



Officer Report

Application Number:	HGY/2023/2889
Application Type:	Full planning permission
Address:	412 Muswell Hill Broadway, Hornsey, London, N10 1DJ
Proposal:	Installation of plant equipment, acoustic louvre fence and associated works to the rear service yard.
Case Officer:	Eunice Huang
Valid Date:	25/10/2023
Applicant:	-
Agent:	Miss Annabelle Underdown

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 The application is for the installation of plant equipment, acoustic louvre fence and associated works to the rear service yard. Mechanical plant equipment includes 1no. gas cooler, 1 no. compressor pack, 2no. cooling units, and 2no. air source heat pumps. The acoustic louvre fence has a height of 3m, with gated access. The proposal also involves blocking up of existing service access and removal of the existing raised plinth within the rear service yard.

Site and Surroundings

1.2 The application site relates to a three-storey commercial building on the eastern side of Muswell Hill Broadway, comprising of retail (Class E) at ground floor level with ancillary storage and staff rooms on the first and second floor levels. The frontage of the building has a simple design and was built in the 1960s. At the rear the site is two stories in height with access from Muswell Mews.

1.3 The development site falls within the Primary Shopping Frontage of Muswell Hill Town Centre and Muswell Hill Conservation Area as per the Local Plan Proposals Map.

1.4 As explained in the Conservation Area Character Appraisal, Muswell Hill is an essentially Edwardian suburb that developed around a once rural village settlement on high ground on one of the main routes into and out of London. It has a considerable consistency of character and appearance that derives from the development of the majority of buildings and laying out of the streets over a period of less than 20 years.

Relevant Planning and Enforcement History

1.5 The planning history of the site has been taken into account when coming to this decision. Recent applications include the following:

- HGY/2023/1854 - Redevelopment of existing first and second floor of front block and first floor of rear block, including demolition. Change of use of front block first and second floor and portion of rear block first floor of existing building to residential use, to provide 7 flats above the commercial unit, located at the ground floor and rear portion of 1st floor. Works include refuse, cycle, amenity space, changes to elevations and removal of service lifts. Not decided as of 13/12/2023.
- HGY/2022/1246 - Redevelopment of existing ground floor and first floor rear block retail space including extension, demolition and changing levels. Change of use of front block first and second floors of the existing building to residential use and construction of additional third floor on the front block and additional second floor to the rear block to provide 9 residential flats above the commercial unit. Works include refuse, cycle, amenity space and changes to elevations and service lift. Not decided as of 13/12/2023.
- HGY/2021/2711 - Conversion of the first and second floor levels of the existing building to the front, the construction of a third floor to the front and additional storey to the rear to provide 9 residential flats above the ground floor commercial unit with first floor rear block storage involving the creation of a basement level and alterations to the front elevation.- Grant permission - 17/12/2021.
- HGY/2019/0835 - Approval of details pursuant to conditions 3 (materials), 4 (details of fenestration and shopfront elements), 5 (secure and covered cycle parking facilities), 6 (refuse and waste storage and recycling facilities) & 8 (Central Satellite Dish / Receiving System) attached to planning permission HGY/2018/1402. - Grant permission - 14/05/2019.
- HGY/2019/0158 - Non-material amendment following a grant of planning permission HGY/2018/1402 to allow for the relocation of the entrance door to the commercial unit. - Grant permission - 18/01/2019.
- HGY/2018/1402 - Conversion of the first and second floor levels of the existing building to the front, the construction of a third floor to the front and additional storey to the rear to provide 9 residential flats above the ground floor commercial unit involving the creation of a basement level and alterations to the front elevation façade. - Grant permission - 14/12/2018.

2. CONSULTATION RESPONSE

2.1 The following response was received following consultation on the application:

1) LBH Conservation – 412 Muswell Hill Broadway lies within the Muswell Hill Conservation Area and is considered to have a detrimental impact on the significance of the Conservation Area. The rear of the site is a service yard, and this is the general character of the mews. The proposed acoustic fencing would not be incongruous within the wider context and would not be overly visible. This is likely to have a neutral impact on

the significance of the Muswell Hill Conservation Area, provided that there is an appropriate alternative service point for the retail unit for unloading etc and this does not necessitate further changes.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of letters, site notice and press advert. No responses were received.

