

## REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

### 1. APPLICATION DETAILS

**Address:** 550 White Hart Lane, N17 7RQ      **Ward:** White Hart Lane

**Reference Nos:** HGY/2022/0708 & HGY/2022/0709

#### Proposals:

- **HGY/2022/0708:** Application for variation/removal of condition 1 (in accordance with the plans), condition 4 (restriction of use class) and condition 6 (deliveries) for Unit 2 attached to planning permission reference HGY/2020/0100.
- **HGY/2022/0709:** Application for variation/removal of condition 8 (deliveries in respect of units 3, 4 and 5a as well as units 1, 5b and 6) condition 22 (no loading/unloading outside units 3, 4 & 5a) and condition 23 (no loading/unloading of deliveries) attached to planning permission reference HGY/2014/0055.

**Applicant:** LaSalle Investment Management

**Ownership:** Private

**Case Officer Contact:** James Mead

**Date received:** 21/12/2021

1.1 The applications are being reported to Planning Sub-Committee for determination, as they are applications to vary conditions previously imposed by Planning Sub-Committee and which the Head of Development Management and Planning Enforcement, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a significant change.

### 1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals would meet the operational requirements of future occupiers, which would strengthen the employment opportunities on the site and would support the ongoing industrial/employment use of the LSIS, in line with the Borough's wider economic objectives. Therefore, the proposed variation/removal of the conditions are acceptable in principle.
- The noise generation from the altered operation of the commercial units, in a worst-case scenario, would only be marginally above the background noise levels on the site. Due to this, and subject to compliance with the accompanying Noise Management Plan (NMP) and the implementation of acoustic fencing,

the living conditions of nearby residential occupiers would not be materially harmed by noise generation.

- The design of the acoustic fencing would be acceptable, with the character, appearance and visual amenity of the site and the surrounding area not adversely impacted.
- The altered operation of the industrial units would not materially impact the capacity of the highway network or public transport. The access arrangements to the site remain acceptable and highways safety would not be compromised.

## **2. RECOMMENDATION**

### **HGY/2022/0708 and HGY/2022/0709:**

- 2.1 That the Committee resolve to GRANT planning permission and that the Head of Development Management is authorised to issue the planning permission and impose conditions and informatives.
- 2.2 That delegated authority be granted to the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability to make any alterations, additions or deletions to the recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee.

#### **Conditions:**

##### **HGY/2022/0708:**

- 1) Approved Plans
- 2) Use Restriction
- 3) Noise Levels
- 4) Storage of Materials
- 5) No Additional Floorspace
- 6) Additions to the Roof
- 7) External Lighting
- 8) BREEAM
- 9) Acoustic Fencing
- 10) Noise Management Plan

##### **HGY/2022/0709:**

- 1) Noise Levels
- 2) External Lighting
- 3) Deliveries
- 4) Storage of Materials
- 5) No Additional Floorspace
- 6) Additions to the Roof
- 7) Use Class Restriction

- 8) Acoustic Fencing
- 9) Noise Management Plan

### **Informatives**

- 1) Previous Conditions (HGY/2020/0100)
- 2) Previous Conditions (HGY/2014/0055)
- 3) Proactive Statement

- 2.3 In the event that members choose to make a decision contrary to officers' recommendation members will need to state their reasons.

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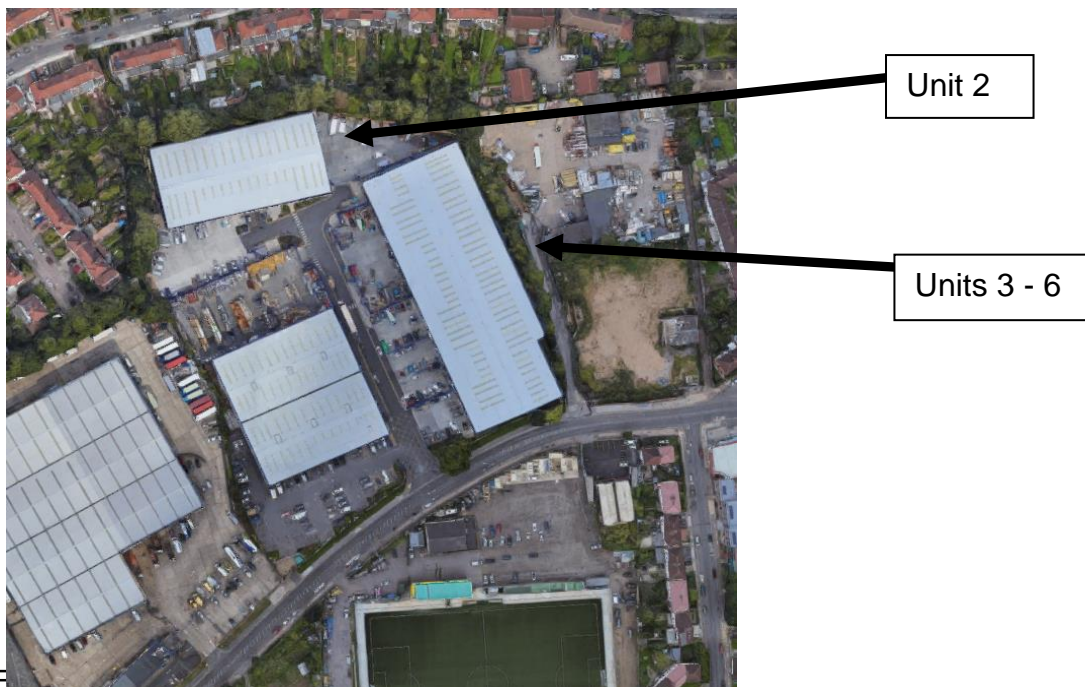
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### 3. SITE LOCATION DETAILS & BACKGROUND

