

**Ref: 18/6035/FUL**

**1069 Finchley Road, London, NW11 0PU - Addendum (Appendix B)**

The Site History section of the report shall be amended on Page 62 in reference to application reference 17/7490/FUL, which was appealed and approved by the Planning Inspector on the 5<sup>th</sup> February 2019. The section shall be amended to read as follows:

**Reference: 17/7490/FUL (Appeal reference: APP/N5090/W/18/3204878)**

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused (Appeal Approved and decided 05/02/2019)

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels. Associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

**Reason for refusal:**

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

The Inspector commented as follows on the refusal of application reference 17/7490/FUL due to the absence of a legal agreement:

*"6. Users of the offices would be unlikely to generate a parking demand due to the controls on commuter parking nearby. Occupants of the six flats could potentially own cars and seek parking permits. However, there are several factors that are likely to affect the number of vehicles that are associated with the development.*

*7. Firstly, as a relatively small-scale scheme, the number of additional vehicles seeking spaces on surrounding streets would be modest. Secondly, the type of residential accommodation would be more attractive to smaller households rather than families and as a result, occupants would be less likely to own or desire a car. Third, the absence of parking within the site or immediately outside the front door would put off some from owning or using a car. Fourthly, there are a range of shops and services on the doorstep which can be reached on foot. Finally, although the PTAL1 score is only 2 within a range of 0 to 6, the site is on a busy bus route and within walking distance of Golders Green and Brent Cross Tube Stations. Central London and a range of other services and facilities can be accessed by non-car modes in a little over half an hour or less. The above factors are supported by census data on car ownership rates which points to a development of this type in this location resulting in four vehicles.*

*8. For the modest number of residents seeking on-street parking, surveys conducted on behalf of the appellant using the Lambeth Methodology show that there is ample capacity in the surrounding streets both overnight and during restricted daytime periods, including in those*

side roads closest to the appeal site. Applying a worst-case demand for six on-street parking spaces from the development, 45% of potential spaces in the surveyed area would remain available overnight and 34% of spaces available during daytime periods.

9. The surveys have been described as robust by both Planning and Highway Officers. Although there are some errors in street naming I have no reason to doubt the overall veracity of the surveys. No alternative analysis is before me. When I visited the area at about midday, although there was significant on-street parking, there was a good supply of spaces available. I appreciate that this was a snapshot only but what I saw is consistent with the evidence.

10. It follows that the residents of the development would be able to find a parking space without undue difficulty. As a result, parking stress and material highway dangers would not be likely to arise from the development. There could be occasions when residents may need to drive around for a little while to find a space, but this would be no different to the situation faced by existing residents of the area or their visitors. It is likely that spaces closer to Finchley Road would be in greater demand. However, provided all drove safely and with courtesy and parked considerately and legally, the highway network would continue to be able to operate safely and efficiently. Given that residents of the flats would be familiar with on-street parking as a characteristic of the area, they would be likely to be considerate of other highway users.

11. In conclusion the parking arrangements would be acceptable with regard to the safe and efficient operation of the local highway network. There would be compliance with Policy CS9 of Barnet's Core Strategy (2012) and Policy DM17 of Barnet's Development Management Policies (2012) as the development would be mixed use and surveys demonstrate that there is sufficient on street parking capacity within the CPZ. This conclusion is consistent with the findings of the Inspector who allowed an appeal for flats at the nearby Clifton Gardens (Appeal decision ref: APP/N5090/W/16/3151707 dated 3 October 2016).

12. Planning obligations must only be sought where they meet legal and policy tests set out in the Community Infrastructure Levy Regulations 2010 and the National Planning Policy Framework (the Framework). In this case the obligation is not necessary to make the development acceptable in planning terms. Therefore, granting planning permission without the car free requirement would be appropriate." (Extract from Appeal Decision APP/N5090/W/18/3204878).

It must also be noted that the Inspector awarded Costs against the Council for the same appeal due to lack of supporting evidence to substantiate or evidence the reason for refusal to restrict parking permits for future occupiers.