

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

21<sup>st</sup> 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 24<sup>th</sup> 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			
	<b>251</b>	<b>48</b>	<b>18</b>	<b>30</b>	<b>63%</b>

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

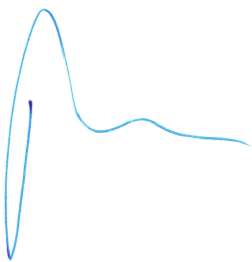
is that notwithstanding the theoretical effects of the parking permits issued, the local streets could in fact accommodate the tiny numbers who would be willing to behave in such a way.

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 stylized with a large initial 'J' and a long, sweeping tail.

**Jon Murch**

DaviesMurch