

# 6 Implementation & Delivery

## 6.1 Introduction

6.1.1 A key requirement is to ensure that the development proposed in the AAP can be delivered within the plan period whilst mitigating the impacts of development and ensuring that the scheme is integrated within the surrounding area of Mill Hill.

6.1.2 The key issues influencing the implementation of the site are:

- How will the development be delivered?
- When will the development be delivered? and
- How will the impacts of development be managed?

6.1.3 Planning applications within the AAP area will not be considered unless the strategic masterplan and documents referred to in Policy MHE 18 have been prepared and approved by the council. All development proposals will be required to be in accordance with the policies and guidance set out in the AAP.



## 6.2 How Will the Development be Delivered?

### POLICY MHE18: Delivering the AAP

A comprehensive approach will be required to development of the site to ensure a high quality of design, an integrated layout and the timely delivery of social, economic, environmental and physical infrastructure improvements.

This will be delivered through one of the following mechanisms:

- A voluntary landowners' agreement and equalisation mechanism leading to a site-wide planning application or;
- A council/ partnership led strategic framework and planning obligations mechanism which applies to the whole AAP area to which all individual planning applications must conform.

The following documents will need to be approved by the council at or before the planning application stage.

They cover site-wide issues which require further detailed work to ensure a comprehensive development:

- Strategic masterplan for the whole site showing road hierarchy and access roads, strategic landscaping and open space, location of community facilities and infrastructure;
- Design codes;
- Public transport strategy;
- Landscape and open space strategy;
- Energy strategy;
- Flood risk assessment and drainage strategy;
- Community facilities strategy; and
- Phasing and delivery strategy.

6.2.1 There is a general acceptance by the principal landowners within the site that subject to viability issues, the site should be brought forward in a comprehensive manner to ensure a high quality of design and integrated layout, and the delivery of social, economic, environmental and physical infrastructure improvements.

6.2.2 The preferred approach is to deliver a comprehensive scheme for the site through a 'Landowners' Agreement' based on an 'equalisation mechanism'. This will necessitate a single outline planning application submission except where extant consents are currently being implemented.

### Landowners' Agreement

6.2.3 The aim of the equalisation mechanism is to enable the delivery of a comprehensive development that would not be achievable on a piecemeal basis. The equalisation mechanism assumes that each landowner takes an equitable and fair share of common enabling costs and value arising from the scheme. This is similar to the principles of 'pooled funding' in DCLG Circular 05/2005.

6.2.4 Where development creates an acceptable viable proposition for each landowner through the equalisation mechanism, a voluntary Landowners' Agreement would seek to bind landowners contractually to bring forward development comprehensively.

6.2.5 The Landowners' Agreement would effectively create a theoretical single development site for the AAP and enable each individual landowner to bring forward development within commercial timescales based on a planning consent for the entire site covering all relevant interests.

6.2.6 The land that would be excluded from the Landowners' Agreement is the first phase of development with extant planning permission, developed in part by Annington Homes, to include 104 new dwellings. The remaining 256 homes with extant

consent are to be subsumed into the AAP area. In the event that land plots are sold to other developers or landowners, any new parties would be bound by the terms of the Landowners' Agreement as well as the planning principles and objectives set out in the AAP.

6.2.7 Where the financial viability of the scheme does not generate an acceptable uplift in value for individual landowners, the local planning authority would seek to implement alternative delivery options, which would, at the very least, include controlling development through the planning process (plan making and development management), and in appropriate circumstances, could include a more interventionist route such as compulsory purchase.

### Controlling Development through the Planning Process (Plan Making and Development Management)

6.2.8 To ensure that development meets the targets and objectives for the Mill Hill East AAP site, the local planning authority will control the nature and quantum of development through the planning process. Development of individual plots within the site will be required to comply with the development principles set out in the AAP.

6.2.9 The Area Action Plan provides the development plan framework within which all future planning applications will be determined, and each application will need to demonstrate to the council how the proposed development will help to realise the aims and objectives of the AAP.

6.2.10 It will be essential to set up a suitable planning obligations mechanism for dealing with the cumulative impact of individual developments. This approach is designed to help deliver the aims and objectives for the site, where only partial redevelopment materialises.

