

<u>MEETING</u> PLANNING COMMITTEE
<u>DATE AND TIME</u> THURSDAY 24TH NOVEMBER, 2016 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	ADDENDUM (IF APPLICABLE)	3 - 16

Jan Natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

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PLANNING AND ENVIRONMENT COMMITTEE

24 November 2016

AGENDA ITEM 5

ADDENDUM TO THE OFFICER'S REPORT

<p>15/05583/FUL 193 Ballards Lane, N3 1LZ Pages</p>

Building Height

To clarify the proposed building to Gruneisen Road consists of two linked elements. To the front the building is three storeys in height with lower ground floor (4 stories in total), and to the rear it increases to four storeys with lower ground floor (5 stories in total).

Amend page 5:

'Fact that developer is in competition with developers building for sale is not relevant

The representations received can be summarised as follows:'

Amend paragraph on Page 10:

'The planning application was initially to be reported to the Finchley & Golders Green Area Planning Committee on 20/07/2016. The applicant requested more time to address concerns raised by officers.

Following discussion with the chairman of the Planning Committee it has been agreed that it is appropriate given the nature and impacts of the scheme that it is referred to the Planning Committee. **This is because the scheme is for significant Private Rental Accommodation, as well as the car free nature of a scheme of this scale, and the extent of third party interest in the scheme.** Therefore the item has been referred to the 24/11/2016 meeting.

Officers have reached this recommendation, following consideration of all of the relevant factors.'

Additional Comments Received

Our main concerns have still not been addressed:

- 1) Our Flat is located at the rear of Hartnell Court on the second floor. At present we have our 2 bedroom windows (2 bedrooms – 1 window in each), kitchen windows, living room windows and balcony glass doors overlooking open space. The Development proposed would significantly overshadow our property, block daylight and reduce sunlight which is currently coming in to our Flat. All the windows in our property and the balcony doors would face this*

proposed dominant development. It will materially affect our day to day living due to loss of light into all our habitable rooms and will mean we will not be able to enjoy our property as we are doing so now. We would also lose our privacy as we will be overlooked from nearby.

- 2) *Its scale, design, mass and height does not respect the surrounding area.*
- 3) *It poses a serious problem for access to all residents on busy Gruneisen Road.*
- 4) *The proposal lacks in providing adequate on site car parking.*

Officers consider that the comments are addressed in the main report.

Letter from Applicant

The applicant has sent a letter to the Local Planning Authority (LPA) on 21/11/2016. This letter is attached as an appendix.

The following comments are made in response to this letter by the case officer and Highways officers.

- Highways officers advise that the developer was free to engage with them at pre-application stage and that there has been engagement with the applicant's consultant, Peter Brett Associates.
- Highways officers do not consider that the parking beat survey justifies no parking provision, given the location of the site is on the edge of the CPZ and there are roads on the edge of the CPZ which already suffer from parking stress. A residential development without any parking provision would have a detrimental impact on these roads.
- In respect of the nature of the scheme as PRS accommodation, The information for the car ownership was submitted by the applicant and it is only fair to assume that if the car ownership in the area is at a given level then it is possible that any new occupiers in the area will aspire to own a car considering that London Borough of Barnet is an outer London Borough and residents living in the Borough would more than likely to aspire to own a car that would require parking even though they may travel to work etc. by public transport during the week days. In the applicant's view, the nature of the scheme as PRS accommodation would result in lower levels of car ownership.
- Officers suggest that the development is likely to result in an impact even if a lower car-occupancy was considered given the nature of the scheme as PRS residential accommodation. Reference has been made to other Fizzy Living schemes in London, however these are in inner London locations. Highways officers recognise that; whilst there is an argument that the nature of the development would result in a lower amount of car ownership than traditional market housing, it would still generate significant demand.

- Parking surveys have been provided by the applicant. Highways officers have obtained data of parking permit subscriptions within the existing CPZ and these show that they are heavily oversubscribed.
- Officers have considered the possible mitigation measures put forward by the applicant and these are addressed in the report.
- The applicant has put forward an alternative development scenario, that the development of approximately 50 traditional market sale flats on the site, even with parking on site, would generate greater impact. Whilst this is noted by officers, details of such a scheme have not been provided. It should be noted that in considering this scheme officers have placed significant weight on the fact that the development is PRS accommodation. There is no guarantee that a 50 unit traditional residential scheme with car parking on the site would be acceptable.
- The agreement of the applicant to provide the necessary planning obligations in respect of affordable housing, apprenticeships, and travel plan monitoring are noted.