#### Site & Surroundings

- 3.1. The site is occupied by two existing industrial buildings, together with associated car parking and yards areas. Figure 1 below identifies the relevant buildings, with Unit 2 located to the north and Units 3 – 6 situated on the eastern boundary of the site. These two buildings were last in use for predominantly light industrial (use class: E[g], previously B1) and storage & distribution (use class: B8) purposes. Unit 1 is a further industrial building sitting directly to the west and is part of the same complex of three buildings, now known as: White Hart Works.
- 3.2. Further to the west is the recently completed SEGRO industrial development and a petrol station. The application site and the neighbouring industrial uses to the west form the White Hart Lane Locally Significant Industrial Site (LSIS), designated specifically for employment and industrial uses.
- 3.3. The site is industrial in nature, however the wider area includes other uses. The land to the east (500 White Hart Lane) has been redeveloped in recent years and is now occupied by a mixture of new build flats and commercial premises. Haringey Borough Football Club is situated directly opposite the site on White Hart Lane. To the north and west of the site there are residential properties on Norfolk Avenue and Devonshire Hill Lane.
- 3.4. The site does not contain any listed buildings and is not within a Conservation Area.



#### Relevant Planning & Enforcement History

##### Planning History – 550 White Hart Lane

- Unit 2 – HGY/2020/0100: Redevelopment of site involving new industrial / warehousing units (Use Class B1(C) and B8) with associated yard and parking area, following demolition of existing building. Approved with conditions and legal agreement.
- Units 3-5a – HGY/2014/0899: New loading bays and alterations to front elevation, new wash bay, revised parking and circulation layout and erection of security fencing. Approved with conditions.
- All Units – HGY/2014/0055: Variation of Condition 8 (Deliveries, loading and unloading hours of operation) attached to planning permission HGY/2011/0814 to no deliveries to be loaded or unloaded in respect of units 1, 2a, 2b, 5b and 6 between the hours of 2100 and 0600 Monday to Saturday or after 1800 hours Saturday until 0600 hours the following Monday, no deliveries shall be loaded or unloaded in respect of units 3, 4 & 5a after 1800 hours Saturday until 0400 hours the following Monday. Approved with conditions and legal agreement.
- Unit 1 – HGY/2011/1566: Development comprising of construction of one industrial building accommodating 3,627 (39,047 ft) of gross internal B8 and B1 employment floorspace with ancillary trade counter, together with revised site access and associated highway works, signage and sustainable urban drainage. Approved with conditions and legal agreement.
- All Units – HGY/2011/0814: Development comprising of construction of three industrial buildings accommodating a total of 13,251 sqm (142,629 sqft) of gross B1/B2/B8 employment floorspace and divided into six employment units, together with revised access and associated highway works, parking and sustainable urban drainage. Approved with conditions and legal agreement.

#### Recent Planning History – Neighbouring Sites

- 555 White Hart Lane (SERGO Development) – HGY/2020/0635: Demolition of existing structures and construction of two buildings to provide eight units for light industrial (Use Class B1(c); industrial (Use Class B2); and/or storage and distribution (Use Class B8)) purposes, with ancillary offices and associated landscaping, car parking, servicing and access arrangements. Approved with conditions and legal agreement.
- 500 White Hart Lane – HGY/2018/0047: Submission of Reserved Matters, namely a) Layout, b) Scale, c) Appearance and d) Landscaping pertaining to Outline Permission ref. HGY/2016/0828 for mixed use redevelopment to comprise the demolition of existing buildings/ structures and associated site clearance and erection of new buildings / structures to provide 144 residential units, employment uses (Use Class B1 and B8), retail uses (Use Class A1 and

A3), community uses (Use Class D1) associated access, parking and servicing space, infrastructure, public realm works and ancillary development. Approved with conditions and legal agreement.

- 500 White Hart Lane – HGY/2016/0828 : Outline Application with matters of layout, scale, appearance and landscaping reserved for mixed use redevelopment to comprise the demolition of existing buildings/ structures and associated site clearance and erection of new buildings / structures to provide residential units, employment uses (Use Class B1 and B8), retail uses (Use Class A1 and A3), community uses (Use Class D1) associated access, parking and servicing space, infrastructure, public realm works and ancillary development. Approved with conditions and legal agreement.

### **Background**

- 3.5. These planning applications are made under Section 73 of the Town and Country Planning Act (1990). Applications under Section 73 enable applicants to apply for a variation of the wording of planning conditions, or for the removal of planning conditions, of an extant approved planning permission. Any permission under Section 73 takes the form of a new, independent planning permission, which sits alongside the original permission. In this case, these applications seek to vary/remove conditions attached to two previous planning permissions, which are HGY/2014/0055 & HGY/2020/0100.
- 3.6. There are two Section 73 applications being reported to members, as follows:
- HGY/2022/0708:  
Section 73 application relating to planning permission reference HGY/2020/0100 seeks to vary/remove planning conditions associated with Unit 2;
  - HGY/2022/0709:  
Section 73 application relating to planning permission reference HGY/2014/0055 seeks to vary/remove planning conditions associated with Units 3, 4 and 5a.

