

22-26 CRICKLEWOOD BROADWAY, LONDON

PLANNING AND DESIGN AND ACCESS STATEMENT

ON BEHALF OF THE CO-OPERATIVE GROUP FOOD LTD

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Pegasus Group

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1. DECISION NOTICE 2016/0398/P

1. INTRODUCTION

- 1.1 This Planning Statement has been prepared in support of a planning application (part retrospective) for the installation of external plant equipment to serve a retail unit at 22-26 Cricklewood Broadway, London, NW2 3HD. The statement sets out details of the site and the proposals, analyses the planning policy context and explains why the proposed development is acceptable.
- 1.2 It should be noted that planning permission was refused at this site on 18th May 2016 for the retrospective installation of plant equipment to serve 22-26 Cricklewood Broadway (Ref. 2016/0398/P). Consequently, this application forms a resubmission of 2016/0398/P which addresses the previous reasons for refusal.
- 1.3 It should also be noted that the Council have recently issued an Enforcement Notice (Ref. EN16/0052) in respect of the plant equipment. The Enforcement Notice comes into effect on the 15th September 2016 and requires the removal of the plant equipment within 3 months. An appeal has been submitted to the Planning Inspectorate in respect of this Enforcement Notice, however this appeal will be withdrawn should this application submission be granted planning permission.
- 1.4 The issues relevant to the assessment of the application proposal are discussed in this Statement and are divided into:-

Section 2: *The Application Site and its Surrounds*

- 1.5 This section contains a description of the application site and its environs.

Section 3: *Application Proposal*

- 1.6 This section contains the description of development.

Section 4: *Planning Policy Context*

- 1.7 The planning policy context for the site includes both national policy guidance and the statutory Development Plan which comprises the Core Strategy (2010) and Development policies DPD (2010). Regard is also had to supplementary planning guidance. A brief explanation of the key policies guiding the development is contained within this section.

Section 5: *Planning Assessment*

- 1.8 The fifth section outlines the key planning considerations which are considered to be important to the determination of the future planning application. Each consideration is assessed in turn and explained in the context of the relevant planning policy outlined in the previous section.

Section 6: Design and Access Statement

- 1.9 This section provides a design and access statement.

Section 7: *The Planning Balance*

- 1.10 This section draws together the assessment of the proposal against planning policies within the Development Plan and other material considerations to consider whether the development is acceptable in the context of the presumption in favour of sustainable development.

2. THE APPLICATION SITE AND ITS SURROUNDS

- 2.1 The application site (Nos. 22-26) is located on Cricklewood Broadway (A5) which is a main road linking to central London approximately 8km to the south east. The part of the road where the site is located is best described as a retail high street. The site is located in a terrace of retail and commercial units that provide a range of local services.
- 2.2 The site has been in use as a convenience food store (Class A1) operated by The Co-Operative Group since January 2016.
- 2.3 Residential uses are located above the site in the upper floors of the building. The side roads located off Cricklewood Broadway to the rear of the site are residential in character, consisting predominantly of Victorian 2 storey bay fronted, red brick houses.
- 2.4 Small yards enclosed by boundary walls are located to the rear of the units. An alleyway and residential dwellings lie to the rear of these yards.
- 2.5 The site is not within a Conservation Area nor close to any Listed buildings.

Planning History

- 2.6 Of most relevance, planning permission was refused on 18th May 2016 (Ref. 2016/0398/P) for the following development:

"Installation of external plant to serve retail unit (1no. air conditioning unit and 1no. refrigeration unit) (retrospective)"

- 2.7 This application was refused for the following reasons:

"1. The proposed plant equipment by reason of its design and location is harmful to the appearance of the building and to the free passage by occupants into the first floor flat, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and to policies DP24 (Securing high quality design), DP 26 (Managing the impact of development on occupiers and neighbours) and DP29 (Improving access) of the London Borough of Camden Local Development Framework Development Policies.

2. *The plant equipment, by virtue of its operating noise and vibration, is harmful to the amenities of neighbouring occupiers, contrary to Policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and to policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and Vibration) of the London Borough of Camden Local Development Framework Development Policies. "*

2.8 A copy of the decision notice is provided at **Appendix 1**.

2.9 As detailed later in this Statement, this revised application submission seeks to address these reasons for refusal. It should be noted that since May 2016 remedial works have been undertaken to reduce noise emissions from the plant systems. Works have included the installation of attenuators to the bakery plant (between the bakery extract vent and atmosphere side louvre).

3. THE PROPOSAL

3.1 This application proposes the installation of plant equipment to the rear of 22-26 Cricklewood Broadway (part retrospective).

3.2 The description of development is:

"Installation of external plant equipment to serve retail unit and associated pedestrian access (part retrospective)."

3.3 As detailed on the accompanying planning drawings, planning permission is sought for a refrigeration unit (gas cooler) which is currently in situ. This unit provides chilled air to the refrigeration units within the store and as such is essential for the display and sale of chilled food. The unit is 4170mm long, 1137mm wide and 1530mm high. Following the recommendations of the accompanying Acoustic Assessment, this unit is to be entirely surrounded within a timber acoustic enclosure located directly to the rear of the premises.