15/01661/FUL

Land North Of Charcot Road, Colindale

Pages 12-14

Page 12 – additional plan to be added to list of approved plans set out in Condition 2 including ‘D124074-ML-2600-001 Rev B - bridge elevations’

Page 12 – remove plan from list of approved plans set out in Condition 2 including ‘D124074-ML-1300-001 Rev F – Proposed Street Lighting’

Page 14 – amend wording of Condition 7 to add ‘- Proposed Street Lighting Plan’ to list of items to state:

LIGHTING

7. No development (other than ground works, site preparation) shall commence before a full Lighting Design submission has been submitted to and approved in writing by the Local Planning Authority. The detailed Lighting Design submission shall include but not be limited to the following:

- *Risk Assessment assessing the particular risks associated with the proposed bridge and path including footfall;*
- *Design details including philosophy, reasons and targeted achievements dealing with expectations, controls, light pollution and spillage, lighting category to be lit to;*
- *Adopted and non-adopted lighting identified, hours of operation of units, as well as full details of all lighting equipment including images full technical specifications for each luminaire;*

- Isolux diagrams of the report to be overlaid with the parking areas, public areas and the surrounding houses and roads, intrusive light calculations to nearby properties to be incorporated, and all external lights to be included if they affect the design area.
- Proposed Street Lighting plan

All illuminating design to be adopted should be in accordance of current British Standards BS 5489 using ILP guidelines, meet the Council's Developer specifications, be LED based and complete with the Harvard CMS system.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and policy 7.13 and 5.3 of the London Plan.

16/5815/FUL

Garage Court, Hanshaw Drive, Edgware HA8
Pages 95-128

Highways comments have been received recommending approval of the proposals.

The following additional conditions and informatives are suggested:

Before the permitted development is completed to superstructure level, details of how access to the existing sheltered housing and how this will be maintained during construction shall be submitted and approved by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Informative: Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

16/3377/FUL

Garages at Linden Road/Pine Road

Pages 41 - 66

- A letter was received from Rt Hon Theresa Villiers MP following an approach from the East Barnet Residents Association. The MP re-emphasises the objections from the EBRA and confirms her agreement with those objections outlining her view that the plans are an overdevelopment of the site which will harm the character of this area and the building line will be disrupted by the forward projection beyond the bungalows.

- An 86 name petition was received setting out an objection to the application as follows:
 - The proposed development is inappropriate.
 - The scheme should be amended to comprise of three bungalows on site A and a bungalow should be constructed on site C.

16/3818/FUL

Former Garage Site, Back Lane

Pages 67 - 94

Page 84 makes an incorrect reference to Site C (which is to be found at Linden Road/Pine Road). Back Lane has no car parking and does not result in the loss of any garages from the site.

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Mr J. Allen
Interim Chief Planning Officer
London Borough of Barnet
Barnet House
1255 High Road
London
N20 0EJ

21st November 2016

Dear Mr Allen,

**Proposals by Fizzy Living for Development at 193 Ballards Lane
Car Parking and Highways Issues**

Further to our recent discussions, please find set out below our comments made in relation to the car parking and highways issues associated with the above application, ahead of the item being report to Planning Committee on Thursday 24th November.

The application has been with the Council for approximately 13 months and we have worked tirelessly with planning officers on the various planning matters that it raises. The team feel passionately that it is an excellent scheme and should permission be granted, it would be a significant positive for Finchley Church End town centre.

However, we are hugely disappointed that the application is being presented to the planning committee with a recommendation for refusal for the sole reason that it is not providing any on-site car parking.

We make no criticism of your planning officers who have worked with us to resolve the issues, however we are hugely frustrated and disappointed about the lack of engagement by the Council's highways officers.

We have tried to engage with the highways officers for many months to understand their concerns so that we can work through the detail.

The highways officers have refused recent requests for meetings with our project team and as you know, we had not seen any detail in relation to their concerns until receiving the officer's report to committee. This is entirely unsatisfactory and has not given us any opportunity to respond to the issues identified. We feel strongly that the nature of build to rent development has not been properly understood by the highways officers, that the on-street capacity has been underestimated and that the significant mitigation measures offered have been dismissed without any reasonable or sound basis for doing so.

I have set out below the key issues for your consideration.

Nature of Build to Rent Development and Fizzy's Tenants

The need for professionally managed, purpose built development is significant as identified by the Council's own Housing Strategy. The nature of the accommodation means that it is generally occupied by those in their 20's and 30's who cannot access home ownership.

