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# Addendum Advice

Date: 2 February 2012

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**Application Reference: HGY/2010/1924**

**Site Address: 555 White Hart Lane, London N17 7RN**

## Application

- The Application is made under Section 73 of the Town and Country Planning Act 1990.
- The Application is made by Mr D Dervish; Steamhouse Group Ltd, 555 White Hart Lane, London N17 7RN.
- The Applicant seeks planning permission for an extension to an industrial building for use as commercial laundry, erection of a vehicle maintenance building, acoustic fence, formation of two loading bays, car parking and retention of / works to existing retaining wall, and hardstanding.

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## Recommendation

1. The Applicant should undertake further detailed acoustic monitoring, including further submissions in accordance with BS4142:1997 and nuisance / amenity assessments at nearby noise sensitive residential receptors, to demonstrate compliance with the local development plan policies and all other material considerations in respect of impact to the amenities of neighbouring residential occupants. The current application is deficient in it does not provide adequate evidence of suitable noise mitigation or environmental protection in accordance with the provisions of the local development plan and other material considerations.

## Introduction

2. Sanctum Consultants are instructed by the London Borough of Haringey Council to review the Local Planning Authority's (LPA) letter, regarding Planning Application Reference HGY/2010/1924, dated 13 September 2011

to the Applicant's Agent, Charisma Spatial Planning. To review the letter from Spectrum Acoustic Consultants, dated 30 September 2011 to the Applicant. And to review the Secretary of State's Planning Inspector's Appeal Decision, Reference: APP/5420/C/08/207881, dated 8 December 2008, concerning 555 White Hart Lane, London N17 7RN.

3. Sanctum Consultants are instructed to provide comments and advice to the London Borough of Haringey Council, having reviewed the above documents and the Planning Application Reference: HGY/2010/1924; for the proposed development at 555 White Hart Lane, London N17 7RN.

### **Main Issues**

4. The letter from Spectrum Acoustic Consultants provides advice to the Applicant, in response to the comments made by the Council's Environmental Health Department; in their letter to the Applicant's Agent, dated 13 September 2011.
5. The Environmental Health Department confirms that noise from current site operations is clearly audible at residential properties located in Norfolk Avenue, and that Thetford Close did not provide a suitable monitoring position to gather representative noise data.
6. The Applicant's Noise Assessment does not include any current ambient or background noise levels at noise sensitive residential receptors; in rear gardens, immediately outside or inside dwellings. The Applicant's Noise Assessment relies on a 'numerical noise modelling validation exercise', and assumes that long term noise levels in Norfolk Avenue or Thetford Close are very similar. In respect of measurement positions, BS4142:1997 states; "Choose monitoring positions that are outside buildings and that are representative of the specific noise level and background noise levels **at the buildings where people are most likely to be affected**" (paragraph 5.3). The Applicant has failed to take any noise measurements at the facades of the nearest noise sensitive residential receptors. Or provide any further monitoring data to the LPA in support of any assertions.

7. Residents in Norfolk Avenue and Thetford Close will be exposed to noise disturbance arising from noise associated with on-site car parking and loading / dispatch operations. Intrusive noise sources include slamming vehicle doors, loading / unloading trolleys, voices, idling vehicles, and general movement of people. The noise impact and detriment to amenity is likely to be worse during noise sensitive times, early in the morning, late at night and during weekends and bank holidays.
8. The Applicant's Consultant assumes that the main on-site noise source will be from vehicles using the perimeter road. Whereas the proposed development introduces a number of new industrial noise sources, including noisy plant and machinery, equipment, and a vehicle maintenance garage.
9. The level of noise emanating from the proposed development and site operations, including the level of noise disturbance to local residents, is a material planning consideration. Although the Applicant's Consultant may disagree with the Council's findings, it is a factual point that noise from current site operations is clearly audible in Norfolk Avenue, and has been witnessed by an Environmental Health Officer. This primary evidence, of noise impacts to residential amenities, cannot simply be dismissed. It is highly probable that the proposed development will additionally adversely impact on the amenities of local residents.
10. The Applicant's Consultant maintains that the development site is a generally quiet location. But, the development site is currently intensively used, and there are objections to the proposed development from 38 separate households. The Environmental Health Department advise that noise from existing site operations is clearly audible at the nearest noise sensitive residential receptors. The Planning Inspector's clear findings in Appeal decision APP/5420/C/08/207881 in relation to the development site, are unambiguous, with the conclusion, "that residents already experience a high degree of disturbance" from existing site operations. As already advised, these are factual points which the LPA must have regard to. It is indisputable that a previous appeal decision concerning the same application site is a material planning consideration when determining a subsequent application for development of the same site [*North Wiltshire District Council v Secretary of State for the Environment* [1992] 65 P & CR 137].