### Use of Compulsory Purchase Powers

6.2.11 Alternatively, in the absence of a Landowners'

Agreement, a partnership approach or single land assembly solution, an alternative mechanism that the council could consider is the acquisition of property within the Mill Hill East site through compulsory purchase where this is permitted under current legislation. The compulsory purchase of the site by the council under section 226 of the Town and Country Planning Act would enable development to be brought forward in a comprehensive manner if this could not be achieved in other ways. The Compulsory Purchase Order would need to demonstrate the social, economic and environmental benefits which would be achieved through a comprehensive scheme. This is considered to be the least preferable delivery solution for the site and the council will seek to promote the comprehensive development of the site through other delivery mechanisms.

### Post AAP Plan Making

6.2.12 Regardless of which delivery mechanism is adopted, the AAP provides a clear policy framework for the promotion of a comprehensive approach to enable the delivery of key community facilities and infrastructure and create a well connected neighbourhood. To deliver the proposals outlined in the AAP, a more detailed level of strategic design development is required before site development can commence. The following documents will need to be prepared as part of a Strategic Framework and submitted to, and approved by, LBB at or before the planning application stage in addition to the standard requirements for planning application:

- Detailed masterplan and design codes/ detailed design and access statement;
- Detailed phasing and delivery strategy;
- Street hierarchy plan and detailed design of key highways infrastructure;
- Public transport strategy;
- Landscape strategy;
- Energy strategy;

- Flood risk assessment and drainage strategy; and
- A community facilities strategy.

6.2.13 The preparation of the strategic framework will be achieved through one of the following approaches:

- Preparation of strategic documents to support a site-wide outline application following completion of a landowners agreement;
- If no landowners agreement is concluded, there will be a requirement for the preparation of a pre-application strategic framework and planning obligations mechanism covering the AAP site to which individual planning applications must conform. The strategic framework documents may be prepared by the Council or in partnership with the landowners continuing the existing Steering Group arrangement.

6.2.14 All development proposals will be required to adhere to the principles and requirements outlined in the Strategic Framework to ensure coordination between development schemes and the delivery of strategic objectives.

## 6.3 When Will the Development be Delivered?

6.3.1 The development of 2,000 additional homes and 500 new jobs is anticipated to take in the region of 10 years. The phasing of development is difficult to pre-judge and could vary according to whether the site is delivered through a Landowners' Agreement, single land assembly process, individual parties or a CPO. However, the pattern of existing landownership and the requirement for new infrastructure provision provide an

indication of when development could come forward.

6.3.2 In terms of existing planning consents, Annington Homes was granted outline planning permission in August 2002 for the redevelopment of the north eastern corner of Inglis Barracks for 360 residential units. 104 dwellings were constructed in 2008/9 and Annington Homes has entered into a Joint Venture Partnership with Countryside to deliver this first phase and additional phases on this part of the Mill Hill East site. It is therefore anticipated that the north eastern part of the site will be developed out in the short term (in the next three to five years).

6.3.3 It is expected that the MoD land will be available for development in the short term. This may trigger development early in the development programme on the largest parcel of land within the Mill Hill East site

6.3.4 Barnet Council own three parcels of land within the site – the Depot, Scout Camp and land and Bittacy Court flats. The Scout Camp is to be protected within the Green Belt. There are no current plans to develop Bittacy Court. The council is committed to relocating the Depot from Mill Hill to an alternative site or sites and this will enable the land within the AAP area to be released for development.

6.3.5 The land owned by Notting Hill Housing Trust and the two additional plots owned by Annington Homes on the western edge of the Mill Hill East site are anticipated to come forward later in the plan period. There are opportunities for other land parcels to come forward for development over time.

6.3.6 In summary, the development will broadly be phased in the following manner in line with developer aspirations and the need to provide infrastructure and facilities early on. The indicative



phasing of development could be as follows:

- Annington Homes/Countryside's north eastern lands  
– delivered within years 1-5;
- MOD/VSM Estates lands  
– delivered within years 1-7;
- LB Barnet's Depot  
– delivered within years 1-5;
- Annington Homes' western lands  
– delivered within years 6-10; and
- Notting Hill Housing Trust  
– delivered within years 8-10 and beyond.

## 6.4 How Will the Impacts of Development be Managed?

6.4.1 The development of approximately 2,000 additional homes and 500 new jobs requires the provision of supporting facilities to be delivered commercially through the scheme, and social, economic, environmental and physical infrastructure to be delivered through a planning obligations legal agreement in accordance with s106 of the Town and Country Planning Act 1990 (as amended);

Circular 05/2005 and s278 of the Highways Act 1980 or any provision equivalent to this legislation in any statutory instrument revoking or re-enacting the Act/Circular with or without modification.

emerging Supplementary Planning Documents on life-long learning, affordable housing, health facilities, culture, recreation and green spaces, economic wealth and transport and infrastructure.