### **Section 73 application for Unit 2 (HGY/2022/0708)**

- 3.7. **Unit 2** is the building located on the northern boundary of the site and was originally constructed in 2011 under planning permission reference: HGY/2011/0814, which was a development of three industrial buildings. However, **Unit 2** suffered fire damage in 2019, and as a result was demolished and was then rebuilt under planning permission reference: HGY/2020/0100.
- 3.8. This current application seeks to **vary** Conditions 1 (approved plans) and 4 (use class restriction), whilst proposing **removal** of Condition 6 (deliveries) of planning permission reference HGY/2020/0100.

- 3.9. **Condition 1** is the approved plans condition, which required the development to be implemented in accordance with the listed approved plans. This application proposes to **vary condition 1**, so to allow for the installation of an acoustic fence along the western boundary of the site. **Condition 1** would therefore be altered to include the drawing number relating to the acoustic fence, which is drawing number: 19-266-SGP-02-XX-DR-A-1603.
- 3.10. **Condition 4** currently restricts the use of Unit 2, so that it can only be utilised for B1c (light industrial) (now: E[g][iii]) or B8 (storage & distribution) uses. This application proposes to **vary Condition 4**, in order to allow Unit 2 to also be utilised for B2 (general industrial) uses.
- 3.11. A comparison of the wordings for conditions 1 and 4 for Unit 2 are set out below in Table 1.

<p><b>Original Condition 1</b></p>	<p>The approved plans comprise drawing nos (Design &amp; Access Statement, 0922-P2, 0920-P2, 0921-P2, 0900-P4, 0901-P2, 0903-P3, 0905-P2, 0906-P2, 0907-P2, 0908-P1, 0909-P2, 0910-P1, 0923-P1, 0961-P2, Demolition and Environmental Plan, Framework Travel Plan, Transport Statement, Planning Statement &amp; Addendum, BREEAM Report, Energy and Sustainability Statement, Sustainable Drainage Statement, Phase 1 Geo-Environmental Assessment, Flood Risk Assessment, Demolition and Environmental Management Plan &amp; DEMP Supplementary Information). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.</p>
<p><b>Proposed Varied Condition 1</b></p>	<p>The approved plans comprise drawing nos (Design &amp; Access Statement, 0922-P2, 0920-P2, 0921-P2, 0900-P4, 0901-P2, 0903-P3, 0905-P2, 0906-P2, 0907-P2, 0908-P1, 0909-P2, 0910-P1, 0923-P1, 0961-P2, <b><u>19-266-SGP-02-XX-DR-A-1603 Rev P3</u></b>, Demolition and Environmental Plan, Framework Travel Plan, Transport Statement, Planning Statement &amp; Addendum, BREEAM Report, Energy and Sustainability Statement, Sustainable Drainage Statement, Phase 1 Geo-Environmental Assessment, Flood Risk Assessment, Demolition and Environmental Management Plan &amp; DEMP Supplementary Information). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.</p>



<b>Original Condition 4</b>	Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall be restricted to use classes B1c 'Light industry' or B8 'Storage or Distribution' only and shall not be used for any other purpose including any purpose within Class B unless approval is obtained to a variation of this condition through the submission of a planning application.
<b>Proposed Varied Condition 4</b>	Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order, the premises shall be restricted to use classes <b>B1c</b> <b>E(g)(iii)</b> 'Light industry', <b>B2 'General industry'</b> , or B8 'Storage or Distribution' only and shall not be used for any other purpose including any purpose within Class B unless approval is obtained to a variation of this condition through the submission of a planning application.

**Table 1: Original & Varied wordings of Conditions 1 and 4 for Unit 2**

- 3.12. **Condition 6** currently restricts the loading and unloading of deliveries associated with Unit 2, so that these operations cannot be undertaken between the hours of 21:00 – 6:00 Monday to Saturday, after 18:00 on Saturday or at any time on Sundays. The **removal of Condition 6** is now sought so to enable unrestricted times for the loading and unloading of deliveries for **Unit 2**.
- 3.13. **Condition 6**, which is currently imposed on the original planning permission reference HGY/2020/0100, is included below in table 2:

<b>Original Condition 6</b>	No deliveries to be loaded or unloaded between the hours of 2100 and 0600 Monday to Saturday or after 1800 hours Saturday until 0600 hours the following Monday.
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**Table 2: Original Condition 6 for Unit 2**

### **Units 3, 4 and 5a (HGY/2022/0709)**

- 3.14. In 2011, planning permission (HGY/2011/0814) was granted for the construction of 3 buildings on the site. As part of the planning consent these 3 buildings were, subdivided into separate units for B1, B2 and B8 uses. Over the years, these units have been further subdivided resulting in a number of separate units within the buildings.
- 3.15. Following the 2011 planning permission, a section 73 planning application (HGY/2014/0055) was granted in 2014 which altered the servicing times (deliveries, loading and unloading) for Units 3, 4 and 5a. Therefore, Members should note that it is the 2014 section 73 planning permission that would be amended by this current section 73 planning application.