11. The Applicant's Consultant disagrees with the Environmental Health Officer's view that a further intensification of the use of the site will adversely impact on the local amenities of local residents. But this is not supported by any demonstrable or representative data of specific and background noise levels at the buildings where people are likely to be affected or by way of any new evidential data.
12. The Applicant's Noise Assessment relies on a numerical noise model validation exercise. The Environmental Health comments were made following an off-site assessment of the existing site operations, consideration of the Applicant's Noise Assessment, and consideration of the Applicant's proposed noise mitigation measures. There is no evidence to suggest that the Environmental Health Officer has simply assumed that 'more development must be worse'. In fact the advice provided by the officer of current and future impact is based on factual, primary evidence, as witnessed by the Environmental Health Officer.
13. The Applicant's Noise Assessment has not followed the appropriate British Standard (BS 4142:1997) methodology for Rating Industrial noise affecting mixed residential and industrial areas, and fails to demonstrate that there will be no detriment to local amenity. The Applicant proposes to house new noisy plant and machinery in lightweight industrial buildings, with no specified acoustic insulation properties. This, along with a noticeable increase in onsite activity, is likely to result in an overall increase in noise from the site. These material planning considerations support the Council's view that there will be a detrimental impact to the amenities of local residents, as a result of the overall intensification of the laundry operation.
14. The Applicant has not provided the LPA with sufficient details regarding the acoustic properties of the proposed acoustic barrier. No acoustic screening is proposed for safeguarding the amenities of local residents in Norfolk Avenue. The existing houses adjacent to the site are built on elevated land. If an acoustic barrier was proposed it would need to be of significant height, and require planning permission.
15. The Applicant's Noise Assessment does not appear to consider maximum or peak noise levels, that are likely to arise from noisy operations within the

proposed vehicle maintenance garage, intensification of existing laundry operations, and the installation of additional plant and machinery.

16. The earth bund that has been removed is likely to have provided a degree of protection for local residents, as it comprised a solid / dense barrier of soft landscaping / absorptive material; but this is a matter that has already been adjudicated by the Planning Inspector, albeit not in accordance with any assertions advanced by the Applicant's advisers.
17. The noise mitigation measures for the proposed development include the erection of a 4.4m high acoustic barrier. We are advised that the proposed development for the erection of an acoustic barrier is being considered by the LPA as an alternative to the earth bund.
18. The Applicant's Consultant disagrees with the Council's Environmental Health Officer that the proposed loading bay is a potential source of additional noise, which is likely to cause disturbance during noise sensitive times. However yet again the Consultant has failed to advance any further quantifiable evidence in respect of this blanket refusal to accept the LPA's position.
19. The Applicant's Consultant does not consider that noise from the proposed loading bays is significant. Whilst the Applicant's advisers may disagree partially or wholly with the position of the LPA, the Applicant's Assessment does not demonstrate by way of quantifiable evidence that noise associated with loud noise events from the slamming of doors, loading trolleys, voices, idling vehicles and other noise associated with loading and unloading operations will be adequately controlled.

## **Conclusion**

20. The Applicant's Consultant disagrees with the comments of the Council's Environmental Health Department, but has failed to adequately demonstrate (in the letter dated 30 September 2011 or through other quantifiable evidence submitted to the LPA) that the amenities of local residents will be adequately protected at the development site. The Applicant's Consultant has singularly failed to provide any evidence, which would form a sound basis for the LPA to conclude that the development accords with policies; G1, ENV6 and ENV7 of the UDP and other material considerations

