed discussion with the developer in respect of the proposed alterations to the bus network. It is acknowledged that TfL held discussions with the developer during preparation of the AAP, however the transport assessment is not currently clear

in terms of how bus patronage has been assessed, for example further information on origin and destination projections for passengers is required, which may give rise to a financial contribution towards buses. In addition TfL believes that the number of bus passengers has been underestimated in the transport assessment. If it is justified that there is only a low number of bus users, TfL may be unable to support the proposed changes to existing routings as there will not be a demonstrable business case.

85 TfL has reviewed the proposals to divert the 221 and re-route the 382 and is concerned that there has not been sufficient consideration of passenger preference or the impact of additional running costs or timing of the services. In addition it is not clear from the planning application documents as to whether there will be a north-south bus only corridor and how this will be designed to allow safe movement of buses at the junction with Bittacy Hill. TfL will also need to understand the strategy for buses using the existing turnaround at Mill Hill East station and how passengers currently interchange.

86 TfL will provide information on the condition of bus stops within 400 metres of the site to determine what improvements are required in line with TfL Accessible bus stop guideline. TfL will also need to understand whether the proposed location of bus stops and stands provides benefits to bus users. Driver facilities will also be required including toilets where services are to terminate or stand as part of the proposals. Standing space for two buses will be required within the site the location will need to be secured by planning obligation. All improvements suggested above will need to be funded by the developer through s106 contributions.

Walking and cycling

87 TfL will require a site wide pedestrian environment review software (PERS) assessment, which identifies a clear strategy for delivering improvements, and expect the applicant to agree the scope of the PERS assessment prior to implementation. Enhancements must be made to improve journey times and interchange at Mill Hill East station in order to influence mode shift. TfL will expect the developer to make contributions towards improvements. Specific walk time across the site will also need to be provided. TfL is generally supportive of the proposed pedestrian improvements and has written to the council with more detailed comments for example compliance with DDA and the location and nature of routes.

88 The site has access to London Cycle Network routes 85 and 89 and there is a good description of local cycle routes. However, there is no additional provision for cyclists beyond the immediate site boundary, which is very disappointing for a strategic development site with this number of units and with huge potential for work and leisure based cycle trips. Cyclist should not be forced to dismount at any junction or access to the site and cyclist safety must be maintained.

89 TfL welcomes references to walking and cycling in the document but significant further work is required in delivering a strategy for these improvements and enabling and encouraging mode shift in line with London Plan policies 3C.21 Improving conditions for walking and 3C.22 Improving conditions for cycling and emerging policy 6.9 Cycling and 6.10 Walking.

Travel Plan

90 The travel plan submitted is currently unacceptable and is not in line with TfL guidance. A revised framework travel plan should be submitted in line with TfL guidance: 'TfL's Guidance for workplace and residential travel planning for development'. While the current submission recommends a relatively comprehensive package of measures for employment there are fewer for the residential uses. No information is provided on targets and phasing and management, marketing and monitoring sections are not in line with the standard methodology. These

discrepancies will need to be addressed to make the document compliant with London Plan policy 3C.2 Integrating transport and development, and policy 6.3 Assessing transport capacity in the draft revised London Plan. Upon revision the framework travel plan will need to be tested using ATTrBuTE and all travel plan authors are encouraged to use ATTrBuTE to build and evaluate their own travel plan prior to submission. ATTrBuTE is available free on-line at www.attribute.org.uk. TfL can provide further more detailed comments in order to assist the applicant in preparing a robust travel-planning framework.

Public transport capacity on the Northern Line

91 TfL has recently reviewed growth projections for housing and jobs with the GLA economics unit. The figures have been included in the Mayor's Transport Strategy (consultation draft, October 2009) and are also considered in the London Plan and the draft replacement London Plan. This work has demonstrated that there will be sufficient capacity on the Northern Line to accommodate development at Mill Hill East within acceptable crowding levels, and not higher than existing levels. Crowding does increase on the High Barnet branch in particular further south on the line from Kentish Town and through Central London on the Bank branch. To meet future demand TfL has two committed capacity enhancement projects that should deliver a 30- 40% increase in overall capacity on the Northern Line.