- 3.16. This current section 73 planning application relates to only 1 of the 2 buildings, which is located on the eastern side of the site. Units 3, 4 and 5a occupy over half of the floorspace in this one building. The remaining part of the building does not form part of either of the section 73 planning applications. Figure 2 below identifies Units 3, 4 and 5a.

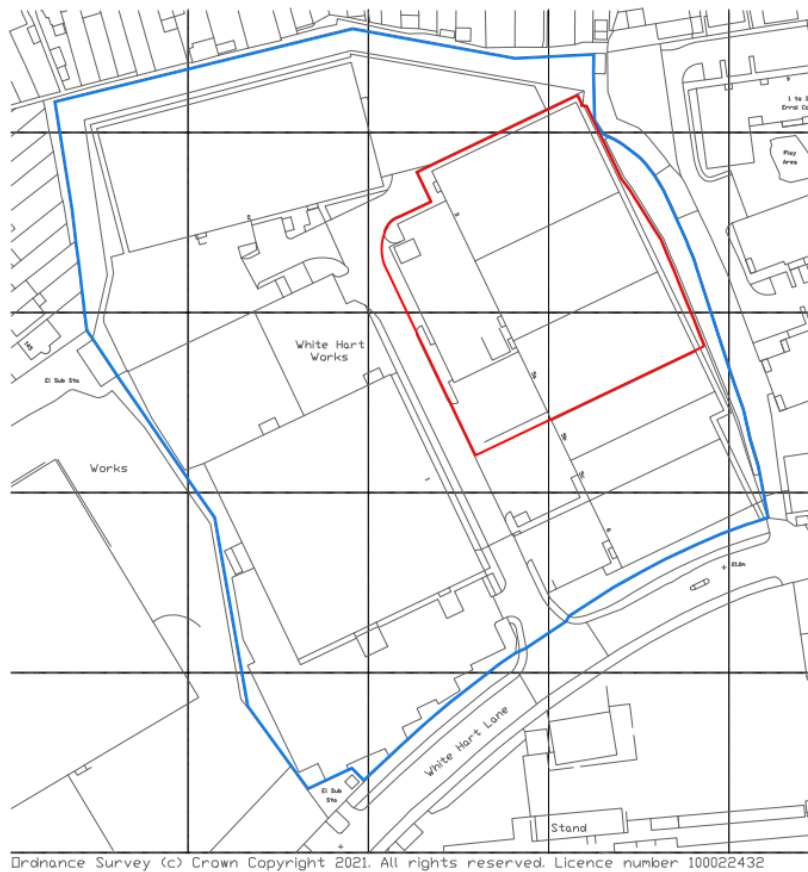


Figure 2: Units 3, 4 and 5a

- 3.17. This current section 73 application seeks to **vary Condition 8 (deliveries)** and remove **Conditions 22 (no loading/unloading outside units 3, 4 & 5a)** and **23 (loading/unloading following cessation of use)** of planning permission HGY/2014/0055.
- 3.18. **Condition 8 (deliveries)** formed part of the original planning permission on this site (HGY/2011/0814). However, the wording of this condition was subsequently varied through the 2014 section 73 planning consent (HGY/2014/0055). This 2014 consent allowed unrestricted deliveries during the week for Units 3, 4 & 5a, however the restrictions on deliveries at the weekend still remain. It is now proposed to vary condition 8 again, so to remove all the delivery restrictions associated with Units 3, 4 and 5a. This would allow deliveries to these units to be made at any time during the week, including the weekend. Delivery restrictions on units 1, 5b and 6 would remain in place. The original, current and proposed conditions 8 are listed in Table 3 below.

<p><b>Original Condition 8 (HGY/2011/0814)</b></p>	<p>No deliveries shall be loaded or unloaded within the site between the hours of 2100 and 0600 Monday to Saturday or</p>
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	after 1800 hours Saturday until 0600 hours the following Monday.
<b>Current Condition 8 (HGY/2014/0055)</b>	No deliveries to be loaded or unloaded in respect of units 1, 2a, 2b, 5b and 6 between the hours of 2100 and 0600 Monday to Saturday or after 1800 hours Saturday until 0600 hours the following Monday, and no deliveries shall be loaded or unloaded in respect of units 3, 4 & 5a after 1800 hours Saturday until 0400 hours the following Monday.
<b>Proposed Varied Condition 8</b>	No deliveries to be loaded or unloaded in respect of units 1 and 5b, <b>5c</b> and 6 between the hours of 2100 and 0600 Monday to Saturday or after 1800 hours Saturday until 0600 hours the following Monday. <del>and no deliveries shall be loaded or unloaded in respect of units 3, 4 &amp; 5a after 1800 hours Saturday until 0400 hours the following Monday.</del>

**Table 3: Original, Current and Proposed Condition 8**

- 3.19. **Condition 22** restricted loading/unloading in the outside areas of units 3, 4 and 5a, so that this could not be undertaken between 21:00 – 6:00 Monday to Saturday, after 18:00 on Saturday or at any time on Sundays. However, this condition does allow loading/unloading within the internal areas of the building during these times. It is proposed to **remove Condition 22** and this would allow loading/unloading to be undertaken outside at any time during the day. The wording of **Condition 22** is noted in Table 4 below.
- 3.20. **Condition 23** refers specifically to a particular business that once occupied units 3, 4 and 5a. This condition required that following HSS Service Group ceasing to occupy/use these units, the permitted loading/unloading hours would return to the originally restricted hours (no loading/unloading between 21:00 – 6:00 Monday to Saturday, after 18:00 on Saturday or at any time on Sundays). HSS Service Group has now vacated the premises, and therefore it is proposed to **remove Condition 23** entirely so that the restricted hours for Units 3, 4 and 5a do not come back in to force. The wording of **Condition 23** is noted in Table 4 below.

