

**Location**                      **Plot 299 128 Colindale Avenue London NW9 4AX**

**Reference:**                    **17/5822/FUL**                      Received: 12th September 2017  
Accepted: 12th September 2017

Ward:                              Colindale                              Expiry 7th November 2017

Applicant:                        Paddy Power Leisure Bookmakers Ltd

Proposal:                         Installation of 3 no. satellite dishes and 2 no. air conditioning units at roof level

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 15817-04, 15817-19, 15817-20, 15817-21, 15817-22, 15817-23, Documentation on Specification Air conditioning units received 12 September 2017, Covering letter dated 11th September 2017, Planning Design and Access Statement dated 11th September 2017, Planning Statement Appendices 12th September 2017.

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 two 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 The submitted plans and documentation are: 15817-04, 15817-19, 15817-20, 15817-21, 15817-22, 15817-23, Documentation on Specification Air conditioning units received 12 September 2017, Covering letter dated 11th September 2017, Planning Design and Access Statement dated 11th September 2017, Planning Statement Appendices 12th September 2017.
- 2 In accordance with paragraphs 186-187, 188-195 and 196-198 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. 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 situated on the ground floor of a new residential development (Application Reference: H/05856/13) on Colindale Avenue, which comprises of 395 flats across 6 separate blocks of 4-11 storeys. The development is substantially complete.

The application site does not lie in a conservation area, but does however fall within the Colindale Area Action Plan (CAAP) area which seeks the creation of a new neighbourhood centre on Colindale Avenue.

### **2. Site History**

Ref: 17/2248/FUL

Address: Plot 299 128 Colindale Avenue London NW9 4AX

Proposed Development: Change of use of 97sqm of plot 299 of 128 Colindale Avenue from flexible A1/A2/A3 use to a betting shop (sui generis)

Decision: Approved subject to conditions

Decision Date: 25.10.2017

Ref: 17/2507/FUL

Address: Plot 299 128 Colindale Avenue London NW9 4AX

Proposed Development: New shopfront

Decision: Approved subject to conditions

Decision Date: 14.06.2017

Ref: 17/2508/ADV

Address: Plot 299 128 Colindale Avenue London NW9 4AX

Proposed Development: Installation of 3no internally illuminated fascia signs and 2no internally illuminated hanging signs

Decision: Approved subject to conditions

Decision Date: 14.06.2017

### **3. Proposal**

Planning permission is sought for the installation of 3 no. satellite dishes and 2 no. air conditioning units at roof level.

The proposed 3no satellite dishes will be sited at roof level on the west facing elevation of the main building which is five storeys in this section.. The roof plan drawing no 15817-21 indicates; NPR (Non-Penetrating Roof) 'Sky' mounted satellite dish 28.2°E 800mmØ, NPR mounted 'Turf' satellite dish 33.0°E 900mm, NPR mounted Big Bi-Sat satellite dish receiving two transmissions SIS/Paddy Power 5°E 900m (positioned left). The 3no satellite dishes will be of minimal size and height and will be set in from the edge of the roof.

The proposed 2no air conditioning units will be sited at roof level on the north facing elevation of the building adjacent to the satellite dishes. The applicant has provided detailed specification of the air conditioning units which are; Daikin RZQS-DV1 Split-Sky air roof mounted air conditioning condenser unit. In addition, the proposed 2no air conditioning units will be of minimal size and height and will be set back from the edge of the roof.

The applicant had been granted permission for the 'change of use of 97sqm of Plot 229 of 128 Colindale Avenue from flexible A1/A2/A3 use to a betting shop (sui generis) use.

Reference 17/2248/FUL. It had been noted that some of the objections received relate to the betting shop and not the current proposal.

#### **4. Public Consultation**

Consultation letters were sent to 210 neighbouring properties.

7 objections received and summarised as follows;

- o I do not want a betting shop in the area
- o Leaseholder objects to fixing any television or radio aerial, satellite dish or receiver on the estate without the prior written consent of the landlord
- o Noise emitted from the air conditioning units
- o Residents cannot install dishes on the roof why can they?

1 objection was received as follows however it is more a supporting statement:

- o Please STOP destroying people life by rejecting Paddy Power request

Internal Consultations:

No objection received from environmental health officers subject to the attachment of a background noise condition

#### **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 2015

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 2050. 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, DM04.

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 proposed 2no air conditioning units will be sited on the fifth storey roof of the property on the northern facing elevation of the main building. The proposed 3no satellite dishes will be sited on the roof of the five storey part of the building on the western facing elevation of the building. The existing roof accommodates several plant installations (including risers) and a lift shaft on the roof. The satellite dishes and air conditioning units will be set back from the edge of the roof and are not unduly large in terms of scale or design and as such, will not impact on the visual amenities of the area.

The specification for the 2no air conditioning units are Daikin RZQS-DV1 Split-Sky air roof mounted air conditioning condenser unit. The limited size of the proposed 2no air conditioning units to the northern facing elevation of the building in the context of the overall building size and scale, it is considered that the units would not be visually prominent. In addition, the proposed equipment would be set back from the edge of the roof surface limiting views from street level. In addition, there would be very few windows of the host residential building facing on to the roof area where this equipment would be located, further limiting the visual impact of this.

