

# STRATEGIC PLANNING COMMITTEE

Wednesday, 13<sup>th</sup> December 2023

## ADDENDUM TO DIRECTOR OF PLANNING AND BUILDING CONTROL'S REPORT

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### Agenda Item No. 6

**Reference:** 22/3005/FUL

**116 Victoria Road, Barnet EN4 9PA**

**Pages:** Pg 9-46

Amendment to the wording of the report. Report to read (~~strikethrough~~ = deletion; and underline = addition):

**Pg 9** Recommendation 1 (Planning Obligation no 4- Affordable Housing) change FROM “ *An offsite affordable Housing contribution of £40,000 (with "prior to occupation" trigger)*”

TO

“ *An offsite affordable Housing contribution of £40,000 (with "prior to occupation of the first residential unit onsite as" trigger), with an Affordable housing review mechanism included within the legal agreement”.*

### Revised full wording of RECOMMENDATION I

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation by Unilateral Undertaking and any other legislation which is considered necessary for the purposes of seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. A carbon offset payment of £28,785 towards off site carbon savings
4. An offsite affordable Housing contribution of £40,000 (with "prior to occupation of the first residential unit" trigger) with an Affordable housing review mechanism included within the legal agreement
5. Section 287- off site highway improvement works to provide a new crossover is proposed on Victoria Road; provide tactile paving at the site access; and reinstate the footway along the frontage of the site.
6. Local Labour in construction- Reasonable endeavours to secure a minimum of 20% of construction phase jobs for Brent residents
7. Reasonable endeavours must be used to secure a minimum of 20% of jobs for Barnet residents, post construction, once the approved commercial unit is operational.

**Pg 16** Condition 17 should read as follows:

Prior to the commencement of above ground works, full details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure



## **Agenda Item No. 7**

**Reference: 23/3771/FUL**

**Land At 1-7 Moxon Street And At 44 Tapster Street Including Land To The Rear Of 1-11 Moxon Street And Opposite The Old Printworks, Barnet, EN5**

**Pages:**

Amendment to the wording of the report. Report to read (~~strikethrough~~ = deletion; and underline = addition):

### **1. Proposal – pg. 25 (to be amended)**

The proposed scheme will deliver affordable housing at this site concurrently with a sister scheme at ~~Moxon Street (Land at 1-7 Moxon Street and at 44 Tapster Street including land to the rear of 1-11 Moxon Street and opposite The Old Printworks, Barnet, EN5 5TY).~~ Whittings Road (Land Adjacent To Whittings Hill Primary School, Whittings Road, London, EN5 2QY).

### **2. Affordable Housing – pg. 29 and 30 (to be added)**

The Applicant has confirmed that to mitigate the viability challenges that they face for the Moxon Street and Whittings Road schemes, taken together, the social tenures are weighted towards shared ownership rather than affordable rent. The Authority's viability officer has reviewed the scheme and has not raised any objection with regards to this ration of affordable housing.

### **3. Highways and Parking – pg. 34 (to be amended)**

Based on Policy DM17 of Barnet's Development Management DPD, the provision of 14-28 car parking spaces would be acceptable for the proposed development. (7x1bed and 14x2bed) and for the 180sqm of commercial space, up to 2 spaces would be acceptable. A car-free scheme is proposed although two on-street disabled parking bays are to be provided on Moxon Street. However, the applicant has carried out an overnight parking survey with a parking stress ratio of 44% with 40 spaces unoccupied. Highways will accept a car-free scheme subject to imposing a ~~£106~~ Unilateral Undertaking Agreement CPZ permit restrictions.

**(to be added)**

The cycle store provision is shown on the highway within new cycle hangers along Moxon Street. Given that the two cycle hangers are located in new on street space via the removal of an existing crossover and reinstatement of pavement space and will not result in a reduction of existing on-street parking and that the cycle hangers will be funded by Barnet Homes, it is considered to be a reasonable location, however, formal approval from Highways is required. This is covered by condition no. 10.

### **4. Accessibility and Sustainability – pg. 35 (to be amended)**

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with ~~Policy 5.15 of the London Plan (2016)~~ Policy SI 5 of the London Plan 2021 and a reduction

of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy 5.2 of the London Plan (2016) Policy SI 2 of the London Plan 2021 and the 2016 Housing SPG's requirements.