<b>Condition 22</b>	No loading/unloading outside units 3, 4 & 5a of the development shall occur between the hours of 2100 and 0600 Monday to Saturday or after 1800 hours Saturday until 0600 hours the following Monday. For the avoidance of doubt loading/unloading is permitted but must take place within the confines of the building during these times.
<b>Condition 23</b>	Upon HSS Hire Service Group Limited ceasing to use units 3, 4 & 5a of the development there shall be no loading/unloading of deliveries between the hours of 2100 and 0600 the following day Monday to Saturday or after 1800 hours Saturday until 0600 hours the following Monday.

**Table 4: Conditions 22 & 23**

## **Summary**

3.21. The section 73 application - HGY/2022/0708 for Unit 2 seeks to:

- remove any time restrictions for loading/unloading, therefore allowing loading/unloading on a 24-hour basis, 7 days a week;
- introduce and allow the unit to operate as a B2 use and;
- amend condition 1 to include an additional drawing number to enable the erection and installation of an acoustic fence, in order to mitigate any noise levels from the 24 hours operations and the B2 use of Unit 2.

3.22. The section 73 application - HGY/2022/0709 for Units 3, 4 and 5a seeks to:

- remove all delivery, loading and unloading restrictions for Units 3, 4 and 5a. As such, loading/unloading associated with these units could be undertaken on a 24-hour basis, 7 days a week.

## **4. CONSULTATION RESPONSES**

4.1. The following consultations responses have been received:

- 1) LBH Design Officer: No objection.
- 2) LBH Noise & Nuisance Manager: No objection, subject to compliance of the Noise Management Plan (NMP).
- 3) LBH Transportation: No objection.

## **5. LOCAL REPRESENTATIONS**

5.1 The applications have been publicised by way of a press notice and a site notice. 421 individual letters were sent to surrounding local properties. The number of representations received from neighbours, local groups, etc in response to notification and publicity were as follows:

- No of individual responses: 95
- Objecting: 95
- Supporting: 0
- Neutral: 0

5.2 The following Councillors made representations:

- Former Councillor Bull in his previous capacity as Ward Cllr prior to the 2022 election: Objects to the applications. Residents experience the following noise/nuisance during the day: the opening of unit doors, the noise of large scale vehicles driving, the noise of large scale vehicles reversing and the noise of delivery drivers/warehouse staff communicating. Therefore, the extension of the hours would be

completely unacceptable. I support local business and am keen for them to flourish, but this has to be in harmony with local residents.

5.3 The following issues were raised in representations that are material to the determination of these applications, and these are addressed in the next section of this report:

- B2 uses would be inappropriate in a residential area.
- Noise is already an issue and this would be worsened by the proposal, harming living conditions and the quality of life of nearby residents.
- Noise from loading/unloading would be significantly louder, when compared with works inside the units.
- Noise from HGVs would be harmful to living conditions.
- The acoustic barrier/fencing is not a solution.
- The acoustic barrier/fencing has not been tested.
- Upper floors will not be protected by the acoustic fencing/barrier.
- Properties are located on a hill above the site meaning that the acoustic barrier will not be effective.
- There is no acoustic barrier/fencing to the east.
- The Noise Impact Assessment is flawed.
- The noise testing has not considered impacts on several properties close to the site.
- The noise survey is out of date.
- The noise survey was undertaken at an inappropriate time of year.
- The noise mitigation measures do not go far enough.
- There would be no enforcement of the noise mitigation measures.
- Increased light pollution would result.
- The acoustic fence would result in loss of light to gardens.
- There would be increased traffic.
- There is a lack of parking in the surrounding area.
- There is concern regarding the speed of vehicles using surrounding roads.
- The movement of large vehicles would generate safety concerns.
- Increased air pollution and worse air quality would result.

5.4 The following issues raised are not material planning considerations:

- This will set a precedent for other businesses.  
(**Officer comment:** note this concern, however every application is assessed on its own merits and against planning policies).
- The foundations of properties would be damaged by increased traffic.  
(**Officer comment:** note this concern, however the proposals would not result in a such a significant uplift in the movement of large vehicles to impact on the foundations of nearby properties).
- Property investment in Haringey is not secure.  
(**Officer comment:** note this concern, however property investment is a private matter and not a material planning consideration).

- The value of nearby properties would be impacted.  
(**Officer comment:** note this concern, however property values are a private matter and not a material planning consideration).
- There has been a lack of consultation with neighbours.  
(**Officer comment:** note this concern, however letters have been sent to nearby residents, a site notice has been displayed and a press notice has been issued. Therefore, the public consultation undertaken has exceeded the requirements of The Town and Country Planning (Development Management Procedure) (England) Order (2015)).
- Re-consultation letters were received late and this reduced the time residents had to comment on the applications.  
(**Officer comment:** note this concern. The letters were received late by residents, due to issues with the external postal system. Noting this, officers extended the re-consultation period to allow residents to comment on the applications).
- The existence of two applications is confusing.  
(**Officer comment:** note this concern, however the submission of two applications is required in this instance).

