



- 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 electric substation plant 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.

- 4 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the sub-station, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

## 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 host site lies at the end the cul-de-sac known as Arcadia Avenue, within the Finchley Church End ward.

The site covers an area of 0.2ha and consists of a two-storey industrial brick building. The site is currently occupied by Dephna Group, and primarily used for storage units (Use Class B8). The building is in B8 use with ancillary B1 offices. The building is currently used for a combination of services including serviced offices, self-storage units and works units. The site benefits from a forecourt which accommodates off-street parking. Permission has recently been granted for extensions and alterations in connection with its use for cold storage units, storerooms, offices within Use Class B8 with the introduction of kitchens for food preparation. The site is identified for such uses through the Regents Park Road Employment Cluster

The site does not benefit from a heritage designation; however it is directly adjacent to the Glenhill Close Conservation Area to the southeast. In addition, towards the west on Regents Park Road there is a Grade II listed building known as King Edward Hall. Further south lie Avenue House Grounds which include a Grade II listed building. This public park is accessed from East End Road.

The site falls within Flood Zone 1, which is defined as having a low probability of flooding.

Surrounding the site on Arcadia Avenue, is a mixture of commercial uses, some of which have recently benefitted from office to residential prior approval, and residential uses. Glenhill Close itself accommodates residential development. To the northwest lies the Finchley Church End Town Centre.

The site features a Public Transport Accessibility Level (PTAL) of 4, however, is close to areas of 5 owing to its relative proximity to Finchley Central Tube Station. Streets surrounding the site are subject of Controlled Parking Zones (CPZ) for either resident or charged parking.

Due to the commercial context of the site, the land does not feature vegetation at the front; there are some mature trees which lie on third party land, mainly within the Glenhill Close Conservation Area.

### **2. Site History**

Reference: 18/1461/ESR

Address: 24 - 26 Arcadia Avenue, London, N3 2JU

Decision: Environmental Statement not Required

Decision Date: 9 April 2018

Description: Environmental Impact Assessment - Screening Opinion

Reference: 20/2999/FUL

Address: 24 - 26 Arcadia Avenue, London, N3 2JU

Decision: Approved following legal agreement

Decision Date: 8 October 2021

Description: Partial demolition of the existing building, external alterations including the construction of an additional storey, provision of extraction units to roof, alterations to car parking layout and the erection of perimeter fencing. Associated refuse/recycling storage and cycle parking

Reference: 21/5395/CON

Address: 24 - 26 Arcadia Avenue, London, N3 2JU

Decision: Approved

Decision Date: 2 December 2021

Description: Submission of details of condition 3 (Demolition and Construction Management and Logistics Plan) pursuant to planning permission 20/2999/FUL dated

Reference: 21/5397/CON

Address: 24 - 26 Arcadia Avenue, London, N3 2JU

Decision: Approved

Decision Date: 28 January 2022

Description: Submission of details of condition 4 (Ventilation/extraction noise) 5 (Kitchen extraction odour) 6 (Revised parking layout) 8 (electric vehicle charging points) pursuant to planning permission 20/2999/FUL dated

### **3. Proposal**

Erection of an electrical substation.

### **4. Public Consultation**

Site Notice: 20.01.2022

162 consultation letters were sent to neighbouring properties.

- 26 objection has been received

The objections can be summarised as follows;

- Health risk,
- Personal health concerns,
- Safety and peace of mind
- Difficulty selling property,
- The business makes a lot of noise,
- Noise concerns,
- Why this was not included in the original application for the redevelopment of Dephna House,
- Overdevelopment of the existing proposal,

Internal / other consultations:

Environmental Health: No objection subject to suggested conditions and informatives

### **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 updated in 2021. 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 2021

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 2031. 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.

The new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

### Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 the policies and site proposals in the draft Local Plan and the stage that it has reached.

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.

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.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene
- Whether harm would be caused to the living conditions of neighbouring residents;

## **5.3 Assessment of proposals**

The proposal relates to the installation of a new sub-station on site. The substation will be located to the rear of the car park.

The need for the substation is a shortage of electricity supply. The existing substation cannot provide sufficient capacity for the consented development under application 20/2999/FUL and therefore a new substation is required on site.

The substation would be in keeping with the scale of the existing structures on site and would not detract from the design and character of the surrounding buildings. Therefore, by virtue of its scale and location, it would also maintain the area's character.

The new sub-station takes the form of a detached brick garage with pitched roof and two doors to the front to adhere to the UK Power Networks regarding the size of the structure and door openings. The substation would be in keeping with the scale of the existing structures on site and would not detract from the design and character of these buildings. It would be 4.2m x 4.2m floor area and 2.8m high to eaves and 4m to the top of the apex of the roof.

### **Impact on amenity of neighbouring occupiers**

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 and DM04 of the Barnet Local Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Environmental health has been consulted and advise that the only concern would be any possible noise impact, therefore conditions are suggested. The building would be near the rear boundary with Lichfield Grove properties, however given the boundary height would be barely visible from the properties. In relation to noise, conditions are proposed to ensure appropriate noise mitigation. As such it is considered that there would be no undue impact on neighbouring amenity.

## **Response to Public Consultation**

- Health risk, - Environmental Health have been consulted and raise no concerns in this regard.
- Personal health concerns, - Environmental Health have been consulted and raise no concerns in this regard.
- Safety and peace of mind- Environmental Health have been consulted and raise no concerns in this regard.

- Difficulty selling property, - Not a material planning consideration.
- The business makes a lot of noise, - this is not the subject of this application which relates only to the sub-station
- Noise concerns, - Environmental Health have been consulted and suggest conditions be attached to any grant of permission
- Why this was not included in the original application for the redevelopment of Dephna House, - applications have to be considered on their merits
- Overdevelopment of the existing proposal, - addressed within the report.

## **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.

## **Conclusion**

The proposals would not detrimentally impact on the qualities of the adjacent building. The design, size and siting of the proposal is such that it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the area. Therefore, the application is recommended for approval.