**5. Conclusion – pg. 36 (to be added)**

Having taken all material considerations into account, the proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for Approval, subject to the satisfactory completion of the Unilateral Undertaking Agreement, and subject to conditions as set out above.

**6. Officers Recommendation pg. 1**

Approve subject to s106 Unilateral Undertaking Agreement

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under ~~Section 106~~ Unilateral Undertaking Agreement of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

Affordable Housing: A unilateral agreement will require ref. 23/3772/FUL (Land adjacent to Whitings Primary School, Whitings Road) and 23/3771/FUL (Moxon Street) to be brought forward together. The developer is required to provide updates to the council quarterly of their construction programme and project status of the development.

**7. Page 7**

**Condition 14 to read** (~~strikethrough~~ = deletion; and underline = addition):

The non-residential premises shall be used for Use Class E and for no other purpose (including any other purpose of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

**8. Page 9**

**Condition 20 to read** (~~strikethrough~~ = deletion; and underline = addition):

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(1), Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10%

constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

9. Page 17

**Condition 43** to read (~~strikethrough~~ = deletion; and underline = addition):

Prior to occupancy all the ecological enhancement features including three sets of Habitat Swift Boxes and five Woodstone sparrow nest boxes and five Schwegler 1F Bat Tube (integrated bat roost boxes) outlined within the Planting Plan (Staton Cohen Landscape Architecture, November 2022 2023) and Protected Species Report: Bat Presence and Absence Surveys (Brindle & Green, August 2023) must be installed/constructed in accordance with details shown on the thereafter approved plans and in accordance with guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA).

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

**Condition 45** to read (~~strikethrough~~ = deletion; and underline = addition):

The LEMP shall contain:

a) The sizes of each habitat area to be created, how they will be created and full details and responsibilities on at least 30 years of aftercare and ongoing management and monitoring from creation based on the approved Biodiversity Impact Assessment (Brindle & Green, BG22.167.5 Rev-3 Rev 4, November 2023) to achieve +0.19 Habitat units.

10. Page 18 to read (~~strikethrough~~ = deletion; and underline = addition):

RECOMMENDATION III:

~~1. That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:~~

That if the above agreement has not been completed or Unilateral agreement has not been submitted by 01.05.2024, unless otherwise agreed in writing, the Service Director of Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD

2. The proposed development does not provide a legal agreement towards the payment of the Travel Plan Monitoring Contribution. The terms of the obligation shall be as set out by the Local Planning Authority which is based on the requirements of the Barnet Travel Plan SPD.



Air Quality Assessment (~~ref.6024r2~~), (ref.6024r3), prepared by Redmore Environmental

Overheating Assessment, job no. ~~C8226 rev.E~~ C8226 rev.E, prepared by Thornley & Lumb Partnership Ltd

Biodiversity Impact Assessment ~~rev.2~~ rev.3

7. Page 7

**Condition 13** to read (~~strikethrough~~ = deletion; and underline = addition):

Prior to occupation of the development, full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision of electric vehicle charging points facilities (~~6 active and 23 passive points~~) for each space as per Building Regs Part S. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

8. Page 10

**Condition 22** to read (~~strikethrough~~ = deletion; and underline = addition):

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(1), Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.

9. Page 10

**Condition 23** to read (~~strikethrough~~ = deletion; and underline = addition):

achieve an improvement of not less than ~~34%~~ 35% in carbon dioxide emissions

10. Page 17

**Condition 23** to read (~~strikethrough~~ = deletion; and underline = addition):

RECOMMENDATION III:

2. That if the above agreement has not been completed or ~~Section 106 agreement~~ Unilateral Agreement has not been submitted by 01.05.2024, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

11. Affordable Housing Pg 29 and 30 (to be added within the report)

The Applicant has confirmed that to mitigate the viability challenges that they face for the Moxon Street and Whitings Road schemes, taken together, the social tenures are weighted towards shared ownership rather than affordable rent. The Authority's viability officer has reviewed the scheme and has not raised any objection with regards to this ration of affordable housing.

12. Proposal para 3, pg. 24 and Housing Tenure Mix pg. 29 (Unit no.19 changed to Unit no.18 within the report)

The remaining homes have been designed to M4(2) accessible and adaptable dwellings standards, with the only exceptions being three units (nos. 6, ~~19~~ 18 and 26), where these homes are at first floor.