

Location **931 High Road London N12 8QR**

Reference: **18/6537/CON** Received: 31st October 2018
Accepted: 31st October 2018

Ward: Woodhouse Expiry 26th December 2018

Applicant: Berkeley Homes (Oxford & Chiltern) Ltd

Proposal: Submission of details of condition 43 (Car Park Management Plan)
pursuant to planning permission F/02217/13 dated 05/12/13

Recommendation: Approve

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning 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 Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

Informative(s):

- 1 The plans accompanying this application are:

O.396.PL.120 Rev. B

Cover Letter, Berkeley Homes (dated 31.10.18)

Parking Occupancy Survey Report, Glanville Consultants (dated 22.10.18)

Officer's Assessment

1. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS9
- Relevant Development Management DPD (2012): Policies DM17

2. Planning History

Reference: 18/1442/CON

Address: 931 High Road, London, N12 8QR

Decision: Refused

Decision Date: 30.07.2018

Description: Submission of details of condition 43 (Car Park Management Plan) pursuant to planning permission F/02217/13 dated 05/12/13

Reference: F/04982/14

Address: 931 High Road, London, N12 8QR

Decision: Approve

Decision Date: 16.10.2014

Description: Submission of details for conditions 22 & 23 (Air Pollution Mitigation Measures), 41 (Security and crime prevention measures), 43 (Car parking management plan and allocation plan), 46 (Cycle storage plan), 47 (Car parking allocation plan) and 48 (Electric vehicle charging facilities plan) pursuant to planning permission F/02217/13 dated 05/12/13.

Reference: F/02217/13

Address: 931 High Road, London, N12 8QR

Decision: Approved following legal agreement

Decision Date: 06.12.2013

Description: Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self-contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping

3. Public Consultation

Those residents who previously made representation to application reference 18/1442/CON were formally consulted as part of this application.

5 responses have been received, comprising of 5 objections.

The letters of objection raise the following issues:

- After the CPZ is delimited, 6 residents will have no parking space to park our car, obviously 3 parking spaces are not enough;
- Provision of three unallocated spaces in the development does not resolve the breach of the original planning permission;
- Further the 'ad hoc' nature of the proposed allocation may result in existing owners taking up these spaces;

- Shared ownership occupiers are discriminated by not having an allocated space as per the original plans;
- Six residents affected are having to pay for on street parking, if available and this position is discriminatory, unfair and impractical and further adds to on street parking congestion in the area;
- Disagree with Berkeley Homes statement that 'would be' shared ownership purchasers were advised, in advance, that there would be no parking, would not be entitled to use on-street CPZ parking and an alternative option to purchase a space at the nearby Trinity Court development;
- Original condition requires a parking space to be provide to all dwellings within the development;
- Proposal does not overcome reason for refusal of ref: 18/1442/CON;
- The situation is now no different to the time Barnet refused the recent application;
- Residents without spaces within the development can continue to park in Highwood, outside of CPZ hours, unnecessarily adding pressure on Highwood.
- The situation is discriminatory to certain residents of the new development;
- The provision of 3 non-allocated places for any resident to park does not assist the 6 Catalyst residents affected. There is no guarantee of access to parking;

4. Assessment of proposal

Application reference F/02217/13 was approved on 6 December 2013 for the '*Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self-contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping.*' The application proposed 114 spaces and was considered to comply with the parking requirements of the Barnet Local Plan. In addition, it was considered in the absence of any further controls, the proposal could result in overspill parking and increased demand for on-street parking spaces in the surrounding area. As such, the application was subject to the completion of a legal obligation to restrict the occupiers of the new development from purchasing parking permits within North Finchley Controlled Parking Zone (within which the application site is located).

Condition 43 of the approved planning permission stated:

Before the development hereby permitted is occupied a Car Parking Management Plan detailing the allocation of car parking spaces, all on-site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

A conditions application, reference F/04982/14, was submitted and approved in October 2014 to satisfy the requirements of condition 43. A Car Parking Management Plan and Car Parking Allocation Plan (drawing no. O.396.PL.120) was submitted as part of this conditions application. The plan illustrated parking allocated to apartments (Min.1 space per apartment), parking allocated to houses (Min.2 spaces per house) and disabled parking bays (11 Num). The Council's Traffic and Development service raised no objections to the proposed details.

The development has since been fully constructed and occupied. Following occupation of the units, a number of occupiers from the development have complained that they have not been allocated parking spaces. Following discussions between the Council and the

applicant, it is acknowledged from all parties that deviations from the allocation plan have arisen, notably only 6 spaces were transferred with the 12 affordable units.

