

**Location**                                **117 Ballards Lane London N3 1XY**

**Reference:**                            **15/00124/FUL**                                Received: 9th January 2015  
Accepted: 9th January 2015

Ward:                                        West Finchley                                        Expiry 6th March 2015

Applicant:                                Mr Deniz Top

Proposal:                                 Relocation of 2 no air conditioning units from side elevation to rear elevation

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan; KNT-30/04/2014-N3 1XY; KP acoustics report 11807.PCR.01; ziya cold split type condensing unit ICU-C series; 11807.SP1; environmental noise survey data.

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 air conditioning units 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 2011.

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 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.

## **Officer's Assessment**

### **1. Site Description**

The application site is an end of terrace commercial unit located on the corner with Cornwall Avenue. The property backs on to a small service road with Cornwall Works siting adjacent.

### **2. Site History**

Reference: F/02914/14

Address: 117 Ballards Lane, London, N3 1XY

Decision: Withdrawn

Decision Date: 29 October 2014

Description: Relocation of 2 no. air conditioning units from side elevation to rear elevation.

### **3. Proposal**

The application relates to the relocation of two air conditioning units which are currently sited on the side elevation of the property to sit on the rear wall of the property. The units will measure 1.1m by 1.1m and project out from the wall by 0.35m.

### **4. Public Consultation**

Consultation letters were sent to 9 neighbouring properties.

3 responses have been received, comprising 3 letters of objection (1 letter signed by 9 individuals), 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- The air conditioning units will block emergency vehicles.
- The units will block the fire escape of the neighbouring unit.
- Vans being parked on service road and air conditioning units will block service road.
- Pedestrians will have to duck under units when cars are also parked in service road.

### **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 27 March 2012. 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 July 2011

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.

#### 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.

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.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- 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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

### **5.3 Assessment of proposals**

The existing units are located on the side elevation of the property facing Cornwall Avenue, the proposal is to locate two units on the rear wall which faces on to a service road serving this parade of shops.

The new location of the units is considered to be acceptable and would not result in detrimental harm to the character of the area or streetscene. Given the size and siting of the units it is considered that the proposal complies with policy DM01 which seeks to preserve local character.

The environmental health team have reviewed the application and on the basis of the information submitted and further details provided in regards to noise generated from the relocated air conditioning units are satisfied with the proposal in accordance with 11807.SP1; environmental noise survey data and KP acoustics report 11807.PCR.01. The proposal complies with the council's noise requirements.

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

The units themselves will not block the fire escape of the neighbouring unit, access is blocked if, and when vehicles are parked in the service road. It is considered that the units do not cause an obstruction to the service road it is vehicles parking in the road that cause the obstruction.

#### **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**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

