LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2015/2808 **Ward:** Muswell Hill

Date received: 25/09/2015

Drawing number of plans: Plans and specifications received by the Council on 25/09/2015

Address: 126 Muswell Hill Broadway N10 3RU

Proposal: Installation of 2no. (20ft) temporary refrigerated storage containers (between 1st November and 31st January annually)

Applicant: Marks and Spencer PLC

Ownership: Private

Site Visit Date: 02/10/2015

Officer contact: Aaron Lau

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

1. Time limit
2. In accordance with approved plans
3. Refrigerator motor unit

Informatives:

1. Land ownership
2. Hours of construction

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for Installation of 2no. (20ft) temporary refrigerated storage containers (between 1st November and 31st January annually)

Site and Surroundings

3.2 The application site is located at the side/rear of the Marks and Spencer site at Nos. 126 to 138 Muswell Hill Broadway. The rear service area has road and pedestrian access via Summerland Gardens.

3.3 The site is located within the Muswell Hill Conservation Area.

Relevant Planning and Enforcement history

- HGY/2012/2021 - Siting of 2no. refrigerated storage containers within the rear service yard between 1st November and 31st January annually – approved 13/12/2012

- HGY/2008/1771 - Installation of a temporary chilled container unit. – approved 09/10/2008

4. CONSULTATION RESPONSE

4.1 The following were consulted regarding the application:

- Muswell Hill/Fortis Green/Rookfield CAAC
- LBH Conservation Officer
- LBH Transportation Team
- Muswell Hill & Fortis Green Residents Association

The following responses were received:

Internal:

1) LBH Transportation Team: No objection.

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of a site notice displayed in the vicinity of the site and 5 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 0
Objecting: 0
Supporting: 0

6. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1 Principle of the development;
2 The impact of the proposed development on the character and appearance of the conservation area;
3 Parking and highway safety;

6.1 Principle of the development

6.1.1 Permission was granted in 2008 ref: HGY/2008/1771 for 1 x refrigerated storage container. That permission was a time limited permission which expired on 31st January 2011.

6.1.2 A further permission was granted in 2012 ref. HGY/2012/2021 for the siting of 2 no. refrigerated storage containers within the rear service yard between 1st November and 31st January annually. This permission was a time limited permission which expired on 31st January 2015 hence the need for a new application.

6.1.3 This current planning application seeks permission for the siting of 2 x refrigerated storage containers within the rear service yard between 1st November and 31st January annually.

6.1.4 The chilled containers would be Zanotti Bas 235 type and measure 6.048m long x 2.438m wide x 2.591m high and have double doors to the North West elevation i.e. facing the back of the Lloyds Bank building. Given the operation requirements at the store, an additional storage container is now required however, the approved planning permissions in 2008 and 2012 demonstrate that the principal of temporary storage containers within the rear service yard of Marks and Spencer is entirely acceptable. The containers are required to increase the storage capacity at our store over the Christmas peak trading period. During this time, Marks and Spencer experience very high levels of demand for goods and therefore turn over a higher level of stock than at other times of the year. The additional storage space reduces the risk of the store running out of stock and consequently improves consumer satisfaction.

6.1.5 In summary, the principle of temporary refrigerated storage containers on the site has therefore been established under the 2008 and 2012 permissions and as such the proposal is acceptable in this regard subject that other material planning considerations are met.

6.2 Character and appearance of the conservation area

6.2.1 The site falls within Muswell Hill Conservation Area. Saved UDP Policy CV5 requires the need to preserve and maintain the character of conservation areas. This view should be considered alongside Chapter 12 of the NPPF, SPG2 'Conservation and archaeology', saved UDP Policies UD3 and CSV5, London Plan Policy 7.8 and Local Plan Policies SP11 and SP12.

6.2.2 Given the temporary nature of the containers and its location within an existing service area, away from Muswell Hill Broadway, it is considered to have minimal impact on the amenity of residents or the character of the area. Conditions of consent will require the container be installed no earlier than 1st of November and removed by the 31st January each year. Furthermore, the consent will be time-limited to 3 years. After this time, a new application will be required to ensure the container does not pose any long term impacts on the character of the area or amenity of neighbours.

6.3 Parking and highway safety

6.3.1 Local Plan (2013) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport

6.3.2 The Council's Transportation Team has been consulted and advises that they have no objections to the proposal as it will not involve any alterations to the existing delivery and service arrangements and will not affect current access and parking arrangements. This is consistent to the previous advice to the 2012 planning application. On this note, Officers consider that the proposal would not have any undue impact on the existing parking conditions or existing service arrangements in meeting the above policy framework.

6.4 Conclusions

- 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

7. CIL APPLICABLE

There will be no increase in internal floor area which would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

8. RECOMMENDATION

GRANT PERMISSION subject to conditions PERMISSION

Registered No. HGY/2015/2808

Applicant's drawing No.(s) Plans and specifications received by the Council on 25/09/2015

Subject to the following condition(s)

1. That this permission shall be for a limited period expiring on 31st January 2018 and within this period the containers shall not be located on the site between 1 February and 31st October each year during this period. From the 31st January each year the container shall be removed and the land reinstated to its former condition, to the satisfaction of the Local Planning Authority.

   Reason: In order to enable the Local Planning Authority to review and assess the use following experience after a period of operation.

2. The development hereby authorised shall be carried out in accordance with the following approved plans and specifications received by the Council on 25/09/2015

   Reason: In order to avoid doubt and in the interests of good planning.

3. The refrigerator motor units shall be installed with flexible couplings and mountings and the associated pipe work shall be insulated, so as to prevent the transmission of noise and vibration into any neighbouring premises.

   Reason: In order to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their property.