

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2008/0467

Ward: Noel Park

Date received: 22/02/2008

Last amended date: N / A

Drawing number of plans

Address: Wood Green Shopping City, High Road N22

Proposal: Variation of condition 9 (hours of delivery to service yards) attached to planning reference HGY/2007/0500 to allow operation between 0700 - 2100hrs Monday to Friday, 0800 - 2100hrs on Saturdays, and 0900 - 1800hrs on Sundays and Bank Holidays.

Existing Use: Retail / petrol filling station

Proposed Use: Retail/ Service Yard

Applicant: The Mall Corporation Ltd Partnership

Ownership: The Mall Corporation Ltd Partnership

PLANNING DESIGNATIONS

Retrieved from GIS on 04/03/2008 Tube Lines
Road Network: Classified Road

Officer Contact: Matthew Gunning

RECOMMENDATION

GRANT PERMISSION subject to conditions

SITE AND SURROUNDINGS

The application site form part of the Mall Shopping City which consists of a covered three-level shopping mall, a multiplex cinema, multi-story car parks (1,500 parking spaces), a recently vacated petrol filling station, service yards along with residential and office space. Wood Green Town Centre is a strategically identified Metropolitan Centre (one of ten in London).

This application relates specifically to a new service yard (Service Yard 5) which is to be created on a recently vacated petrol filling station located at the corner of Mayes Road and Caxton Road. This service yard is being created to replace the existing Service Yard 5, which is located behind this petrol filling station. This existing service yard is largely surrounded by non-residential

uses (Wood Green Central Library and the Haringey Asian Centre) and is 50 metres away from the nearest residential property on Caxton Road. This service yard is being developed upon to create a new 10,000 sq.m extension to the shopping centre to accommodate a new anchor store (Debenhams store).

The new service yard will be closer to residential properties: 35 metres away from the closest properties on Caxton Road and 25 metres from the nearest residential properties on Mayes Road (measured from the centre of service yard).

PLANNING HISTORY

OLD/1976/0475- Erection of up to 575,000 sq ft of gross shopping floor space, a market hall, servicing facilities, up to 1,450 car parking spaces, showrooms and offices, post office, public house, two restaurants, garage and petrol filling station, 220 housing units – Approved 19-01-1976

HGY/1996/1461 - Erection of leisure and recreational facility, multiplex cinema and restaurants, together with some reconfiguration and extension of existing shop units. The formation of new service/delivery facilities and some demolition. (Outline Application) – Granted 02-06-98

HGY/2007/0500 - Development to extend the Mall, Wood Green shopping centre, to include erection of new retail store (10,000sq.m) on 3 floors and storage; extension to restaurant adjacent to Mayes Road Service Yard; demolition of existing petrol filling station and provision of new Service Yard; landscaping and associated plant and machinery. – Approved 14/06/2007

HGY/2007/1643 - Variation of Condition 9 (hours of delivery to service yards) attached to planning reference HGY/2007/0500 to allow operation on a 24 hour basis for service yard 5. – Refused 28/09/2007

There have been many relatively minor applications for the Shopping City over the past 30 years, and for the most part are applications for changes to shopfronts and advertisement signage.

DETAILS OF PROPOSAL

This application is for the variation of condition 9 (hours of delivery to service yards) attached to planning reference HGY/2007/0500 to allow it to operation between 0700 - 2100hrs Monday to Friday, 0800 - 2100hrs on Saturdays, and 0900 - 1800hrs on Sundays and Bank Holidays.

Condition 9 of planning consent HGY/2007/0500 stated that “No deliveries to the new service yard (Service Yard 5) shall take place outside the hours of 7.00 am to 7.00 pm on Mondays to Saturdays, and not at all on Sundays and public holidays.”

The agent’s who have submitted the application state that the future tenants of the Mall extension (Debenhams) state that the initial hours imposed in

Condition 9 would not allow the new service yard (Service Yard 5) to operate effectively, particularly in regard to the large amount of trade generated on Fridays and Saturdays and the need to replenish its store on Saturdays to allow trade over a seven day period

CONSULTATION

Ward Councillors (Noel Park and Woodside)
Noise and Pollution
Policy
Wood Green Town Centre Management
Flats 1-31 (c.) Penwortham Court, Mayes Road, N22
1 - 10 (o) Caxton Road
63 - 107 (o) Mayes Road
86 - 114 (e) Mayes Road
161 - 197 (o) Hornsey Park Road
112 - 142 (e) Hornsey Park Road
Avenue Gardens Residents Association
Noel Park North Residents Association
Environmental Agency
Parkside Malvern Residents Associations

RESPONSES

Cllr Egan – Supports the conditions placed by the Plans on HGY/2007/0500. The revised application will increase the ‘pressure and stress’ on the local community which the previous conditions helped to relieve. Extra hours, noise and pollution for 365 days is totally unacceptable. I ask that the applicants stay with the original consent. Cllr Meehan & Cllr Harris both concur with Cllr Egan.