6.4.2 Any contributions which are made by way of Planning Obligations should comply with the key planning tests as set out in the Government's Circular 05/2005.

6.4.3 The council's general approach to planning obligations is set out in the Supplementary Planning Document on 'Planning Obligations or s106 Agreements'. In assessing the level of contribution and mechanism for delivery, the council will also take account of adopted and

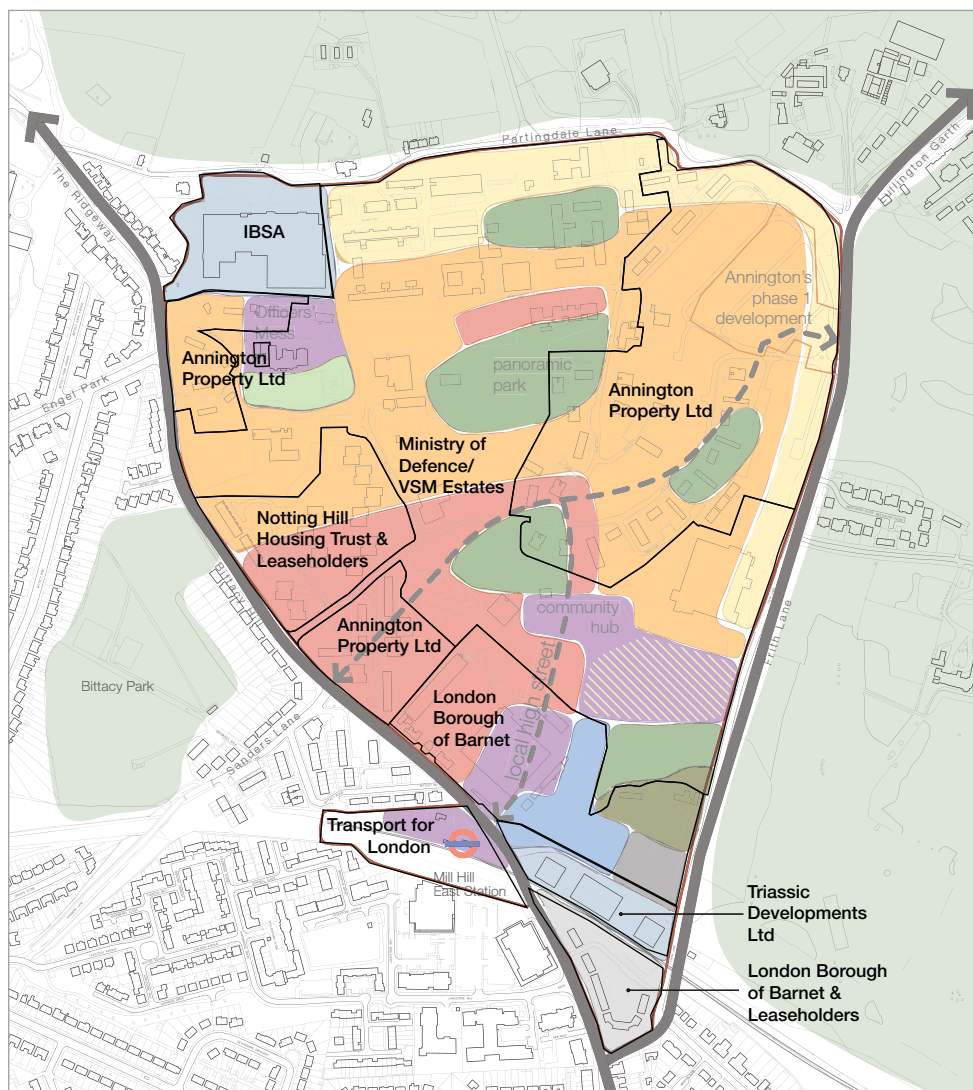


Fig 6.1 Landownership & the Proposals Map

## 6.5 Planning Obligations

### POLICY MHE19: Planning Obligations

In line with UDP Policy IMP2, the council will seek to ensure through the use of conditions or planning obligations attached to planning permissions, that new development at Mill Hill East provides for the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve the proposed development and which are necessary to offset any consequent impacts which may result from the development.

6.5.1 The scheme could trigger a number of different contributions that are prescribed requirements of the development; that mitigate against the impact of development; and compensate for loss or damage caused by development. The planning obligations package could include (but is not limited to) the following components.

