

## PLANNING & ENVIRONMENT COMMITTEE MEETING

Wednesday 13<sup>th</sup> April 2011, 7.00PM

### ADDENDUM TO REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND DEVELOPMENT MANAGEMENT

#### APPLICATION NO H/0417/09 – INGLIS BARRACKS, NW7 1PX

##### Errata

##### **Condition 36 (page 224)**

The trigger figures had not been updated from an earlier version. The condition should read:

No dwelling shall be occupied within any phase of the development hereby approved unless and until the applicant has executed the obligations in relation to the off site highways works linked to that phase to the satisfaction of the Local Planning Authority. The off site highway works shall be constructed in accordance with the approved details by the completion of the following Phase and/or occupation of units (or prior to the Commencement of the subsequent Phase), according to the following:

- East West Route (by the completion of 298 units)
- North South Route (by the completion of 1429 units)
- Frith Lane Junction Works (by the completion of 191 units)
- Holders Hill Circus Highway Works (by the completion of 298 units)
- Bittacy Hill Junction Works (by the completion of 298 units)
- Bittacy Hill/Engel Park Junction Works (by the completion of 107 units accessed off Henry Darlot Drive)
- Bittacy Hill Cycleway Works (by the completion of 609 units)
- Temporary Cycle and Pedestrian Link through depot site to Mill Hill East Station. (by the completion of 442 units)
- Bittacy Hill Site/Civic Square Junction Works (by the completion of 1429 units)
- Frith Lane/Business Area Junction Works (by the completion of 783 units)
- Bittacy Rise/Pursley Road/Devonshire Road Junction Works (by the completion of 298 units or later at the discretion of the LPA)
- Bittacy Hill/Frith Lane Junction Works (by the completion of 298 units)
- Henry Darlot Drive/Bittacy Hill Junction Works (by the completion of 107 units accessed off Henry Darlot Drive)
- Zebra crossing outside tube station (by the completion of 442 units)

##### **S106 HOT Page 3 (xxiv) (3)**

The trigger for the Frith Lane junction works should be 191 as Condition 36 above.

##### **S106 HOT Page 3 (xxiv) (10)**

The trigger for the Frith Lane/Business Area junction works should be 783 as Condition 36 above.

**Table 3 on Page 27**

The Frith Lane Junction works should be in Phase 1A (not Phase 2). Bittacy Hill/Henry Darlot Drive should be in Phase 2.

Frith Lane/Business Area Junction should be in Phase 6 (not phase 2)

**Page 101 Para 11.6.13**

The third bullet on the Station Forecourt Improvements should end with “**to be confirmed**”.

**ADDITIONAL LETTERS AND COMMENTS RECEIVED SINCE WRITING THE COMMITTEE REPORT:**

The **GREATER LONDON AUTHORITY** has requested that condition 87 be amended to include a requirement to consult with them.

**Comment:** Condition 87 (page 238) be updated to read:

“No development with the exception of infrastructure works for phase 1 shall commence unless and until, detailed drawings and supporting documentation have been submitted to and approved in writing by the Local Planning Authority **in consultation with the Greater London Authority** in respect of the following: “

The **METROPOLITAN POLICE** have advised that they have requested 150sqm of floorspace to accommodate their needs.

**Comment:** The applicant has agreed to provide 150sqm of floorspace for the Safer Neighbourhoods Office at a peppercorn rent. This will be secured through the S106 agreement.

The **MILL HILL PRESERVATION SOCIETY** reconfirmed that they object to the application but considered that the new revisions made no difference to their previous comments. Considered that the Doctors Surgery would not have sufficient parking and asked if the communal amenity space was for the use of the general public where would people park?

**Comment:** Parking at the Doctors surgery is in accordance with UDP standards. Arrangements for access and maintenance of amenity space will be considered as part of the Estate Management Strategy that will have to be agreed before development commences. A number of visitors' parking spaces will be provided around the site.

**NATURAL ENGLAND** has advised that as the key chapters of the Environmental Statement that fall within their remit have not been amended they have no comments to make with regards to the revision.

**SPORT ENGLAND** has made the following additional comments:

- The London-wide sports halls, Artificial Grass Pitch (AGP), and swimming pools London-wide Facilities Planning Model completed in September 2010

shows that in Barnet all three facility types are underprovided or will be within a very short period of time (in the case of pools).

- Sport England's intervention in this application was about protecting services to the public in Barnet. The Council is at liberty to disagree with our advice; however, in so doing it is not maximising the public investment from this development.
- The Sports Facility Calculator (SFC) has been misinterpreted by the applicant. The SFC is about the level of demand created by a new population resulting from a housing development. Actual capacity of local built sports facilities has not been fully accounted for.
- The level of investment proposed is not the level of contribution that is needed to offset the impact of this new development in Sport England's opinion. The Council should be completely comfortable that they will not feel the financial burden imposed by a rapid local increase in population on existing services.

**Comment:** This has been covered in detail in the main report. Sport England argue that they do not consider the applicants assessment of needs and identification of on and off site provision as fully addressing what they anticipate from the Sports Facility Calculator as the general level of sporting needs. Officers consider that the facilities to be provided will enable opportunities for access by the general public to be maximised and that the benefits outweigh the loss of playing fields and the shortfall (as assessed by the SFC) of sports provision both on and off site.

**TOTTERIDGE RESIDENTS ASSOCIATION** advised that they are concerned that the density was too intense and the buildings too high. The design of the proposed dwellings generally appears uninspiring and unsympathetic. Concerned about the inevitable increase in traffic flows on the already busy roads in the vicinity.

**Comment:** The issues of density, design, height of buildings and traffic have been considered fully in the committee report.

