

LOCATION: The Post Shop Ltd, 14 Vivian Avenue, London, NW4 3YB
REFERENCE: H/03658/12 **Received:** 26 September 2012
Accepted: 02 October 2012
WARD(S): West Hendon **Expiry:** 27 November 2012

Final Revisions:

APPLICANT: Tesco Stores Ltd
PROPOSAL: Installation of 3no. Air Conditioning units and 1no. condenser
RECOMMENDATION: **Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 10859-204, 10859-203, 10859-202, 10859-201 and 10895-512 Rev C.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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.

INFORMATIVE(S):

1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Local Policies.

In particular the following policies are relevant:

Core Strategy (Submission version) 2011: CS 5

Development Management Policies (Submission version)2011: DM01, DM02

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

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.

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.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy is charged at a rate of £35 per square metre of net additional floorspace.

Core Strategy (Adopted) 2012:

The Core Strategy was adopted by the Council on September 11 2012.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

Development Management (Adopted) 2012:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Development Management Policies: DM01, DM02, DM04.

Relevant Planning History:

Site history for current landparcel :

152531 - The Post Shop Ltd, 14 Vivian Avenue, London, NW4 3YB

Case Reference: **H/03658/12**

Planning applications picked up in spatial search

Site Address: 16 Vivian Avenue LONDON NW4
Application Number: W09702
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/06/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from shop (Class A1) to Restaurant (Class A3)**
Case Officer:

Site Address: 16 Vivian Avenue LONDON NW4
Application Number: W09702B
Application Type: Section 192
Decision: Unlawful Development
Decision Date: 17/08/1994
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shopfront as an extension to that existing at No. 14.**
Case Officer:

Site Address: 14 Vivian Avenue LONDON NW4
Application Number: W09527A
Application Type: Outline Application
Decision: Approve with conditions
Decision Date: 07/11/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New shop front.**
Case Officer:

Enforcement Notices picked up in spatial search

None

Consultations and Views Expressed:

Neighbours Consulted: 83 Replies: 2
Neighbours Wishing To Speak 0

One petition of 101 signatures was received objecting to the presence of Tesco in the town centre.

The objections raised may be summarised as follows:

- Tesco will cause demise of other convenience businesses in the local area

One comment received was in support of the application.

Internal /Other Consultations:

- Environmental Health -

On advice of the environmental health officer a condition has been imposed as a part of the conditional approval regarding the noise generated by the Air Conditioning Equipment

Date of Site Notice: 18 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is a shop unit which is located on the corner of Vivian Avenue and Alderton Crescent. The site is located within the primary retail frontage of Hendon Central Town Centre.

Proposal:

The proposal relates to the installation of three air conditioning units to the rear court yard and one condenser. Following some amendments one of the larger units has now been reduced in height and louvered fencing has been introduced to one elevation to reduce the visual impact from Vivian Avenue.

Planning Considerations:

When considering the impact of this development it has to be noted that the condenser units are not prominently located nor would they be perceived readily from any public viewpoint. The harmonious character set out by the street façade would be preserved.

In this particular case the air conditioning units would be seen from Vivian Avenue. In order to mitigate the negative visual impact of these units from the Town Centre the applicant has proposed louvered screens which would allow sound/noise to pass through, but would limit visual impact from the Town Centre. Such a measure would help to maintain the townscape and lessen the impact on the area's character.

Turning to the matter of noise, following advice from the Environmental Health team a condition has been imposed as a part of the conditional approval. The applicant has also provided, on request, a list of mitigation measures that will be incorporated in order to reduce noise levels. Considering these facts, the application is considered acceptable.

It is considered that the application will not give rise to any loss of amenity to any neighbouring property, or harm the appearance of the building, the surrounding area

and the character of the street scene.

3. COMMENTS ON GROUNDS OF OBJECTIONS

A petition was received objecting to the presence of Tesco in the Hendon Central Town Centre generally.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of the area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual properties and street scene. **APPROVAL** is recommended.

SITE LOCATION PLAN:
NW4 3YB

The Post Shop Ltd, 14 Vivian Avenue, London,

REFERENCE:

H/03658/12



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