3.4 Furthermore, this application seeks permission for an external condenser unit which provides air conditioning for the manager's office which also houses computer equipment. The condenser unit will be relocated from its existing position (mounted on the existing rear wall of the property) to within the acoustic enclosure. The condensing unit is relatively small, being 765mm wide and 550mm high.

3.5 Planning permission is also sought for 4no. ventilation louvres located on the rear elevation of the property. These have been fitted with acoustic attenuators to ensure they do not have a detrimental impact upon the residential property located at first floor level.

3.6 Finally, an additional gate / access will be provided within the rear boundary wall to allow separate pedestrian access to the residential properties located above the application site.

4. PLANNING POLICY CONTEXT

4.1 In this section the national and local planning policy and guidance pertinent to the application site and development proposal are summarised. The plan-led approach to development, as enshrined by Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires development proposals to accord with the adopted development plan unless material considerations indicate otherwise.

Development Plan

Core Strategy (2010)

4.2 The Core Strategy was adopted in 2010 and provides a framework for development during the plan period.

4.3 Of relevance in the determination of this application, Policy CS5 states that the Council will manage the impact of growth and development in Camden and protect the amenity of residents and those working in the Borough by making sure the impact of developments on their occupiers and neighbours is fully considered and *inter alia* requiring mitigation measures where necessary

4.4 Policy CS7 seeks to protect Camden's shopping centres and maintain their vibrancy. The Core Strategy identifies the site to fall within a Neighbourhood Centre where the Council will seek to retain a strong element of convenience shopping for local residents in Camden's neighbourhood centres and ensure that any development in them does not harm the function, character or success of that centre.

4.5 Policy CS14 requires development of the highest standard of design that respects local context and character and *inter alia* seeks the highest standards of access in all buildings and places.

Development Policies (2010)

4.6 Adopted in November 2010, Camden's Development Policies set out the detailed development management policies applicable during the plan period.

4.7 Policy DP12 echoes Core Strategy policy CS7 and seeks to promote retail centres to maintain their vibrancy and the shopping function. The policy also seeks to ensure that development does not have an unacceptable impact on amenity.

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- 4.8 Policy DP24 requires development of the highest standard of design, including *"the appropriate location for building services equipment."*
- 4.9 Policy DP26 confirms that the Council will protect neighbour amenity and will assess noise and vibration impacts of a development proposal amongst other considerations.
- 4.10 Policy DP28 states that the Council will only grant permission for plant or machinery if it can be operated without cause harm to amenity and does not exceed the noise thresholds.
- 4.11 Policy DP29 requires all buildings meet the highest practical standards of access and inclusion.

National Planning Policy

- 4.12 The NPPF seeks to drive sustainable economic development and requires Local Planning Authorities to plan to meet the needs of businesses.
- 4.13 The NPPF (paragraph 23) also seeks to promote competitive town centres.
- 4.14 The 3rd bullet point of paragraph 70 states that planning policies and decisions should:
- "ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community".*
- 4.15 In summary, the emphasis of local and national policy is to support businesses and exiting retail uses, whilst ensuring that this does not have an unacceptable impact on the amenity of neighbours.

5. PLANNING ASSESSMENT

5.1 This section of the Statement contains a detailed analysis of the application proposal against the relevant material planning considerations. These considerations have been derived from an understanding of the site and its surrounds and the policy analysis of the previous section. The following detailed matters are considered:-

- Principle of Development;
- Amenity;
- Access;
- Visual Appearance; and
- Other Material Considerations.

5.2 Each issue will be discussed in turn below:-

Principle of Development

5.3 National and local planning policy supports the creation of vibrant centres and encourages retail uses, especially within existing centres.

5.4 The proposed plant equipment is essential to the operation of the convenience food store and will help maintain a retail use in an identified neighbourhood centre that is of benefit to the local community. The proposed development is therefore acceptable in principle.

Amenity

5.5 Following the refusal of planning application 2016/0398/P, a detailed assessment of the plant equipment has been undertaken to determine the impact upon the amenity of surrounding residential properties, namely those residential properties located directly above the ground floor convenience food store.

5.6 The Noise Assessment which accompanies this application submission (prepared by 24 Acoustics) concludes that subject to appropriate mitigation measures, the noise emission levels are acceptable and accord with Camden's requirements. These mitigation measures include an acoustic enclosure around the gas cooler (which also greatly improves the appearance from a design perspective); relocation of the

condensing unit to within the acoustic enclosure; and installation of internal noise attenuators to the ventilation extracts.

- 5.7 The mitigation measures proposed address the second reason for refusal of planning application 2016/0398/P and the development proposal is now entirely acceptable from a noise and amenity perspective, as will not be audible from the closest noise sensitive receptors. Accordingly, the development proposal accords with Policy CS5 of the Core Strategy and to policies DP26 and DP28 of the Development Policies.