## 6. MATERIAL PLANNING CONSIDERATIONS

- 6.1 The main planning issues raised by the proposed development are:
1. Principle of Development;
  2. Noise & Residential Amenity;
  3. Design, Layout & Appearance and
  4. Transport.

### Principle of Development

- 6.2 The site is within the White Hart Lane Locally Significant Industrial Site (LSIS), and therefore is specifically designated for employment and industrial uses. Paragraph 81 of the National Planning Policy Framework (NPPF) outlines that planning decisions should help create the conditions in which businesses can invest, expand and adapt. This paragraph also notes that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.
- 6.3 Policy E4 of the London Plan (2021) notes that a sufficient supply of land and premises in different parts of London to meet current future demands for industrial functions should be provided and maintained. This policy notes that provision should be made for the varied operational requirements of light industry (use class: E[g]), general industry (use class: B2) and storage / logistics/distribution (use class: B8). Policy E8 of the London Plan notes that employment opportunities for Londoners across a diverse range of sectors

should be promoted and supported along with support for the development of business growth and sector-specific opportunities.

- 6.4 Policy SP8 of Haringey's Local Plan Strategic Policies (2017) (referred to as the Local Plan from hereon in) states that the Council will protect the Borough's hierarchy of employment land, including LSISs. This policy outlines that sites located in an LSIS should be safeguarded for a range of industrial uses, including B1 (now class: E[g]), B2 and B8 uses, as long as these sites continue to meet the demand and the needs of modern industry. Policy DM37 of the Development Management DPD (referred to as the DM DPD from hereon in) supports proposals for intensification, renewal and modernisation of employment land and floorspace.
- 6.5 The use of Unit 2 is currently restricted solely to uses within classes: E(g)(iii) (light industrial) and B8 (storage & distribution). It is proposed to widen the usage of Unit 2 by allowing a B2 (general industrial) use to operate. Policy SP8 of the Local Plan supports B2 uses within LSISs, and therefore the broadening of the permitted usage of Unit 2 to include this B2 use is supported by policy. As such, the expanding of the permitted usage of Unit 2 is considered acceptable in land use terms.
- 6.6 The applications are accompanied by covering letters, which outline that the existing controls on deliveries and the restricted use of Unit 2 are barriers to letting out this unit. Furthermore, the covering letters note that the removal of the delivery, loading and unloading restrictions for Units 3, 4 and 5a would strengthen the site's ability to meet the requirements of the industrial/warehousing sector. In addition, the agent has explained that, due to high levels of congestion at peak times in London, prospective tenants are increasingly seeking flexibility and an ability to undertake deliveries outside of peak hours and at night-time.
- 6.7 The proposed removal of delivery, loading and unloading restrictions from all the units, together with the inclusion of a B2 use for Unit 2, would increase the attractiveness of the units to prospective tenants. Furthermore, the removal of the restrictive conditions would ensure that all the units are better suited to the operational needs of the modern industrial/warehousing sectors. In particular, the proposals would enable more flexibility in delivery times. The increased attractiveness and marketability of the units, resulting from these proposals, would meet the operational requirements of potential tenants of the units. The applicant anticipates that when fully occupied Unit 2 could deliver between 38 – 81 jobs, while Units 3 – 5a could cater for between 45 – 96 jobs. The proposed operational changes would increase the likelihood of full occupation of the units, and therefore the employment opportunities on the site and the wider LSIS would be strengthened. The proposals would support the ongoing industrial use of the site and allow the business offer on the LSIS to adapt, in accordance with Section 6 of the NPPF, Policies E4 & E8 of the London Plan and Policy SP8 of the Local Plan.
- 6.8 The principle of the proposals are considered acceptable, as the changes would support economic growth on the LSIS and across the wider Borough –

however, the impact of the changes on the amenity of existing surrounding residents is an important consideration and is assessed in detail below.

## **Noise & Residential Amenity**

### Noise Impacts

- 6.9 Potential noise or nuisance generating development proposed close to residential properties should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses, in line with Policy D13 of the London Plan. Proposals should reduce, manage and mitigate noise by avoiding significant adverse noise impacts on health and quality of life, in accordance with Policy D14 of the London Plan. This policy also notes that where it is not possible to achieve separation of noise-sensitive development and noise sources, then any potential adverse effects should be controlled and mitigated by applying good acoustic design principles. Policy DM1 of the DM DPD notes that the Council will support proposals that address noise likely to arise from the use and activities of the development.
- 6.10 There are a number of residential properties neighbouring the site, with dwellings present to the north (Devonshire Hill Lane), west (Norfolk Avenue) and east (The Green, Errol Court, Adele Court and Elmer Court). These residential properties are noise-sensitive uses. The proposals seek to broaden the permitted usage of Unit 2 to include a B2 operation, whilst also proposing unrestricted 24 hour, 7 days a week deliveries, loading and unloading for Units 2, 3, 4 and 5a. Therefore, it must be considered whether any noise likely to arise as a result of these proposed changes would materially impact on the living conditions of the neighbouring dwellings.
- 6.11 A Noise Impact Assessment (NIA) and a Noise Survey Report have been provided with these applications. These include a Noise Survey undertaken in February 2023, which measured the background noise levels at the site. The results of this survey are shown in the Noise Survey Report. Both the NIA and the Noise Survey Report also include noise modelling, which estimates the commercial noise levels audible at the nearest noise sensitive receptors – these being the existing residential properties in proximity of the site.
- 6.12 The overall results of the NIA and the Noise Survey Report indicate that the proposed activities would not result in significant adverse noise impacts on nearby residential properties. The Council's Noise & Nuisance Manager has reviewed the NIA and the Noise Survey Report and has not raised concerns regarding noise impacts. In the 'worst-case scenario' commercial noise levels would only be marginally above the background noise levels, indicating that material noise nuisance at neighbouring dwellings would not arise.
- 6.13 In addition to the above, the NIA and the Noise Survey Report outline that mitigation in the form of a Noise Management Plan (NMP) would further limit any potential noise impacts. A NMP has been submitted by the applicant and the Noise & Nuisance Manager is content with the principles of this document, however they have suggested some amendments. These amendments have been incorporated into the NMP, and therefore officers are now content that