The tenant profile, means that car ownership is significantly lower than traditional housing tenures. This is evidenced by Fizzy's first-hand experience on other sites they own around London where car ownership is virtually non-existent. Details of the other sites and their very low or non-existent car parking requirements have been provided to officers. This is not unique to Fizzy and is consistent with other build to rent operators, within London, even without additional controls to reduce it or even where spaces are made available to Tenants.

The assertion therefore in section 3.1 of the officer's report that the development may result in demand for 60 car parking spaces does not bear scrutiny and has simply been arrived at through the clumsy application of the Council's standards, which are based upon traditional housing tenure, not build to rent.

Proper analysis and understanding of the nature of the accommodation and tenant profile would clearly show that levels of car ownership are likely to either be significantly lower if not non-existent.

Fizzy's Experience on Other Sites

The following table sets out the parking position on similar Fizzy schemes:

	Flats	Spaces	Occupied	Empty	Vacant %
Canning Town	75	30	9	21	70%
Poplar	45	18	9	9	50%
Stepney Green	63	0			
Lewisham	68	0			
	251	48	18	30	63%

Poplar, the scheme with the highest car ownership in the Fizzy portfolio currently has 20% of flats with a car. If we were to apply that to this scheme it would give 14 cars, significantly less than the 60 assumed by your highway officers. In addition that scheme has no restriction in the leases of flats to prevent car parking. Indeed the other scheme include on site car parking for twice as many cars as are currently used. With so many empty spaces failing to deliver income Fizzy has been welcoming car users at that development but still has been unable to fill the spaces available. It is simply not realistic to suggest that this scheme where car parking will be discouraged and is unavailable on site would get anywhere near the levels of the car ownership as a scheme which actively encourages higher car usage and has on-site parking available. The Fizzy schemes which are designated car-free, Stepney Green and Lewisham have zero instance of car parking and no reported complaints. This confirms the Applicant's assertion that there will be no car parking need generated from the Site. The evidence, even from Fizzy's 'worst' site for car parking suggests that ***even without the mitigation measures*** parking is likely to be significantly less than a quarter of that assumed by your officers.

Parking Survey

During the application, the highways officers requested that parking surveys were undertaken. The methodology was agreed in advanced with those officers. The surveys identified capacity for areas both within the CPZ and those that are unrestricted.

However, the results of these surveys have been dismissed with limited justification, other than identifying that a greater number of parking permits have been issued than there are parking spaces. As far as we are aware, no further analysis has been done to determine how many of these permits are in use. Clearly, this point also only applies to areas within the CPZ. No comment is made about the capacity identified by the parking survey where spaces are unrestricted.

It is entirely unreasonable that we have been asked to provide parking survey information based upon agreed analysis which is then simply dismissed by the officers who take a different position which is unsubstantiated in terms of conditions on the ground.

The only objective evidence of parking conditions on the ground is that provided by the applicant as a result of surveys based on an agreed methodology.

Mitigation Measures – Lease Restriction

Notwithstanding comments made above about the low or zero car ownership within the scheme and local capacity, we have put forward significant mitigation.

Firstly, we propose to include restrictions within all future tenant's leases that would prevent them parking a car within a defined vicinity of the site. Breach of that restriction would lead to forfeit of the lease. The Council would control this via a management plan through the s106 agreement.

Whilst it is acknowledged that this is not an absolute guarantee that a resident would not breach the restriction, it is expected that the majority of tenants are respectable people that 'play by the rules'. Clearly fear of eviction would be a significant deterrent for most, if not all.

This restriction has been given significant consideration by Fizzy's solicitor who considers the measure to be robust and effective. Details of this have been provided to officers and it has not been said that this is impossible to achieve with correct legal drafting.

An inability to guarantee 100% compliance does not mean that the control should be afforded no weight

Mitigation Measure – Car Club

The dismissal of the car club by the highway officers is also a misunderstanding of the nature of the development. The target resident is far more likely to use a car club than average residential occupiers and to rely on it rather than car ownership. This is typical of the demographic who typically have fewer possessions with photograph albums online, Netflix, Spotify, rental property and car-club services such as Zip-car. The proposed car club is a material consideration in favour of the development and actively reduces the risk of car ownership, especially in combination with the rental controls and CPZ.

Mitigation Measures – CPZ

Recent discussions with officers have revolved around the potential for the scheme to fund the costs of a CPZ consultation. Should the CPZ be approved restrictions within the s106 would prevent car ownership.

The use of a CPZ for controlling parking pressure is tried and tested across London.