- Education;
- Community and religious facilities;
- Community safety, designing out crime and surveillance;
- Libraries;
- Employment and training;
- Health and social services;
- Highways works;
- Environmental and landscape works;
- Improvement to public transport;
- Travel Demand Management (Travel Plans)
- Cycling and walking measures;
- Outdoor and Indoor sports and recreation facilities;
- Open space provision;
- Affordable housing;
- Heritage protection;
- Public art;
- Policing;
- Highways monitoring; and
- Phasing and monitoring contributions.

6.5.2 The contributions are envisaged to be delivered through a number of established and emerging Section 106 / Section 278 mechanisms, including:

- On-site provision;
- Commuted payments based on formulae for individual components for off-site provision; or
- A tariff based system, based on a contribution per dwelling or square metre of commercial floor space.

6.5.3 Therefore, the mechanism to deliver planning obligations could change over the lifetime of the development programme and AAP at Mill Hill East.

6.5.4 An alternative potential source for funding infrastructure upfront may come from partners such as the Homes and Communities Agency (English Partnerships / Housing Corporation). English Partnerships has been a member of the Mill Hill East steering group and their continuing role will be beneficial to delivering a comprehensive and sustainable scheme, especially as they merge with the Housing Corporation. The role of the Housing Corporation will also be important in terms of delivering affordable housing on the site, with Barnet Council seeking grant funding for affordable housing over the lifetime of the scheme. Other infrastructure and utilities providers may also be seeking or be requested to make funding contributions to the AAP development area including the Government, Transport for London, London Development Agency, Environment Agency, water companies etc.

6.5.5 Where the site can be brought forward comprehensively through a Landowners' Agreement, the council's preferred strategy for delivering planning obligations would be through a combination of on-site built facilities and off-site payments. The provision of on-site planning obligations may include:

- Construction and transfer of affordable housing;
- Construction of a primary school and/or transfer of land for the school to the council;
- Construction of a Doctors Surgery and/or transfer of land for the surgery to the PCT;
- Highways improvements to include Bittacy Hill, Frith Lane and Holders Hill Circus;
- Strategic new highways link to a new east-west route across the Mill Hill East site potentially connecting Frith Lane to Devonshire Road subject to the re-opening of Sanders Lane; and

- Construction of renewable energy technologies.

6.5.6 Where the development is brought forward independently by landowners on a plot-by-plot basis, outside of a formal Landowners' Agreement, and where no one development is of a sufficient size to trigger the need for the on-site provision of facilities such as the primary school or doctors surgery, the council would seek to 'pool' Section 106 / Section 278 contributions in order to deliver the cumulative infrastructure requirements of the individual developments.

6.5.7 The council will ensure that appropriate triggers are stated in any legal and development phasing agreements to ensure that new social, economic, environmental and physical infrastructure is in place on construction and occupation of the housing units and commercial floor space. Parks and energy infrastructure should be provided in accordance with the phasing plan to serve each phase of the development. Triggers will be confirmed through the detailed design and assessment process and will include:

- Delivery of the local shopping parade (e.g. before the occupation of the 560th dwelling on the AAP site);
- Delivery of the primary school and health centre (e.g. before the occupation of the 760th dwelling);
- Delivery of the converted Officers' Mess (e.g. before the occupation of the 760th dwelling).



# 7 Monitoring

7.1.1 The importance of monitoring is recognised in both the Planning and Compulsory Purchase Act 2004 and the London Plan, which place a duty on every local planning authority to keep under review matters affecting the planning and development of its area, and to carry out surveys where necessary in order to test the effectiveness of the policies. An important aspect of the new planning system is the flexibility to update components of the Local Development Framework (LDF), including this Area Action Plan, to respond quickly to changing priorities.



7.1.2 The Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce an Annual Monitoring Report (AMR) every year to assess the delivery of the council's planning documents and implementation of its policies. Whilst it will be important to track the AAP's progress against core indicators contained within the AMR, there are several site-specific instances where local indicators related to Mill Hill East in particular are required.

7.1.3 The Monitoring Framework overleaf identifies the key indicators and targets to be monitored at Mill Hill East in order to ensure the delivery of a high quality, sustainable mixed use community. [This Framework will also be included within and monitored through the Council's AMR.] These will be monitored in addition to the indicators set out in the Sustainability Framework.

7.1.4 Barnet Council will monitor the implementation of the AAP and assess the extent to which the objectives and policies are being achieved. Where targets are not being met, the council will explain why and set out what steps are to be taken to correct this [in the AMR].