this document is appropriate for managing the operations of the site. A condition is attached requiring adherence to the measures in the NMP. The results of the noise surveys and modelling are also reliant on the construction of the acoustic fence. As such, a condition is recommended securing the installation of the fencing, prior to the proposed operational changes being implemented. Subject to these conditions, it is considered that the amenity, living conditions and quality of life of nearby residents would not be adversely impacted by noise.

- 6.14 A number of neighbour objections have been received on the basis of noise concerns. Several of these comments have questioned the methodology and results of the NIA and Noise Survey Report. Whilst these comments are noted, the documents have been produced by acoustic specialists. Furthermore, the Council's Noise & Nuisance Manager accepts the methodology and scope of the documents. As such, the methodology and results of the NIA and Noise Survey Report are considered a robust measure of the likely impacts.
- 6.15 Several neighbour objections have questioned the validity of basing the NIA on a noise survey dating from 2013. In addition, a number of comments have highlighted that the noise modelling had not considered impacts on the new flats to the east of the site (Errol Court, Adele Court and Elmer Court). These objections have been acknowledged by officers and the applicant has been required to provide an updated noise survey, together with new modelling for these flats. The updated noise survey and the modelling for the flats to the east has been presented in the Noise Survey Report. The new noise survey forms the basis for the conclusions reached above.
- 6.16 Neighbour comments have also raised concern regarding the time of year that the noise surveys were undertaken. The surveys were commenced in November 2013, December 2013 and then in February 2023. The Council's Noise & Nuisance Manager has not raised concern with the surveys being carried out on these dates. Furthermore, both the NIA and Noise Survey Report outline that weather conditions were suitable for sound level measurements. As such, officers do not have concerns regarding the time of year that the surveys were undertaken.
- 6.17 The lack of an acoustic barrier on the eastern side of the site has been queried by neighbours. These comments are noted, however the NIA and Noise Survey Report indicate that the living conditions of residential properties to the east can be protected without the requirement for acoustic fencing. This is partly because the building on the site sits between the yard areas and the flats to the east. Therefore, the impacts of any noise generated in the yard areas would be lessened, due to this physical buffer.
- 6.18 Comments have questioned the effectiveness of the proposed acoustic barrier on the western side of the site. These comments have highlighted the difference in land levels between the site and neighbouring properties, whilst also raising particular concern regarding impacts on upper floor windows. These comments are noted, however the difference in land levels between the site and neighbouring properties is not so significant that it would alter the noise

modelling. Therefore, neither officers, nor the Noise & Nuisance Manager anticipate that the noise levels would be materially different at upper floor windows, when compared with ground floor openings.

- 6.19 Several of the objections have referred to the noise impacts from loading/unloading outside the units, as well as nuisance from HGVs travelling around the site. These comments are acknowledged, however the noise modelling has taken such activities into account. Both the NIA and Noise Survey Report explain that the 'worst-case scenario' modelled would involve simultaneous HGV arrival, manoeuvring/unloading via forklift at two units and continuous use of Unit 2 as a woodworking workshop. Therefore, such activities have been factored into the modelling results. In principle objections to B2 uses on this site have also been received from residents. These concerns are noted, however the NIA and Noise Survey have demonstrated that a B2 use can be incorporated on site, without adverse material noise impacts affecting nearby properties.
- 6.20 Overall in regard to noise and nuisance, the submitted NIA and the Noise Survey Report outlines that the noise generated by altered operations of the industrial units would not significantly exceed the background noise level. Therefore, subject to the conditions mentioned, it is considered that noise from the industrial units would not materially harm the living conditions or quality life of nearby residents.

#### Other Amenity Considerations

- 6.21 London Plan Policy D6 outlines that the design must not be detrimental to the amenity of surrounding housing, in specific it is stated that proposals should provide sufficient daylight and sunlight that is appropriate for the context, while also minimising overshadowing. Furthermore, Policy DM1 of the DM DPD states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and open aspects to adjacent buildings and land. Policy DM1 of the DM DPD notes that the Council will support proposals that address issues of light pollution. In addition, Policy DM23 of the DM DPD outlines that proposals that include external lighting must mitigate potential adverse impacts from such lighting.
- 6.22 The acoustic fence would be installed to the western side of the site, however it would be set in from the boundary with the properties on Norfolk Avenue. This siting and the presence of trees/fencing along the western boundary, providing some screening, would ensure that the neighbouring properties on Norfolk Avenue would not be materially impacted by: increased sense of enclosure, overbearing affects, loss of daylight/sunlight or overshadowing. None of the other properties neighbouring the site would be in such proximity to be unduly impacted by the proposed acoustic fence.
- 6.23 A neighbour comment has raised concerns that external lighting required to enable deliveries, loading and unloading at night-time could result in light pollution affecting residential properties. A condition is included requiring

details of any external lighting to be submitted for assessment, in order to ensure that light pollution is avoided.

