

Planning Sub Committee – 24 April 2023

ADDENDUM REPORT

UPDATE FOR CONSIDERATION AT PLANNING SUB-COMMITTEE Item No.9

Reference Nos: HGY/2022/0708 & HGY/2022/0709	Ward: White Hart Lane
Address: 550 White Hart Lane, London, N17 7RQ	

7. RECOMMENDATION

GRANT PERMISSION subject to conditions in Appendix 1.

Appendix 4: Representations from Local Residents & Ward Councillors

(Received since publication of the agenda – full written comments attached in appendix 1 and summarised below)

Matter Raised	Response
Residents received re-consultation letters late. It is questioned whether officers took this into account and extended the consultation period. Even if officers did – many residents may not have seen the letter and may not have responded as the consultation period had come to an end. Therefore, the number of comments received may not reflect the extent of opposition.	Officers note this concern. The re-consultation letters were received late by residents, due to issues with the external postal system. Noting this, officers extended the re-consultation period by an extra 14 days to allow residents to comment on the applications. Officers have also explained that any comments from residents received after the close of the consultation period would still be taken into account.
The noise from unloading and loading HGVs at night-time would cause serious deterioration of the amenity of local residents. The proposed mitigation does not go far enough.	Officers acknowledge this concern. The submitted Noise Impact Assessment and the Noise Survey Report have drilled down into this potential issue, and conclude that the proposals would not materially harm the living conditions of nearby residential properties. The results of these documents are based on a ‘worst case scenario’, which involves simultaneous HGV arrival, manoeuvring/unloading via forklift and continuous use of Unit 2 as a woodworking workshop. Therefore, these documents have considered noise from HGVs loading/unloading. The Noise Management Plan contains mitigation

	<p>measures so to avoid noise disturbance by loading and unloading.</p>
<p>The use of tools or vehicles should take place inside the units with the doors closed during the hours of 23:00 – 6:00.</p>	<p>The submitted Noise Management Plan notes that 'Noise generating activities including use of tools or vehicles should take place inside the units with doors closed during the hours of 2300 – 0600'. Therefore, the suggested mitigation measures have been incorporated into the proposals which would form part of any planning permission.</p> <p>A condition has been included to ensure this is adhered to.</p>
<p>The acoustic fence will not be effective for residents living on Devonshire Hill Lane.</p>	<p>The Noise Impact Assessment and Noise Survey Report conclude that the living conditions of residential properties can be protected with an acoustic fence installed on the western side of the site. The properties on Devonshire Hill Lane are approximately 35 metres away (closest house) from the nearest point of the site. The site is also, topographically at a lower level than the houses on Devonshire Hill Road and as such, noise is 'contained' within the site, therefore, an acoustic fence in this proximity of the site is not required. The Noise Impact Assessment and Noise Survey Report conclude that the installation of any other acoustic fence is not required.</p>
<p>Reviews need to be put in place.</p>	<p>It would not be possible through the determination of these planning applications to put in place further reviews of the proposals. The Noise Impact Assessment and Noise Survey Report conclude that altered activities on the site would not result in material noise or disturbance impacting nearby residential properties. Notwithstanding this, the Noise Management Plan notes that local residents will be provided with the contact details of a member of staff who can be contacted in the event of any concerns or complaints.</p>

Additional condition (for both applications - HGY/2022/0708 & HGY/2022/0709)

Condition

On commencement of the operating hours hereby approved, the noise mitigation measures as specified in section 2.2 of the Noise Management Plan dated 13th April 2023 (reference RP02-20420-R2) shall be strictly adhered to.

Reason

In order to safeguard the living amenity of surrounding residents.

Appendix 1-

As ward councilors we are supportive of the employment opportunities that have derived from the site and residents were consulted and engaged during the development.

However we do have the following concerns:

1.The consultation period.

Residents have complained about receiving consultation letters dated 9 February 2023 arriving on the 24 February 2023, a day after the purported closure date.

Did the council take this into account and extend the consultation period? Even if it did, many residents may not have seen this letter and not responded as the period had come to an end and so the number of comments received from residents may not reflect the extent of the opposition.

2. Removal of condition 6: "Deliveries" and 4 "Class of deliveries".

We note that the noise officers' and principal transport officer's report acknowledge that if deliveries are to occur outside normal working hours - then this should happen without causing unacceptable nuisance to residents.

Residents have raised issues such as currently there is a level of noise from the sites that cause the degree of nuisance which one would expect – but the noise from unloading and loading of HGVs at night time would cause serious deterioration to the amenity that local residents have a right to expect in their own homes at night; also I concur that the proposed noise mitigation simply does not go far enough with regards to working, unloading and loading.

One suggestion to strengthen the mitigating factors would be that noise generating activities including the use of tools or vehicles should only take place inside the units with the doors closed between the hours of 23:00hours and 06:00.

Many of the objections are from my constituents who reside in Devonshire Hill Lane where their properties are on a hill and so the sound proofing fence is likely not to be as effective as hoped.

In summary, this site has worked consensually with residents round the development of this site and we remain supportive of the project.

However we would like the committee to consider the following:

1. Whether the consultation was flawed. If it was it should be re run.
2. Note that these conditions from which a variation is sought, were put in place for a reason . The Landlord will not be able to police the actions of the commercial tenants therefore it is necessary that the Council is clear about what it expects.

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3. Greater clarity as to how this will be monitored - that a blanket approval should not be granted but reviews need to be put in place.
4. Given the location of the site and the proximity to residents' homes that the conditions are strengthened so that the use of tools or vehicles should take place inside the units with the doors closed during the hours of 23hours – 6pm.
5. The mitigation factors do not appear to be sufficient for this site , if the committee is minded to grant this then suggest that officers strengthen these conditions.

Councillor Anne Stennett and Councillor Ahmed Mahbub