92 TfL is concerned that the number of Underground trips has been underestimated and does not place sufficient weight on public transport serving this site, which is contrary to its designation in the London Plan. TfL notes that the assessment of trips has been taken as an average across all Barnet wards this must be amended to include only wards with direct access to the Northern Line.

Delivery and Servicing

93 A delivery and servicing strategy statement together with a more detailed illustration of site activities should be prepared in accordance with the TfL Freight Plan and to ensure general compliance with London Plan policy 3C.25 Freight strategy and policy 6.3 Freight of the draft revised London Plan. A number of sustainable and modern initiatives should be applied which seek to reduce the impact of delivery vehicles. The number and type of delivery vehicles using the site should be clearly stated together with a commitment to consolidate journeys and provide details of on site management.

Mode shift

94 TfL is committed to encouraging mode shift. The Council must promote low car ownership or car free development, as a failure to do so will severely restrict the effectiveness of travel demand management and travel plans. TfL urges the developer to ensure specific commitments to car free and low car ownership in the planning application including a car club. In addition the council must promote public transport, walking and cycling with stronger obligations on developers to deliver improvements.

Summary

95 A 'Public Transport Strategy' will need to be prepared concentrating on the interchange and then links within and to the site. The priority will be step free access and station refurbishment including an appraisal of gate line. TfL requires further work and a reduction in car parking provision, additional electric vehicle charging points, improvements to the pedestrian and cycling environment and contributions towards improvements to bus services, priority and stops. In particular there should be a strong emphasis on mode shift from car to Underground and bus use. TfL is disappointed that a public transport strategy has not been developed with TfL and the council as part of pre-application discussions. TfL invites further discussion with the applicant to

ensure that the development complies with London Plan policies in particular London Plan policy 3C.2 Integrating transport and development, and emerging policy 6.1 'Strategic approach'.

96 Currently TfL cannot support the planning application and transport assessment in its current form as a significant amount of information is missing which would result in TfL being unable to fully determine whether the application can be considered to be in accordance with the London Plan, including the Consultation draft replacement plan or in accordance with TfL Transport assessment best practice guidance. It is important that development quantum is phased in advance of or concurrently with transport capacity and infrastructure. Planning conditions and obligation may be necessary to restrict implementation or occupation of development. If the development is to be phased a full assessment of each phase of development will be required using up to date material.

97 TfL will need to ensure that planning obligations deliver transport infrastructure and contributions and should be included in preparation and negotiations of the s106 agreement. TfL request that it is informed of the councils view on this planning application as early as possible and that TfL has sight of draft s106, planning conditions and committee reports should this application be determined.

Local planning authority's position

98 The view of the local planning authority is not known at the time of writing of this report.

Legal considerations

99 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

100 There are no financial considerations at this stage.

Conclusion

101 London Plan policies on mixed-use development, employment, housing, children's playspace, ambient noise, air quality, urban design, inclusive design, Open Space, Green Belt, biodiversity, trees, sport and recreation, climate change mitigation and adaptation and transport are all relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Land use principle:** The proposed mixed-use development to include residential, commercial and business employment space is in accordance with London Plan policy 2A.6 which identifies Mill Hill East as an 'Area for Intensification'.

- **Employment:** The proposed 3,470 sq.m of new business (B1) floorspace would enhance the quality and flexibility of London's office market offer in line with strategic policy 3B.2, improve employment opportunities for Londoners under policy 3B.11.
- **Housing:** The tenure split of 60% social and 40% intermediate is compliant with emerging policy 3.12; the range and mix of housing is compliant with policy 3A.5 and would include a good quantum of family sized units; the residential density accords with policy 3A.3. Detail on the quality of accommodation is limited for the outline application and conditions should be attached to ensure the Mayor's standards are achieved.

