

**Location** O/s 9 - 10 Varley Parade The Hyde London NW9 6RR

**Reference:** 23/3829/FUL Received: 6th September 2023

Accepted: 6th September 2023

Ward: Colindale South Expiry: 1st November 2023

**Case Officer:** Keshni Patel-Rayani

Applicant: John Rainford

Proposal: Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

## **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) 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:

EVA 2.0 - Prelim UK Design Dated 6/10/2022

JLT.002-Proposed Site Layout Rev B Dated Sept 23

JLT.001-Exsiting Site Layout Rev B Dated Sept 2023

Technical Specifications - EVA 2.0 (EVCP + 2x Display Advertising Screens)

Design and Access Statement PLanning Application ref PP-12435134 Dated 5th September 2023

RB1000 Cabinet General Arrangement Drawing Number S9171 Sheet 6 Dated 02.06.2020

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 development hereby approved shall be installed with the materials as set out within the approved application drawings and documents.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The EV charging unit shall be in compliance with 'The Electric Vehicles (Smart Charging Points) Regulations 2021' for the lifetime of the unit.

Reason: To ensure that the development is carried out fully in accordance with the regulations as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM03 of the Local Plan Development Management Policies DPD (adopted September 2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 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**

The application has been referred to planning committee due to the number of objections received. It forms one of three applications for the installation of EV charging points with corresponding ancillary advertisement displays along the stretch of verge to the front of Varley Parade. In and of itself, the proposal in isolation is considered to be acceptable. However, officers are mindful of the potential cumulative impact of the three units being brought forward together - and as such, it is proposed that all three items be heard before voting takes place in order that Members can determine which and how many (without prejudice) of the units may be granted consent.

## **1. Site Description**

The application site is located on the north eastern side of Varley Parade NW9 6RR, on a strip of paved verge between the access road to the front of the commercial premises and the main carriageway. The proposed charging point would be positioned within the property line of 9 and 10 Varley Parade - just north of the mid-point of the verge.

The site is not listed or within a conservation area.

## **2. Site History**

Reference: 23/3830/ADV

Address: O/s 9 - 10 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

Reference: 23/3784/FUL

Address: O/s 13 - 14 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

Reference: 23/3785/ADV

Address: O/s 13 - 14 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

Reference: 23/3831/FUL

Address: O/s 17 - 18 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

Reference: 23/3832/ADV

Address: O/s 17 - 18 Varley Parade, The Hyde, London, NW9 6RR

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. double-sided internally illuminated LCD screen with integral electrical vehicle charging point

### **3. Proposal**

Installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works

### **4. Public Consultation**

47no consultee letters were sent to neighbouring properties.

7no objections have been received and have been summarised as below:

- Varley Parade is private parade, where land in the parade is owned by leaseholder and Varley Estate check land registry.
- Loss of parking
- Loss of business
- No benefit for the freeholder or lease holder
- A planning application has been put in for planning permission for a number of large advertising screens / electric charging points and associated reserved parking bays in Varley Parade.
- The council has repeatedly refused to maintain the road or implement any kind of parking control over the years.
- Each time I've put forward a request for parking restrictions I've been told the road is privately owned therefore please provide unequivocal proof of ownership to mitigate any legal action before this scheme goes any further.
- If it turns out that the council does own the road, it is in desperate need of resurfacing and we will happily entertain a discussion on how to prevent long term parking in this area as cars are often parked here for weeks on end. What other commercial district in the borough has no parking restrictions at all?

#### **4.1 Statutory Consultees**

Highways: No Objections

TfL: No objections

London Borough of Brent: No comment

### **5. Planning Considerations**

#### **5.1 Policy Context**

National Planning Policy Guidance / Statements:

The determination of applications for advertisement consent is made mindful of Central Government advice and the Development 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 revised 'National Planning Policy Framework' (NPPF) was published on the 19th December 2023. The NPPF 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 "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

### Barnet's Local Plan (2012)

Relevant Core Strategy Policies: CS NPPF, CS9.

Relevant Development Management Policies: DM01, DM17.

### Barnet's Design Guidance

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

## **5.2 Considerations**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the site, the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highway impact;
- Public safety.

## **5.3 Assessment**

*Whether harm would be caused to the character and appearance of the site, the street scene and the wider locality.*

Development proposals must represent high quality design, preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. This ensures that the development addresses the requirements of Policies DM01, CS05 (Barnet's Local Plan), Policies D3 and D8 of the London Plan and the NPPF.

Varley Parade is a local parade situated in the Colindale South ward. The road predominantly consists of several shops and business with residential dwellings above and is part of the highly commercial A5 corridor.

The site has been selected based upon the need for additional fast electrical vehicle charging points in the area, the high attraction rate of the site and the suitability of the location for an electrical vehicle charge point.

The electrical vehicle charging point unit with double sided LCD screen is 1.2 wide, 0.5m deep, and will be placed 0.09m from the inside kerb edge (away from the main carriageway). The proposal additionally includes a feeder pillar of 1.2m in height, 1m in width and 0.4m in depth, as demonstrated within the RB Single Door Cabinet General Arrangement Plan (dwg no: s9171 sheet 6). It is identified that under Schedule 2, Part 12 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, a feeder pillar built in association with electric vehicle charging points by or on behalf of Local Authorities, is deemed permitted development. Considering this, the subsequent built form of the feeder pillar would comply with permitted development.