2 further letters from a local residents raised the following points:

- There are three primary schools in the local area; the site needs a secondary school.

**Comment:** The educational needs generated by the site have been covered in the main report.

### **IBSA HOUSE**

IBSA House have stated that one objective of the AAP is to allow the possibility of intensification of activity at IBSA house and they are concerned that residential development permitted as part of this application – if it is too close to their premises – will result in noise complaints.

The applicant has taken account of the original representations made by IBSA house and – in consultation with the Council's Environmental Health Officer – have commissioned further noise survey work.

IBSA have submitted a number of comments on Addendum 4 to the Environmental Statement and on the Supplementary Noise Submissions carried out by Halcrow on behalf of the applicants. IBSA House have commissioned noise consultants (Sandy

Brown Associates) and the Council has engaged an independent noise expert to advise on the various submissions that have been made.

**Comment** : Officers are confident that the conditions now proposed (including some amendments outlined below suggested by IBSA) will provide an adequate framework of control for Reserved Matter applications that may come forward in the vicinity of IBSA House should this outline application be approved .

IBSA House have also submitted comments on the draft conditions.

**Conditions 1 (Approved Plans), 5 (Reserved Matter Details), 13 (No Heading but concerned with Reserved Matter submissions):**

**Comment** : IBSA House have made some helpful comments on the above conditions which they believe will clarify the status of documents to be approved in this outline permission. Officers will carefully consider these comments in the final detailed drafting of these conditions to be approved by the Assistant Director of Planning and Development Management under Recommendation 3 of this permission.

**Condition 12 (Noise Survey)**

IBSA comment that the condition only makes reference to BS8233 (internal noise standards) but should also refer to BS8233 external noise standards in relation to balconies and gardens. In addition, guidance in PPG 24 indicates that BS4142 is the primary standard that should be addressed when assessing noise from an existing industrial site.

With regard to BS 8233 IBSA (internal standards) IBSA comment that the recommended WHO minimum standards should be achieved with fully open windows. With regard to BS8233 external standards IBSA comment that areas for peaceful relaxation including balconies should achieve noise levels less than LAeq 55db.

They recommend that the condition should be amended to include reference to BS8233 internal **and** external, BS4142 and the relevant parts of PPG24.

**Comment:** The Council's Environmental Health Officers (advised by independent noise consultants) comment as follows:

- BS4142 is designed to assess if complaints are likely from an industrial source (new or upgraded) at the nearest residential uses. An initial assessment by Halcrow ( on behalf of the applicant and Sandy Brown on behalf of IBSA) concluded that complaints were likely and mitigation is required. These mitigation measures need to be incorporated into the Acoustic Design Report in accordance with BS8233 internal and external standards as detailed in the proposed condition.
- Achieving levels 5dB lower than the WHO guidelines is an unreasonable condition. Background noise levels in the London area and as demonstrated by the noise measurement date are high and achieving the guideline levels is aspirational rather than a requirement.

- PPG24 states that a new noise sensitive developments should not be permitted in areas which are or expected to become subject to unacceptably high levels of noise. BS8233 sets out acceptable noise levels for different building types including housing which are based on WHO guidance. The relevant part of PPG24 including the assessment of Noise Exposure Category B and C should influence the design and be incorporated into the planning condition.
- The illustrative examples provided by the applicant (Figures 9.9 and 9.10) show the noise sensitive rooms in this example facing away from the IBSA boundary. The rooms facing onto IBSA will be kitchens, bathrooms, hallways and en-suites. These are non-noise sensitive rooms and the design criteria taking the worst case scenario noise levels at the façade, can be mitigated to meet BS5233 levels with double glazing and trickle vents.
- There are no balconies facing onto the IBSA boundary in this illustrative example.
- Garden and amenity spaces will be protected by boundary fencing to mitigate to external noise standards in this illustrative example.

NB. This is an outline application and the illustrative examples show one way in which the development could be built out in accordance with the Parameter Plans. In this case the illustrative examples show that residential development can be built out in proximity to IBSA house and achieve a satisfactory residential environment in respect of noise. The form of development shown in the illustrative examples is not for approval as part of this outline application.

Taking account of all the information including the independent acoustic report, the following amendments to Condition 12 are proposed:

***.....The Acoustic Design Report shall include, for any proposed residential properties adjacent to this boundary, details of how noise standards with reference to BS8233 both internal for noise sensitive rooms (day and night) internal & external gardens (daytime). The internal and external layouts of the properties to be designed to minimise the impact of noise from IBSA house. The relevant parts of the PPG24 assessment also to be taken into account. The measures required by the report shall be provided prior to the occupation of the relevant phase and thereafter be maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.***

#### **Condition 65 (IBSA House Boundary Treatment and Landscape Buffer)**

IBSA comment that this Condition should refer to standards but if Condition 12 is amended as they suggest then there would be no need to refer to these standards in this condition as well.

#### **Condition 14 (Height and Building Footprint)**

IBSA have requested clarification of the remit of this condition.

**Comment:** It is agreed that Parameter Plan 4 does not specify the siting and footprint of blocks in this outline application and the words “**siting, footprint and**” are to be deleted from the condition.

### **Appendix 5 to the Committee Report**

IBSA comment that the incorrect plan has been attached. The correct, adopted version of the Illustrative Street Network Plan from the AAP is attached to this Addendum.

### **MILL HILL PRESERVATION SOCIETY**

MHPS have submitted a further letter of objection requesting that the committee refuse what they consider to be an over-dense proposal. The main areas of concern are:

- Lack of adequate green space according to the standards advised by the NPFA.
- Density is too high
- Inappropriate housing types and sizes
- Lack of adequate parking
- Lack of community facilities
- Increase in traffic generation

**Comment:** These matters have been considered in the main report.