Access

- 5.8 The refusal of planning application 2016/0398/P raised concerns over the free passage by occupants into the first floor flat, given the plant equipment is located within a shared rear yard. In order to address this, this application submission seeks to divide the rear yard and provide a separate and secure means of access to the residential property located at first floor level.

Visual Appearance

- 5.9 Firstly, it is important to note that the plant is located within an existing yard and is not visible from any public vantage points.
- 5.10 As described the plant equipment is to be located within a timber enclosure to minimise the visual and amenity impacts. Consequently, the plant equipment will not be seen from any public or private vantage points and will not have an adverse impact on the character or appearance of the street scene.
- 5.11 The property is not Listed, nor is it located within a Conservation Area, and the proposal would not have a significant adverse impact on the character or appearance of the property. The use of timber enclosure is considered acceptable from a design perspective in accordance with local planning policy.

Other Material Considerations

- 5.12 The Co-Operative Group is operating within a retail store that would otherwise have stood vacant. Their occupation has created benefits in terms of investment in the local area and the creation of employment.

5.13 The proposed plant is essential to the operation of the food store in order to provide bakery goods and for the retailing of chilled food and drink products. It is therefore an integral part of the store, and necessary in order to deliver the above benefits.

6. DESIGN AND ACCESS STATEMENT

Environmental Sustainability

- 6.1 The proposal will be environmentally sustainable, using a new and efficient cooling system.

Character and Appearance

- 6.2 The proposed plant will be located within the exiting yard and would not be visible from any public vantage points.
- 6.3 Given the reasons for refusal of planning application 2016/0398/P, it has been decided to locate both the gas refrigeration unit and condensing unit within a timber acoustic enclosure. This will ensure that the plant equipment will not be seen from any vantage points and will have no adverse impact on character or appearance of the streetscene.
- 6.4 The property is not Listed, nor in a conservation area, and the proposals would not have a significant adverse impact on the character or appearance of the property.

Community Safety

- 6.5 The proposed plant will be located within a secure yard so there is no risk to community safety.

Movement to, from and within the Development

- 6.6 The yard can be accessed from the shop or the rear alley way. Access would only be required by staff and maintenance and service engineers. A separate rear access is provided to the residential accommodation at first floor level.

Access

- 6.7 Regular access to the proposed plant is not required, however for maintenance purposes access would typically be gained to the yard from the retail store.

7. THE PLANNING BALANCE

- 7.1 Section 38(6) of the Act requires that decisions should be assessed against the Development Plan unless material considerations suggest otherwise. The benefits and adverse impacts must therefore be weighed against each other when determining a planning application.
- 7.2 The proposed development is acceptable in principle. National and local policy supports economic development, meeting the needs of businesses and maintaining a retail function in retail centres.
- 7.3 The proposed development, as an integral part of the infrastructure underpinning the retail operation, will help achieve these aims.
- 7.4 The proposals will not result in an adverse impact on residential amenity and there the proposals accord with Policy DP26 of the Core Strategy.
- 7.5 The proposed development has been shown to be in conformity with the Development Plan and the scheme should therefore be granted planning permission.
- 7.6 The benefits that the retail store will create in terms of job creation and economic investment are material considerations to which weight should be attached.
- 7.7 The planning balance therefore weighs strongly in favour of granting planning permission.

APPENDIX 1 - DECISION NOTICE 2016/0398/P

Pegasus Planning Group Ltd
First Floor South Wing
Equinox North
Great Park Road
Almondsbury
Bristol
BS32 4QL

Application Ref: **2016/0398/P**
Please ask for: **Anna Roe**
Telephone: 020 7974 1226

18 May 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused and Warning of Enforcement Action to be Taken

Address:

**22-26 Cricklewood Broadway
London
NW2 3HD**

Proposal:

Installation of external plant to serve retail unit (1 no. air conditioning unit and 1 no. refrigeration unit) (retrospective).

Drawing Nos: CN-NW2-01 Rev E; P1-F7-M0; Site Location; Plan Existing Elevation; Proposed Elevation; Noise Impact Assessment Report prepared by Flumpit Ltd dated January 2016.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed plant equipment by reason of its design and location is harmful to the appearance of the building and to the free passage by occupants to the first floor flat, contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and to policies DP24 (Securing high quality design), DP26 (Managing the impact of development on occupiers and neighbours) and DP29 (Improving Access) of the London Borough



of Camden Local Development Framework Development Policies.

- 2 The plant equipment, by virtue of its operating noise and vibration, is harmful to the amenities of neighbouring occupiers, contrary to Policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

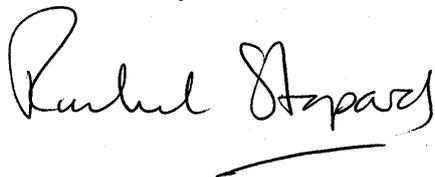
ENFORCEMENT ACTION TO BE TAKEN

The Council has authorised the Planning Department to instruct the Borough Solicitor to issue an Enforcement Notice alleging breach of planning control.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard
Director of Supporting Communities