Table 7.1 Mill Hill East AAP Monitoring Framework

Indicator Number	Indicator	Type of Indicator	Related Mill Hill East AAP Policies	Targets
MHE-MF1	Housing trajectory	AMR Core Output (2a)	MHE1: Mill Hill East Area for Intensification; MHE2: Housing	Delivery of approximately 2,000 additional homes by 2016.
MHE-MF2	Housing densities in Barnet	AMR Core Output (2c)	MHE2: Housing; MHE15: Design	Achieve varied housing densities across the site, from 35dph to 145dph, relative to the character area in which the housing is located and the area's predominantly suburban character.  The net overall density across the site should be around 85dph.
MHE-MF3	Affordable housing completions	AMR Core Output (2d)	MHE2: Housing	Target provision of 50% affordable housing, including around 70% social housing and 30% intermediate provision.  Delivery of a minimum of 30% affordable housing provision required if upper target proves unviable.
MHE-MF4	Lifetime Homes	Local MHE Output	MHE2: Housing	Delivery of 100% Lifetime Homes and 10% wheelchair accessible homes.
MHE-MF5	Employment land supply by type	AMR Core Output (1a)	MHE3: Employment	Provide for approximately 1 ha of employment land over the AAP period.
MHE-MF6	Amount of completed retail, service, office and indoor leisure development	AMR Core Output (4a)	MHE3: Employment; MHE4: Community Facilities, Shops and Services; MHE5: Community Facilities, Shops and Services: Local Retail	Provision of approximately 1,000 sqm of retail floorspace and 500 sqm for a GP practice / health centre at the Local High Street over the plan period.  Delivery of other employment uses to create 500 jobs through Officers' Mess re-use, school and community facilities, High Street uses and homeworking over the plan period.
MHE-MF7	Proximity of new housing to local facilities	Local MHE Output	MHE15: Design	Provision of community facilities centrally.
MHE-MF8	Renewable energy capacity installed by type	AMR Core Output (9)	MHE14: Creating a Sustainable Development	Provision of 0.5ha of land for sustainable infrastructure, such as Combined Heat and Power, recycling facilities or other related uses by the end of the plan period.  Monitor energy efficiency and renewable energy production against targets
MHE-MF9	Amount of land developed for public open space	Local MHE Output	MHE7: Parks & Public Open Space	Provision of around 5.5ha of public open space including sports pitches and natural areas over the plan period, including:  Up to four new local public parks:  Retention of woodland to the north of the Green Belt; and  Sports pitches for primary school / community use.

Indicator Number	Indicator	Type of Indicator	Related Mill Hill East AAP Policies	Targets
MHE-MF10	Sustainable development	Local MHE Output	MHE14: Creating a Sustainable Development	<p>Minimum Level 4 of the Government's Code for Sustainable Homes for residential development.</p> <p>Level 6 of the Code for Sustainable Homes by 2014.</p> <p>Commercial and community buildings to achieve BREEAM excellent rating.</p> <p>Incorporation of SUDS in line with guidance from the EA and Thames Water.</p> <p>Development being within a 5 minute walking distance of public transport.</p> <p>Review requirements of new legislation and update standards accordingly.</p>
MHE-MF11	On-site movement and transport	Local MHE Output	MHE10: Making the Right Connections	<p>Delivery of the following on site by the end of the plan period:</p> <p>A new east-west street across the site linking Bittacy Hill and Frith Lane, suitable as a bus route;</p> <p>A local high street running south from the east-west street to Mill Hill East Underground station, suitable for use as a bus route.</p>
MHE-MF12	Off-site movement and transport	Local MHE Output	MHE11: Improvements to the External Highways Network	<p>Provision for any necessary off-site highway improvements, including (but not limited to):</p> <p>Frith Lane / Bittacy Hill</p> <p>Holdes Hill Circus</p>
MHE-MF13	Sustainable transport	Local MHE Output	MHE12: Sustainable Transport	<p>By the end of the plan period:</p> <p>Incorporation of a bus route between Bittacy Hill and Frith Lane will be promoted.</p> <p>Improvements to Mill Hill East Underground station, including DDA compliant step free access and better interchange with buses (subject to funding being made available).</p> <p>Provision of direct and safe walking and cycling routes across the development and cycle storage facilities.</p> <p>Homes to be within five minutes walking distance of a public transport stop.</p> <p>By end of plan period, an increased use of public transport and a reduction in car use in comparison with the borough average.</p> <p>Provision of Travel Plans for development.</p>