Letters of objection have been received from the following residents 15 Park Avenue, 99 Hornsey Park Road, 44 Malvern Road, 92 Mayes Road and 77 Morley Avenue and are summarised as follows:

- Increase in large number of lorries along the road,
- Significant noise and vibration will have an adverse impact on quality of life and health of local residents;
- Increase in noise, pollution and accidents on this road;
- Speed limit should be reduced to 20MPH’;
- Increase in heavy traffic on Park Ridings and Malvern Road;

Avenue Gardens Residents Association & Noel Park North Residents Association - - With reference to the Planning Application for a Variation of Condition 9 (hours of delivery to service yards) at The Mall, Wood Green, your reference HGY/2008/0467, Avenue Gardens Residents Association objects to the application for the following reasons:

1. Condition 9 of the granted planning permission permits use of Service Yard 5 between the hours of 7am to 7pm, Mondays to Saturdays and not at all on

Sundays and Public Holidays. The express reason given is to protect the living condition of nearby residents.

2. The current application is seeking to extend these hours beyond the 12 hour window during weekdays and Saturdays, and to institute an entirely new delivery period beyond the existing permission on Sundays and Public Holidays.

3. In contrast to the assertion of the applicant, the permitted usage for 12 hours per day for six out of seven days should be adequate to support a seven day trading period, as demonstrated by other retail chains in Shopping City and the High Road. The development has not even been built yet, and the proposed tenant has no operational experience on the site.

4. The applicant has provided no impact statement of this revised pattern of usage on nearby residents, and indeed, in a previous application attempting to revise the permitted hours, has already admitted that the use of the yard would increase the average level of background ambient noise. The residents in the vicinity should be supported by efforts that decrease the ambient noise on their environment, not that increase it.

5. The effects of elevated levels of background noise are well documented. The mental and physical wellbeing of residents nearby the yard, and of roads through which delivery vehicles will travel must be protected.

6. Out of hours deliveries and in periods where residents would normally expect some respite must be controlled - this includes Sundays and Public Holidays. This is needed to ensure and maintain the quality of the neighbourhood so that this central area of the Borough remains a place where people want to live.

7. A long running and serious issue locally has always been the disruption and degradation to local quality of life caused by HGV movements. Councillors will readily attest to the fact that the issue of HGV movements in residential streets has often been raised by residents.

8. These issues were fully considered by the Planning Authority when the principal application was first made, and conditions limiting delivery times and use of the service yard were imposed for sound reasons. There is no reason for the Authority to change the conditions.

9. We note the applicant is putting forward noise absorptive surfaces. We expect that such measures would be required in any case given that the use of the yard will create noise nuisance for nearby residents.

45 signed petition letters outlining the following have been received from local residents.

1. A long running and serious issue in our area has been the disruption and degradation to local quality of life caused by Heavy Goods Vehicle movements, and particularly HGV movement in the

night hours. The very large lorries used by suppliers to outlets in the Mall are notorious examples.

2. Out of house deliveries and in periods where residents would normally expect some respite must be controlled – that includes Sunday and Public Holidays. This is needed to ensure and maintain the quality of the neighbourhood so that this central area of the Borough remains a place where people want to live.
3. The effect of high levels of background noise are well documented as causing illness. The mental and physical wellbeing of residents near the yard, and of those living on streets through which delivery vehicles will travel must be protected. The residents in the vicinity should be supported by effort that decrease the ambient noise on their environment, not increase it.
4. The wellbeing of the many hundred of residents who would be affected by this proposal should not be compromised.

The Planning Authority fully considered this issues in the initial application and imposed conditions for sound reasons. There is no reason to the change the conditions.

Environmental Agency- Have no comment to make.