Officers acknowledge that a CPZ would resolve the issue, but are not inclined to pursue it because it 'might' lead to it not getting support at consultation stage. Whilst we understand the political issues associated with CPZ's, either there is an existing parking issue that needs control, or there isn't.

It is inevitable that as housing need continues to grow and places like Finchley Church End come under development pressure, CPZ's will be required to effectively control parking.

What **cannot** be the correct approach is where a property is located in an area of parking stress that unless and until residents agree to a CPZ all development which cannot 100% guarantee no on street parking must be refused.

The Applicant remains willing to enter into controls which:

1. Prevent residents obtaining CPZ parking permits for the existing CPZ;
2. Fund the costs of promoting a CPZ should the council decide to bring such a control forward within circa five years (to be agreed) of the development opening; and
3. Apply the same parking permit control automatically to any new CPZ designated.

The Applicant's solicitor has satisfactorily agreed such parking permit controls frequently with various London Boroughs since case law brought one particular method for securing them into question and is satisfied that it can be achieved lawfully and is happy to discuss ways this can be secured with your legal advisors.

Mitigation Measure - Travel Plan

Fizzy has confirmed that they would be committed to sign up to a travel plan, the details of which were submitted with the application. Its package of measures included the following to reduce reliance on the private car:

- Car club space with associated benefits to be confirmed;
- Free folding bike for each dwelling;
- Real-time travel information within each block's lobby; and
- Dedicated, secure cycle parking within sight of each unit.

Alternative Development Scenario

If an alternative development came forward on this site for traditional housing, it would be reasonable (and conservative) to assume it might deliver circa 50 units. Using the Council's parking ratios, that is likely to generate a requirement for 30-40 on-site parking spaces depending upon mix. Even if these spaces could be provided on site, this does not remove the theoretical potential that all the units within the scheme would have the use of at least one car. Those cars that cannot park on site, could park on the road without restriction.

There would be no policy basis for refusing such an application on parking grounds, however, the impact on the highway is likely to be significantly greater than the development proposed by Fizzy.

Summary

The objective survey based on an approved methodology shows capacity in the surrounding streets, irrespective of the number of permits issued. This is the only objective assessment of the reality on the ground which is before the council.

The report is based on a doomsday scenario of maximum usage of the approved permits together with highly pessimistic assumptions of car ownership which do not reflect the nature of the development proposed nor give any credit for any effect at all from the proposed mitigation measures. This is an unsustainable basis for decision making.

You of course understand the requirement to assess the *likely* impacts of the development. The evidence is that the *only* likely car parking would be by individuals who are unusual for the target demographic in wanting a car *and* who are willing to put their home at risk for the sake of parking it locally. Were a car to be so important to an individual, chances are they would not be attracted to the development in the first place. Even if such individual did take a unit, and were able to get away with parking locally, the evidence

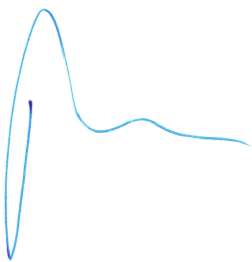
is that notwithstanding the theoretical effects of the parking permits issued, the local streets could in fact accommodate the tiny numbers who would be willing to behave in such a way.

We do feel deeply frustrated that we have been unable to properly engage with the highway officers on this important issue which is now the only matter standing in the way of this development. Many of the above points could have been discussed if the detail of the highway objection was made available to us or the highway officers had been willing to meet with us. We consider the position they have taken to be flawed for the reasons explained above and we would be very grateful if our position was made clear to members in an addendum report. In such a report we would also invite you to reconsider your recommendation in light of the flaws in the highway advice you have received.

Even if you are unable to alter the recommendations, we request that you make clear to members that they are at perfect liberty to form their own conclusions and perform their own balancing act of the planning merits. There is good evidence showing capacity for parking and very good reasons to believe that the contribution towards local parking for the development would be minimal in any event given the nature of the scheme. This is easily sufficient for members, as the final decision makers, to take a different view from that adopted by your highway officers. We would respectfully request that they be invited to look at all the significant benefits this application provides and weighing the issues on balance consider granting permission.

In case of either scenario, we confirm for the record that the applicant remains prepared to enter into binding planning obligations to secure the measures set out above, as well as £428,000 contribution towards affordable housing and other obligations in respect of skills, enterprise, employment and training as considered necessary.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Jon Murch'. The signature is fluid and cursive, with a large initial 'J' and 'M'.

Jon Murch

DaviesMurch

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