It is noted that the proposed unit has a non-reflective, Monument Grey finish, designed to be sympathetic with a variety of street settings. The unit is certified IP55+ for dust and water resistance, with easy clean, graffiti-resistant coatings, allowing the units to become an attractive, well-maintained part of the local streetscape.

The primary function of the unit is electric vehicle charging, with a secondary function of digital out-of-home advertising. The integral double-sided LCD screen will display paid-for adverts by third party companies, compliant with national and local advertising standards and requirements. The dual functionality of the unit reduces street clutter by combining the electrical vehicle charging point and a double-sided display screen into a single unit. This reduces the number of power connections required and reduces the number of vehicle movements within the London Borough of Barnet as maintenance is carried out on a single visit.

The proposal is considered to be of an appropriate size and scale in relation to the buildings and broad, commercial thoroughfare on which they are set. It is considered that the proposed electrical vehicle charging point unit with double sided LCD screen would be in keeping with the character of the area and is considered acceptable. In that respect, it is noted that a digital advertising display exists as part of a public telephone unit toward the south end of the verge.

Taking into account the siting of the proposed development and existing street furniture, it is considered that the introduction of the proposed installation of 1no. electrical vehicle charging point unit with double-sided LCD screen, feeder pillar and associated electrical connection works would be in keeping with the local character and not lead to the detriment of the streetscene through giving rise to undue visual clutter.

### **Whether harm would be caused to the living conditions of neighbouring residents**

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policies D3, D5 and D8 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

While the proposed electrical vehicle charging point unit may result in an increase in the use/turnover of vehicles attending the site by the public through the facilities provided, it is not considered that this would be detrimental to the living conditions or amenity of neighbouring residents relative to the potential use of the existing parking space. The advertisement, by virtue of its size, siting and luminance, would not give rise to undue light pollution to the detriment of nearby occupiers. As such, the proposed development is not found to conflict with Policy DM01 of Barnet's Local Plan in respect of residential amenity.

### *Highway impact*

Policies DM17 and T4 mandate that the council will ensure that the safety of all road users is considered when considering development proposals and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

Officers have received a formal internal response from the Director of Highways and Transportation which acknowledges that the size of the proposed units poses several potential challenges to the public realm, most notably to the width of the footway in certain places. As such, Officers from across the Council, in particular Highways Service, Transportation have reviewed the sites to ensure the effective location and minimisation of conflict with other priorities on the Highway. Following this review, the proposed site has been recommended for the installation of JOLT charge points.

Taking these comments into consideration, the Local Planning Authority therefore considers that the proposed development would have an acceptable impact on the surrounding the pedestrian highway network, in compliance with DM17.

### *Public safety*

Policy DM01 states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and sitting. In addition, they should be located to avoid visual clutter. Policy D8 of the London Plan (2021) seeks to ensure that street clutter, including street furniture that is poorly located, unsightly, in poor condition or without a clear function is removed, to ensure that pedestrian amenity is improved. The Council's emerging approach to Public Realm improvements and including reducing crime is contained within policy CDH03 Barnet's Draft Local Plan 19 which states Be designed to meet Healthy Street Indicators, promote active travel and discourage car usage, with avoidance of barriers to movement and consideration given to desire lines. The document expands on this by stating Good public realm should be uncluttered so that all pedestrians including those that are mobility impaired can use pavements. Town centre public realm strategies will address in more detail the management of obstacles such as: shops which use pavements for displaying goods; advertisement hoardings; and telephone kiosks.

The proposed charging unit would be placed on the boundary of No 9 and 10 Varley Parade adjacent to the parking bay. The existing footway has a total width of 4.5m. The electrical vehicle charging point unit with double sided LCD screen is 1.2m wide, 0.4m deep, and will be placed 0.09m off the kerb edge. The display screen has multi-layer, laminated, vandal-resistant cover glass with anti-reflective coating to minimise mirror haze and reflection. The LCD screen proposed is not hazardous or overly distracting to the surrounding area. It is considered that the electrical vehicle charging point unit with double sided LCD screen would not be detrimental to public safety and that the application is therefore acceptable on this ground.

## 5.4 Response to Public Consultation

-The application form demonstrates that the applicant had served Certificate B and the correct owners of the land have subsequently been identified and consulted. Any dispute as to ownership or access rights is a civil matter between the parties concerned. A grant of planning permission would not supersede any other obligation required to be satisfied prior to implementation.

- Highways officers have reviewed the proposal and have raised no objections to the proposed works. The financial benefit from the works is not a relevant planning matter.

- Similarly, planning does not exist to protect private interests (such as individual businesses) however, it is not considered that the proposal would have an undue detrimental effect on the vitality and viability of the shopping parade

## 6. Equalities and Diversity Issues

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

## 7. Conclusion

Within the context of the other two concurrent applications being undetermined, the proposed double-sided internally illuminated LCD screen with integral electrical vehicle charging point will not adversely affect the character, amenity or public safety of the surrounding area or the safe operation of the highway and is therefore considered to accord with the NPPF and the Development Plan. The application is therefore recommended for APPROVAL.

