

Appeal Statement

185-187 Haverstock Hill Basement and Ground Floor LONDON NW3 4QG

Ground (a) Appeal

The appellant has recently purchased the property which was an empty bank premises and has converted it into a supermarket. The previous use of the property was a bank, and it has been empty for some time. The bank premises had air conditioning units placed in the same location as the refrigeration units are located. Without the refrigeration units the supermarket is not able to operate, and the use will have to stop and this will eventually mean another empty shop on the high street and loss of employment for the current employees at the property. The applicant has applied for retrospective planning for the refrigeration units back in August 2022, ref number 2022/3337, which has not yet been determined. Therefore, this enforcement notice is premature as the appellant is working with an acoustic specialist to come up with a solution that is acceptable with the council under a planning application. The residents that live above the supermarket have been living for the last 3/4 years when the bank property was empty and therefore the air conditioning units were not being used. Now that the air condition units and refrigeration units are in operation the residents have started to complain about the noise. Plant and machinery are part and parcel of a commercial use and the applicant cannot be denied these facilities for the retail unit. He is working with the council via a planning application and will find a solution through the acoustic consultant, so planning permission should be granted for the external

Ground (c) Appeal

The property has already plant located on the rear elevation with older and noisier air conditioning units, the applicant has replaced this with more modern units that are less noisy. Therefore, the property already had plant located on the same position and the appellant has upgraded and replaced the old units which would not need planning approval.

Ground (f) Appeal

The steps for the removal of the refrigeration units are excessive as this will lead to the closure of the shop, lesser step would be to agree for a design so that the noise and vibration control of the units are to the council's satisfaction.

Ground (g)

The time limit should be increased to 4 months so that a design solution can be agreed with the council and then implemented so the shop does not stop operating.