

**Location**                      **133 High Road London N2 8AJ**

**Reference:**                    **19/0714/FUL**                      Received: 7th February 2019  
Accepted: 7th February 2019

Ward:                              East Finchley                      Expiry 4th April 2019

Applicant:                      COOP FUNERALCARE WILLIAM HARLEY

Proposal:                        Installation of a new external condenser

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Noise Solutions Ltd Plant Noise Guidance Report for The Co-operative Funeralcare 133 High Road N2 8AJ dated 26th June 2018 (ref: 87690) Revised edition submitted 12.12.2019

Site location plan and proposed block plan drwg no. COFC-RF-17-001

Existing and proposed floor plans drwg no. COFC-RF-17-002

Existing and proposed floor elevations drwg no. COFC-RF-17-003

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The level of noise emitted from the condenser unit hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall

be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);

6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

## **Officer's Assessment**

### **1. Site Description**

The application site is a three-storey end of terrace property on the west side of High Road located in the East Finchley ward and serves ground floor retail (A1) and self-contained residential units on floors above. The application site relates to the ground floor retail function which serves the Cooperative funeral care home. The property is not locally/statutorily listed nor is it located within a conservation area.

### **2. Site History**

18/3629/RCU

Extension to roof including 2no front dormers, 2no side dormers and 4no rear dormers with 2no rooflights to front elevation to provide conversion of existing roof to create 4no self-contained flats. Installation of an external frosted glazed privacy screen at second floor with roof canopy to central rear elevation. (PARTLY RETROSPECTIVE) - Approved, subject to a S106 on 14.06.19

### **3. Proposal**

Installation of a new external condenser. Internal alterations

### **4. Public Consultation**

Consultation letters were sent to 152 neighbouring properties

16no objections have been received on the following grounds:

- o Unacceptable environment for the residential units above
- o Noise and disturbance
- o Obstruction to emergency exits

### **5. Planning Considerations**

#### **5.1 Policy Context**

##### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 24 July 2018 and updated in February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

##### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5
- Relevant Development Management Policies: DM01, DM02, DM04

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- ii. The Impact on the appearance and character of the area
- ii. The impact on the amenities of neighbouring occupiers

## **5.3 Assessment of proposals**

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4, 7.6 (both of the London Plan).

The ground level premises to which this application relates serves the Cooperative funeral home above which residential units are located. The scheme seeks planning consent for the installation of a new refrigeration condenser unit externally at the rear of the premises (within the service yard) on the building wall at ground level obscured from view of the public realm. The unit would measure approx. 0.80m (d) x 0.589m (w) x 1.442m (h) and would be found at the rear of premises.

Internal alterations involve the replacement of an existing viewing room (1) with a new cold room to facilitate a mortuary facility. This internal alteration is considered an ancillary function of the funeral home and is considered to not change the use of the existing premises. The introduction of a new refrigeration unit at the rear is considered to not visually harm the visual amenities of the High Road or the character and appearance of the site and local context within which it is located.

The scheme is therefore considered acceptable on the grounds of character and appearance.

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

This approach is echoed under Policies CS5, DM01, DM02 and DM04 of the Barnet Council Development Plan Document. These policies seek to manage the impact of new developments and ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook, privacy and noise disturbance for existing residential occupiers or gardens.

The local context is mixed use, with commercial at ground level and residential above and to the rear. The Co-operative Funeralcare premises is located at 133 High Road at the end of a row of retail and commercial premises with two storeys of residential flats above. The small service yard to the rear of the property is overlooked by the residential property. The installation of one refrigeration condenser is proposed at the rear of the premises on the building wall on the west elevation.

The refrigeration unit is thermostatically controlled and will operate as required when the holding room is in use. It may therefore operate overnight, but is likely to do so intermittently and at reduced duty. The nearest noise sensitive receptor to the plant area is the flat immediately above the service yard. Noise Solutions Ltd (NSL) has been commissioned by ODA to provide guidance on maximum noise emissions from new plant serving the existing Co-operative Funeralcare premises located at 133 High Road, East Finchley N2 8AJ.

A Noise Assessment by Noise Solutions Ltd was submitted with the application. The document was updated following the advice of the Environmental Health officer to ensure compliance with London Borough of Barnet's noise level for the daytime and night-time periods. A condition to safeguard the residential amenities of neighbouring residential occupiers.

Notwithstanding the above, the development is considered to not give rise to any undue impact upon rear adjoining neighbouring properties in respect of loss of light, outlook and privacy.

Subject to conditions, the scheme is therefore considered acceptable on the grounds of impact on residential amenity.

#### **5.4 Response to Public Consultation**

- o Unacceptable environment for the residential units above
  - o Noise and disturbance
- This has been addressed in the main body of the report
- o Obstruction to emergency exits

The unit is located to the rear of the shop and not adjacent to the fire escape for the flats above.

## 6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## 7. Conclusion

Having taken all material considerations into account, the proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