RELEVANT PLANNING POLICY

National Planning Policy

Planning Policy Statement (PPS) 1 –Delivering Sustainable Development – (Feb 2005)

Planning Policy Statement (PPS) 6 - Planning for Town Centres – (March 2005)

Planning Policy Guidance (PPG13) - Transport

Planning Policy Guidance Note (PPG) 24 – Planning and Noise – (Sept 1994).

The London Plan - 2004

Policy 3C.2 Matching development to transport capacity

Policy 3D.1 Supporting town centres

Policy 3D.2 Town centre development

Policy 3D.3 Maintaining and improving retail facilities

Policy 4A.6 Improving air quality

Policy 4A.14 Reducing noise

Adopted Unitary Development Plan, 2006

Policy G1 Environment
Policy AC1 Heartland/ Wood Green
Policy UD3 General Principles
Policy ENV6 Noise Pollution
Policy ENV7 Air, Water and Light Pollution
Policy TCR1 Development in Town and Local Shopping Centres
Policy TCR3 Protection of Shops in the Town Centre

Supplementary Planning Guidance

SPG7a Vehicle and Pedestrian Movement

Other

BS8233: Sound insulation and noise reduction for buildings. Code of practice
'BS4142 Method for rating industrial noise affecting mixed residential and
industrial building
Mayor of London's Ambient Noise Strategy

ANALYSIS / ASSESSMENT OF THE APPLICATION

Background

Condition 9 was imposed on the original permission for this development in order to safeguard residential amenity. As with any planning condition imposed on a planning permission, the applicant is entitled to make a S.73 application to seek to vary the wording of the condition. In considering a S.73 application to vary a condition, the Local Planning Authority may impose a different condition than the one originally imposed, or grant the permission unconditionally, or refuse the application.

The previous application to operate the service yard on a 24 hour basis was refused permission on the grounds that it would give rise to noise and disturbance at times which would be detriment of the residential amenities of adjoining properties.

Impact on Residential Amenity

At the time of determining this application for the relocation of Service Yard 5 a cautious approach to restricting delivery hours was deemed necessary, as the new service yard is significantly closer to residential use (25 metres as opposed to 50 metres) and the full impact of the new department store and new service yard would not be known until it was fully operational. In determining this application it was requested that sound absorption properties be incorporated into the 2.5 metre perimeter walls of the service yard and the surface of the yard be of a smooth finish.

The key issue in respect of the current application is whether the proposed increase in hours to the new service yard will give rise to an adverse impact on the amenity of nearby residential properties. There is concern from local residents that the additional hours of operation of the service yard will lead to increased noise and disruption and a further degradation to local quality of life.

The current application is significantly different from the last application to change the delivery hours, which was for 24 hours use. The applicant's are not seeking any earlier start in the week days, it would still be 7 am. The extra hours sought are in the evenings - Monday to Saturday, to go to 9pm rather than 7pm, and on Sundays and Bank Holidays to be able to deliver between 9am and 6pm.

Under the approved permission, no Sunday or Bank Holiday deliveries were permitted. The extra hours sought should not involve any additional early morning disturbance, as there is already quite an amount of activity in the area on Sundays as many shops to the Shopping are trading for 6 hours. The additional two hours in the weekdays and Saturday evenings will not be at night or in the early hours, so the overall request is not an unreasonable proposal.

National and Local Plan policy guidance seek to protect residential areas from development which will have an adverse impact on noise, smell or air pollution. Policy ENV6 of the adopted Haringey Unitary Development Plan states that "the Council will ensure that new noise sensitive development is located away from existing, or planned sources of noise pollution. Potentially noisy developments should only be located in areas where ambient noise levels are already high and where measures are proposed to mitigate its impact".

PPG24 states that "while there will be sites where noise is significantly lower at night than during the day other sites may be subjected to night-time noise from traffic at a level which is little below the day-time level. These sites warrant particular protection: noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23.00 to 07.00). PPG24 identifies a number of measures which can control the source of and limit exposure to noise; such as "limiting operating time of source; restricting activities allowed on the site; specifying an acceptable noise limit".

PPG24 goes on to state that "the appropriate use of planning conditions can enable many development proposals to proceed where it would otherwise be necessary to refuse permission". Government advice on the use of planning conditions is contained in Circular 11/95, which states that conditions can only be imposed where they are considered necessary, relevant to planning, and relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

PPG24 does not contain advice on the impact of service yards specifically however it does clarify in the Glossary of this guidance that a change of 3

dB(A) is the minimum perceptible under normal conditions, and a change of 10 dB(A) corresponds roughly to halving or doubling the loudness of a sound.