The proposed 3no satellite dishes will be sited at roof level on the west facing elevation of the main building. The roof plan drawing no 15817-21 indicates; NPR (Non-Penetrating Roof) 'Sky' mounted satellite dish 28.2°E 800mmØ, NPR mounted 'Turf' satellite dish 33.0°E 900mm, NPR mounted Big Bi-Sat satellite dish receiving two transmissions SIS/Paddy Power 5°E 900m (positioned left). The 3no satellite dishes will be of minimal size and height and will be set in from the edge of the roof. Given the siting, size and

design it is considered that the 3no satellite dishes will not impact on the visual amenities and or character of the area and are deemed acceptable.

The proposed 3no satellite dishes are stationary and will not give rise to any impacts regarding public health. With regard had to the proposed 2no air conditioning units it is noted that there may be a risk of harm arising from a noise impact. The units would be 12m to the nearest flank wall. This would not be a window wall.

Environmental Health have been consulted on this application and consider that there would not be any harmful impact would be mitigated by a background noise condition will to reduce the noise levels at the nearest noise sensitive location considerably. Therefore, the proposal would not give rise to unacceptable noise and or nuisance to the detriment of the amenity of neighbouring residents.

The Local Planning Authority do not consider the proposals to have any demonstrable adverse impact on the residential amenities of any neighbouring occupiers to an extent that would warrant reason for refusal on these grounds.

On balance of all of the above factors, the planning permission is deemed acceptable in terms of residential amenity.

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

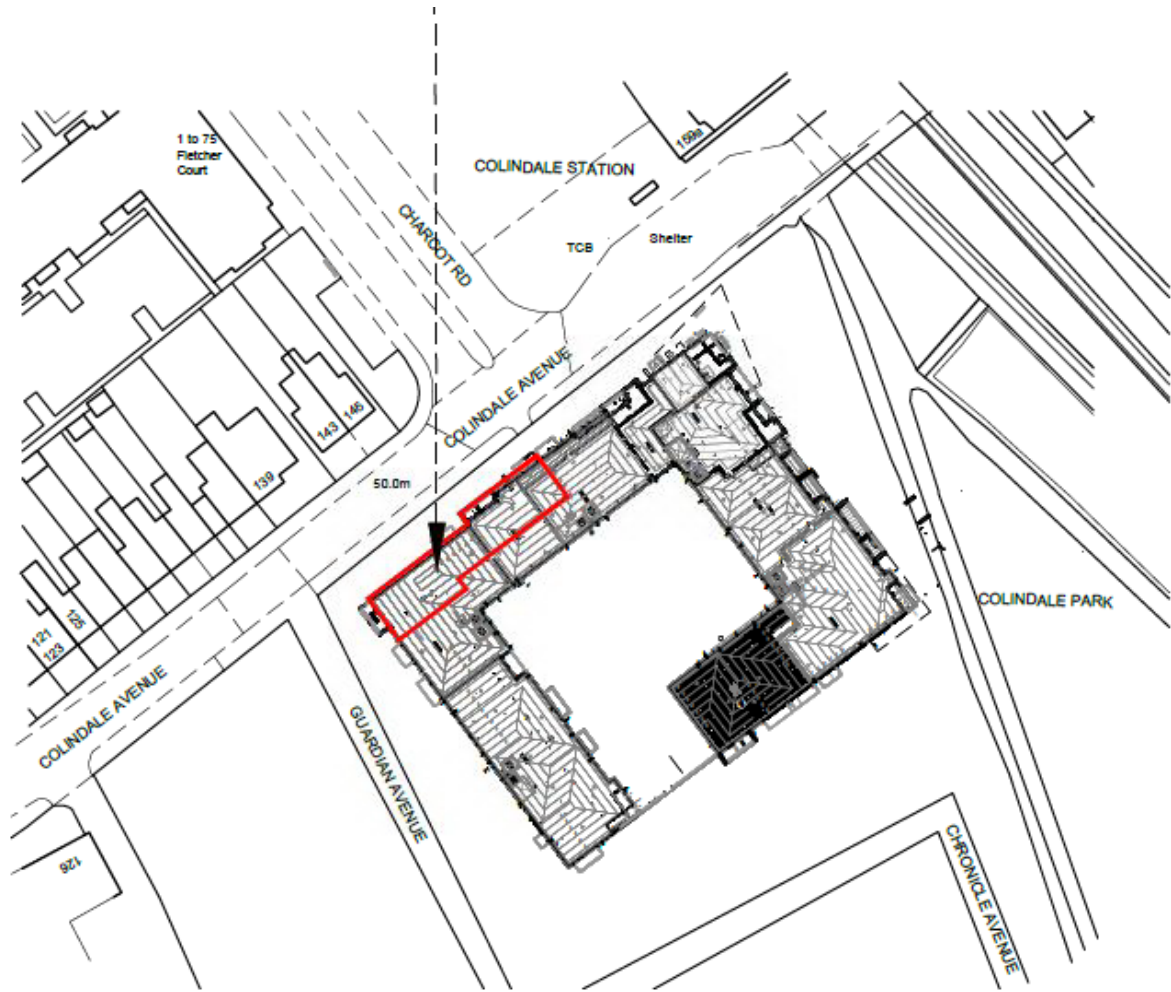
Officer Comment: With regard had to planning matters, potential noise has been mitigated by way of condition. The Environmental health officer recommended approval subject to attached condition.

#### **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.



**SITE LOCATION PLAN**  
**SCALE 1:1250**