4. MATERIAL PLANNING CONSIDERATIONS

4.1 The main planning considerations raised by the proposed development are:

1. Principle of development;
2. Design and appearance; and
3. Impact on neighbouring amenity.

Principle of development

4.2 The proposed plant equipment, acoustic louvre fence and associated works to the rear service yard development is consistent with the existing retail use of the ground floor. The development is thus acceptable in principle.

Design and appearance

4.3 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 'Delivering good design' states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to street hierarchy, building types, forms and proportions.

4.4 Local Plan Policy SP11 (2017) and Development Management Development Plan Document (DPD) Policy DM1 seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey's sense of place and identity. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to meet a range of criteria having regard to the following: building heights; form, scale and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.

4.5 The proposed plant equipment would be located within the existing service yard to the rear of the building, accessed from Muswell Mews. The proposed plant equipment includes a two fan condensing unit, new air-conditioning units to replace existing and a re-fridge unit within acoustic housing. The proposed plant equipment would be enclosed by 3m high acoustic louvred screen and gate on the north-eastern side. The proposed development at the rear of the site is of a suitable scale and appearance in the context of the existing service yard of the retail use. The proposed screen and gate provides

screening of the plant equipment to create a more orderly appearance of the rear façade. Nonetheless, the location of the plant equipment and screen has limited visibility from the public domain. The proposal is considered acceptable in design terms and is in accordance with the above policies.

Impact on neighbouring amenity

4.6 London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

4.7 DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.

4.8 Policy DM23: Environmental Protection states that the Council will seek to ensure that new noise sensitive development is located away from existing or planned sources of noise pollution. Proposals for potentially noisy development must suitably demonstrate that measures will be implemented to mitigate its impact. A noise assessment will be required to be submitted if the proposed development is a noise sensitive development, or an activity with the potential to generate noise.

4.9 The Council will seek to ensure that new developments both minimise noise pollution and appropriately manage its impact. Noise sensitive development (such as housing, schools and health facilities) should be located away or appropriately separated from major sources of noise. The Council will expect that mitigation measures are considered and incorporated into the design process prior to the submission of an application.

4.10 The existing retail premises is located in a mixed residential and commercial area. The proposed plant equipment is located in the existing rear service yard. Surrounding residential properties are dwellings are located to the north, east and south of the plant.

4.11 The applicant has submitted a Noise Impact Assessment prepared by Sharps Redmore. In accordance with BS: 4142:2014+A1:2019 '*Methods for rating and assessing industrial and commercial sound*' guidance, the Assessment provides an initial estimate of noise impact associated with the new plant equipment at the nearest noise sensitive receptor. The nearest residential receptors were identified to be the rear facades and gardens of properties on Wellfield Avenue, and residential properties to the south-east.

4.12 The Assessment calculates a typical background sound level of 40db during the daytime, and 37dB during the night. A table with predicted noise levels has been prepared for the rear facades and gardens of properties on Wellfield Avenue, and residential properties to the south-east. It is predicted, based on the proposed plant selections, that the background noise is marginally exceeded during the day, and exceeded at night, and would be considered as an adverse impact at night.

4.13 Based on the guidance in BS 4142:2014+A1:2019, where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending upon context. To achieve noise levels not exceeding the typical background noise climate, an acoustic louvred screen is recommended for mitigation, with a height of 3m, and 300mm deep louvres.

4.14 Predicted noise levels with acoustic louvred screen do not exceed the typical background noise climate for both daytime and nighttime for all residential receptors. As such, the proposed noise level would be considered as low impact, as per BS 4142:2014+A1:2019 guidance

4.15 On this basis, the proposed development is considered to be acceptable in environmental noise terms and in accordance with the above policies

4.16 No objections have been received from public consultation.

5. CONCLUSION

5.1 The proposal is considered acceptable in design and noise impact terms, in accordance with the Policies D3, D6 and D14 of the London Plan 2021, and DM1 and DM23 of the Development Management DPD.

5.2 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

6. RECOMMENDATION

GRANT PLANNING PERMISSION subject to conditions.

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The development hereby approved shall be constructed and maintained thereafter in accordance with the Plant Noise Assessment prepared by Sharps Redmore (Project No. 2322036, Dated 23 October 2023).

Reason: To ensure the development maintains an acceptable level of noise on site in compliance with Policy DM23 of the Development Management DPD and Policy D14 of the London Plan 2021.

Informatives:

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.