Whether the offer of 30% (habitable rooms) as affordable housing, is the '*maximum reasonable amount*' for the site is subject to the results of an independent assessment of the applicant's financial toolkit appraisal that is currently being undertaken in accordance with policy 3A.10. A review mechanism for delivery of the affordable housing and planning obligations will be required within the section 106 given the large size of the scheme which requires a phased development.

- **Children's playspace:** It is anticipated that there will be approximately 959 children within the development. As such the development should make provision for 9,590 sq.m. of dedicated play space throughout the site.
- **Ambient noise Air quality:** Not enough detail on biomass boiler is provided.
- **Urban design:** The scale, massing, permeability and layout of the outline development broadly accords with the design guidance for the five character areas identified in the AAP and are therefore supported. At this outline stage the detailed design is unknown but appropriate conditions should ensure the highest quality finish is achieved.
- **Inclusive design:** A comprehensive access statement has not been submitted to explain the design thinking behind the application and demonstrate how the principles of inclusive design, including the specific needs of disabled people have been integrated into the proposed development and how inclusion will be maintained and managed contrary to strategic policies 3A.5 and 4B.5.
- **Open Space and Green Belt:** The proposed 5.95 hectares of open space across the site is supported and the proposed development would not harm the setting of neighbouring Green Belt in accordance with emerging policies 7.15 and 7.16 respectively.
- **Biodiversity and trees:** The site is currently of limited nature conservation importance, however the retention of the significant landscape areas containing trees and shrubs; and the implementation of mitigation measures would ensure no significant adverse impacts on existing biodiversity. There is commitment to retain the majority of best quality category A and B trees across the site, particularly the groups of mature trees in the northern part of the site, which contribute to amenity and this is supported.
- **Sport and recreation:** The existing provision of outdoor sports facilities in the study area around the site exceeds the National Playing Fields Association 'six acre standard', and the redevelopment proposes 1.3 hectares of new sports pitches of higher quality and fully accessible to the community in addition is therefore supported by London Plan policy 3D.8 and emerging policy 3.20.
- **Climate change mitigation and adaptation:** The climate change mitigation proposals broadly comply with the climate policies of the London Plan for reasons set out paragraphs

54-65 above, subject to further information. Chapter 3 of the 'Environmental Sustainability and Energy Strategy' document provided demonstrates how all the climate change adaptation principles would be achieved in accordance with policies 4A.10 – 4A.16 and the Mayor's Supplementary Planning Guidance (SPG) 'Sustainable Design and Construction'. Particularly positive is the SUDS, however more living roofs are requested.

- **Transport:** Currently TfL cannot support the planning application and transport assessment in its current form as a significant amount of information is missing which renders the application non-compliant with the London Plan, including the consultation draft replacement plan or in accordance with TfL Transport assessment best practice guidance.

102 On balance, whilst the application conforms generally to the London Plan, it fails to secure compliance in several regards.

103 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Housing:** Conditions should be attached to ensure the Mayor's housing quality accommodation standards are achieved. A review mechanism for delivery of the affordable housing and planning obligations will be required within the section 106 given the large size of the scheme which requires a phased development.
- **Air quality:** Further detail on biomass boiler is requested for condition.
- **Children's playspace:** The development should make provision for 9,590 sq.m. of dedicated play space throughout the site.
- **Urban design:** The local authority should secure appropriate planning conditions to ensure the highest quality finish is achieved on all buildings throughout all the build out phases.
- **Inclusive design:** A comprehensive access statement is required to explain the design thinking behind the application and demonstrate how the principles of inclusive design have been integrated on this challenging site with steep gradients.
- **Climate change mitigation and adaptation:** In mitigation terms the application requires further technical detail as outlined in paragraphs 54-65. For adaptation the applicant is requested to investigate the feasibility of increasing on the proposed area of living roofs.
- **Transport:** The applicant should address all issues outlined in paragraphs 69-97.

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