On the 1 March 2018, the Council issued a Breach of Condition notice requiring the on-site parking be reallocated in order to accord with the scheme approved as part of planning permission reference F/04982/14 dated October 2014 and as shown on plan 0.396 PL 120 included as part of that application. That approved plan required no less than one parking space being provided to the occupiers of each of the approved dwellings.

In March 2018, Berkeley Homes submitted a new condition discharge application with revised Car Parking Allocation Plan which illustrated that the then proposed plan did not provide minimum numbers per flat or house. The overall number of parking spaces had not been altered and was still in accordance with the original planning permission granted in 2013. In the assessment of that application it was determined that the as built provision was acceptable but the issue was the non-allocation of parking spaces to all the residential units. The complaints relating to the non-provision of parking following occupation and the objections received within that application are that the shared ownership units are unfairly disadvantaged and discriminated against as they are the ones who have not been allocated at least one space.

In setting out their position, Berkeley Homes stated that the permission included the provision of 12 shared ownership properties, which were purchased by Catalyst. The 12 shared ownership units comprised of 2-bedroom units. Six parking spaces were also purchased which meant that only half of the apartments were offered with parking. The applicant states that this Catalyst sought based on their experience and local knowledge.

Planning Officers previously consulted with the Council's Parking and Infrastructure service who have commented that it was expected that the development would provide parking for all residents and a Traffic Management Order (TMO) was implemented because the neighbouring streets could not accommodate the parking needs of the large development or any potential overspill parking. They comment that the strain of the surrounding streets has remain unchanged and still unable to take the vehicles from the development. There is no rationale to allow some residents from the development to park within the TMO.

In considering the previous application, the Council considered that the revised car park management plan would conflict with the original planning permission and details approved within the original conditions application, failing to provide car parking spaces to all residents within all tenures. The failure to provide parking spaces to all residents was considered to give rise to an exclusionary effect.

Since the refusal of the above conditions discharge application, Berkeley Homes have been engaged in discussions with the Local Planning Authority to find an agreeable solution to address the parking situation and the enforcement notice. Berkeley Homes have advised that they are unable to provide the six units with individual parking spaces.

Berkeley Home are advising that 3no. spaces within the development have not been allocated to date. A revised Car Park Management Plan has now been submitted which seeks to make these unallocated spaces available to anyone who lives within the development. These spaces are identified on the revised Car Park Management Plan as unallocated spaces.

In addition, Berkeley Homes has undertaken and submitted a parking occupancy survey report to identify the current utilisation of the parking spaces and whether the current parking

provision is sufficient for the number of vehicles within the site. This survey was undertaken over the course of two weekdays and a weekend (9th/10th October and 13th/14th October 2018). The surveys were undertaken between 6am and 10pm so that the level of overnight parking could be established. The results of this survey determined that the maximum week usage was 67 of the 89 spaces (75% stress) which reduced to 37 spaces (42%) during the daytime. Over the weekend survey, the highest occupancy was recorded at 70 spaces (79%) of the spaces being occupied. The survey demonstrates that the current parking provision will accommodate all of the existing apartment residents who park within the site.

The requirements of the enforcement notice are noted, however, Officers have been advised that full compliance with the notice is not achievable and therefore consider it necessary to consider alternative solutions. The provision of three unallocated spaces in perpetuity is an improvement to the previous refused application. In addition, the current parking area is not fully occupied and therefore all residents can park within the development at this stage.

5. Response to Public Consultation

It is evident that there are strong objections against any deviation from the original plans and that the proposed parking arrangements will not provide any meaningful benefit to all existing residents. However, on balance, Officers feel that an improved solution has been presented since the previous refused application. The applicant has engaged with the Local Planning Authority in order to find an agreeable solution and address the 'Breach of Condition' Notice.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation

The revised car park management plan offers the existing residents further opportunity for car parking provision. Whilst the applicant has stated that future residents were informed of the parking situation, residents dispute this statement. However, this is not a planning matter.

With the provision of 3 spaces and current capacity within the car park for all residents to park, it is not considered that the proposal will have a detrimental harmful effect in terms of equalities and diversity matters.

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

7. Conclusion

In summary, it has been advised that compliance with the original permission and conditions plan is not possible and that parking for the shared ownership units was dictated by Catalyst. Following discussions between parties, a revised Car Park Management Plan has been submitted which provides 3 unallocated spaces to existing residents which remain unallocated in perpetuity. In addition, the car park is not operating at full capacity and therefore all residents are currently able to park within the development. The details submitted are considered to meet the requirements of condition 43.