- 6.24 Overall, the proposals would not have a material adverse impact on the amenity or existing living conditions of the occupiers of nearby residential properties.

### **Design, Layout & Appearance**

- 6.25 Policy D3 of the London Plan notes that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Policy SP11 of the Local Plan requires proposals to be of the highest standard of design that respects local context, character and historic significance. Proposals must achieve the highest standard of design and contribute to the distinctive character and amenity of the local area, in line with Policy DM1 of the DM DPD (2017) (DM DPD).

#### Acoustic Fencing

- 6.26 The proposals include the installation of a new acoustic fence that would be located close to the western boundary of the site and directly to the west/south-west of Unit 2. This fence would be 6 metres in height and would run along the western edge of the parking area outside Unit 2. The fencing would not exceed the height of the neighbouring industrial buildings and would also not be of overly bulky appearance. Due to these factors, it is considered that the scale of the fencing would acceptably relate to its surroundings, with the acoustic fence not appearing overly large or dominant on the site.
- 6.27 The proposed acoustic fencing would be constructed in acoustic boards between posts. This type of fencing would be in keeping with the industrial character of the site, and as such would not appear incongruous or visually intrusive. The proposed installation of the fencing would not harm the character and appearance of the site or the surroundings. This part of the proposal is considered acceptable in design terms and complies with the planning policies mentioned above.

### **Transport**

- 6.28 Policy T1 of the London Plan requires developments to make most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes. Cumulative impacts of development on public transport and road network capacity, including walking and cycling, should be taken into account, in line with Policy T4 of the London Plan. Developments should be designed, so that deliveries can be received outside of peak hours and in the evening or night time, in accordance with Policy T7 of the London Plan. Policy SP7 of the Local Plan states that the Council will tackle climate change and improve transport quality/safety through: minimising congestion, promoting public transport, promoting walking/cycling, promoting road safety, promoting car sharing/car clubs, supporting behavioural changes, mitigating the impact of road based freight

and by seeking to locate major trip generating development in locations with good access to public transport.

- 6.29 These proposals would allow Unit 2 to be occupied by B2 purposes. When compared with the permitted E(g)(iii) and B8 uses of this unit, a future B2 use would not generate a material increase in the number of trips to/from the site. As such, the capacity of the surrounding highway network or of public transport would not be unduly impacted, nor would the proposal materially affect air quality. The removal of the restrictions imposed on deliveries, loading and unloading would allow deliveries to be undertaken outside of peak hours. Therefore, these proposals would assist in limiting congestion during peak times, which is in line with Policy T7 of the London Plan.
- 6.30 Third party comments have outlined safety concerns regarding the movement of large vehicles. However, there is no evidence to suggest that the site is unsuitable for access by larger vehicles and the Council's Transportation Officer has not objected to the proposals on this basis. As such, officers do not have concerns regarding the type of vehicles that would access the site – particularly given that the site has been purposely designed for industrial purposes. It is considered that the access and movement of larger lorry type vehicles can be accommodated on the site, without harm to highways safety. Neighbour objections have also raised concerns regarding the lack of parking and the speed vehicles travel on surrounding roads. These proposals would not increase the demand for parking, nor would they affect the speed of vehicles on nearby roads.
- 6.31 Overall in terms of transportation, the proposed variations/removal of conditions would not materially increase the number of trips to/from the site. As such, the capacity of the surrounding highway network and of public transport would not be compromised, nor would air quality be adversely affected. The proposals would allow off-peak deliveries and assist in reducing congestion at peak times. There are no concerns regarding the types of vehicles that would access the site. The proposals are considered acceptable, in regard to transport impacts.

## **Conclusion**

- 6.32 The proposals would make the industrial units more attractive to future occupiers, while meeting the operational needs of occupiers and assisting in securing long-term tenants for the units. The changes would strengthen the employment opportunities on the site and would support the ongoing industrial/employment use of the LSIS, in line with the Borough's wider economic objectives. Therefore, the proposed variation/removal of the conditions are acceptable in principle.
- 6.33 The noise generation from the amended operation of the commercial units, in a worst-case scenario, would only be marginally above the background noise levels on the site. Due to this, and subject to compliance with the Noise Management Plan, the living conditions of nearby residential properties would not be harmed by noise generation. The proposals would not involve other

works that would harm the amenity or living conditions of neighbouring properties.

- 6.34 The design of the acoustic fencing would be acceptable, with the character, appearance and visual amenity of the site and the surrounding area not adversely impacted.
- 6.35 The altered operation of the industrial units would not materially impact the capacity of the highway network or public transport. The access arrangements to the site remain acceptable and highways safety would not be compromised.
- 6.36 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

## **7. RECOMMENDATION**

### **HGY/2022/0708 and HGY/2022/0709**

- 7.1 GRANT PERMISSION subject to conditions in Appendix 1