The Acoustic Report submitted in respect of planning application HGY/2007/0500, prepared by LEA Acoustics (HLA), which assessed the noise impacts associated with the proposed relocation of Service Yard 5 from its existing location to the site of the former petrol filling station, has been taken into consideration in determining this application.

This report states that “The Mall Management advised that deliveries are taking place between the hours of 06.00am and 8.00 pm Monday to Sunday” and those delivery operations involve a limited number of heavy goods vehicles (HGV) movement, mini van movements and all activities associated with loading and unloading. The report states that ambient noise level at the nearest properties during the delivery period varies from 60 dB(A) to 73 dB(A). The report concludes that during the daytime when the ambient noise in the area is higher, no change in ambient noise level is anticipated as a result of the service yard operation.

This report indicates that some of the delivery activities could result in peak noise intervals likely to be audible at the nearest residential properties, i.e. noise events associated with intermitted clanking noise from trolley movement, manual fork lift movement on the uneven concrete surface of the loading platform, car door slamming and the lorry tailgate operations.

In respect of the surface to the service yard this will be a 250 mm thick reinforced concrete slab. In addition the service yard will be enclosed by a 2.5m high boundary wall, beyond which there will be a strip of street trees. The height and bulk of this perimeter wall will create a critical mass which will help noise attenuation.

In respect of this application it is necessary to point out that the previous service yard 5 operated on a 24hours basis without any controls. Service Yard 7 located at the junction of Mayes Road and Hornsey Park Road can operate on a 24 hour basis with no restrictions. In addition it is also necessary to point out that the previous petrol filling station on site could operate on a 24 hour basis, which would allow customers to access the site at any time during the day or night to re-fuel.

Such visits would/ could create noise through the slamming of car doors, revving of engines, radios left on and people talking loudly which would be similar peak noise intervals associated the new service yard.

Whilst the concerns of local residents are acknowledged in this case, the existence of these land uses, the delivery arrangements associated with the previous service yard and the noise and disturbance with the previous petrol filling station need also need to be borne in mind. Paragraph 48 of PPG13 states

“freight movements, particularly those serving developments near to residential areas and in town centres, are often restricted in their hours of operation, through the imposition of conditions, because of concerns over disturbance to residents. However, these restrictions can have the effect of exacerbating congestion during peak times, increasing local pollution, and discouraging further investment in central urban locations. Policies need to strike a balance between the interests of local residents and those of the wider community, including the need to protect the vitality of urban economies, local employment opportunities and the overall quality of life in towns and cities”

This position to achieve a balance is also reflected in PPS6 which states that

“Conditions can also be used by local authorities in seeking to resolve issues relating to the impact of the development on traffic and the amenity of neighbouring residents, such as the timing of the delivery of goods to shops. In considering restrictions on deliveries, local authorities should take account of all relevant factors, including impact on congestion, especially in peak periods. In considering how to mitigate night-time noise local authorities should consider alternatives to a complete ban, such as embodying codes of practice into planning agreements relating to numbers of vehicles and noise standards.”

Overall the LPA consider that the proposal to vary the opening hours will not have an adverse impact on residential amenity of nearby residents given that daytime ambient noise levels are already high. The proposed hours of delivery as set out in this application represent an acceptable balance between the need to safeguard the residential amenities of local residents (particularly normal sleeping hours - 23.00 to 07.00) and the need to meet the needs of the relevant retail and commercial uses. Given the above this application is recommended for APPROVAL.

RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2008/0467

Subject to the following condition:

1. No deliveries to the new service yard (Service Yard 5) shall take place outside the hours of 0700 to 2100hrs Monday to Friday, 0800 to 2100hrs on Saturdays, and 0900 to 1800hrs on Sundays and public holidays.

Reason: To safeguard the living conditions of nearby residents.

REASONS FOR APPROVAL

The proposal to vary the opening hours will not have an adverse impact on residential amenity of nearby residents given that daytime ambient noise levels are already high. The proposed hours of delivery as set out in this application represent an acceptable balance between the need to safeguard the residential amenities of local residents (particularly normal sleeping hours - 23.00 to 07.00) and the need to meet the needs of the relevant retail and commercial uses. As such this application is considered to be in accordance with Policies ENV6 'Noise Pollution' and TCR1 'Development in Town and Local Shopping Centres' of the adopted Haringey Unitary Development Plan (2006).