



Address
303a Riverbank House
1 Putney Bridge Approach
Fulham, London
SW6 3JD

Telephone
020 3397 0035

Fax
020 3397 0036

E-mail
reception@mavenplan.com

Website
www.mavenplan.com

Ealing Council
Planning Department
Perceval House
14-16 Uxbridge Road
Ealing
W5 2HL
(BY EMAIL ONLY- planning@ealing.gov.uk)

22 November 2021

Dear Planning,

**RE: Minor Material Amendment (S73) to Vary the S106 Agreement Pursuant to PP Ref: 194771FUL
Amendment Sought to Remove the Car Free Restriction
7 Julien Road, Ealing, London, W5 4XA**

Please find enclosed a Minor Material Amendment to vary the S106 Agreement pursuant to planning permission reference: 194771FUL for the construction of 3 two-storey dwelling houses and provision of associated amenity space, cycle storage and refuse storage facilities (following the demolition of existing house) at 7 Julien Road, Ealing, London. W5 4XA.

The S106 Agreement dated 25 November 2020 imposes a restriction on the ability of future occupiers of the three new dwellings from being able to purchase a permit to park in the adjacent controlled parking zone. Clause 1.1 of the First Schedule restricts future occupiers as follows:

“Not to occupy or cause or permit or suffer to be occupied the development or any part thereof (save for the purpose of constructing the same) unless until the Developer has informed all intended occupiers of the development by formal notice in writing: -

1.1.1 that the Development is a Low Car Housing Scheme and

1.2.1 that (save for any Blue Badge Holders) intended occupiers of the Restricted Flats at the Development (or any person having any connection whatsoever or relationship with any such occupier whether contractual personal or otherwise and who is residential at the Development) shall not be entitled to any permits from the Council which would allow them to park any motor vehicle within the CPZ.”

It is the applicant’s position that a “car-free scheme” was not proposed as part of the original planning application. This S73 applicant seeks to alter the S106 Agreement to remove the car free restriction having regard to the enclosed Parking Assessment by Paul Mew Associates.

Site Description

7 Julien Road is located on the southern side of the public highway. The construction of 3 x 2 storey dwelling houses was commenced in June 2021 and is due to be completed in March 2022.

The roads adjoining the site are within Ealing Council's Permit Holders Only (PHO) Zone 'N'. The hours of operation are Monday to Saturday from 9am to 10am and 3pm to 4pm.

Proposed Development

Under Section S106A (2) of the 1990 Act, the agreement to modify a planning obligation can be made via a Deed.

This Minor Material Amendment (S73) application seeks to alter the car parking permit restriction contained in the S106 Agreement to remove the car free restriction.

This application does not seek any other amendments to the permitted scheme.

Planning Considerations

The main consideration of the proposal relates to highway impact.

A Parking Assessment has been carried out by Paul Mew Associates to assess the existing parking conditions on the adjoining roads within the CPZ and the highway implications if the parking permit restriction is removed. The parking survey was undertaken in accordance with the Lambeth Parking Survey Methodology which is accepted by Ealing and many other London boroughs. A copy of the survey map and detailed results are contained in the Parking Assessment.

There are a total of 185 safe and legal Permit Holders Only (PHO) Zone 'N' parking opportunities within the survey area. During the survey nights (8th & 9th November), there was an average of 143 cars parked leaving 42 spaces free. This represents an average parking stress of 77% which is lower than the widely perceived parking stress threshold of 90%. The site is not therefore in an area of on-street parking stress.

The proposal would represent a net increase of two dwellings over and above the existing. The additional two cars parked in Zone "N" would increase the observed overnight parking stress by 2% from 77% to 79% which is minimal and insignificant.

Based on the above findings, the Parking Assessment concludes that the removal of the parking permit restrictions would not result in conditions prejudicial to the free flow of traffic, highway safety or neighbouring amenity on the adjoining highway network.

There is local precedent in the same CPZ that parking permit restrictions were considered unjustified by the Council. Planning permission 202124FUL was granted in June 2020 for the conversion of a single dwelling into three self-contained residential units and the provision of one on-site parking space at 60 Burnham Way. The permitted development was not subject to a S106 Agreement or planning conditions restricting the ability of future occupiers from being able to purchase a permit to park in the CPZ.

The officer's report for 202124FUL stated that :

"The site is located within Northfields (Zone N) Controlled Parking Zone with hours of operation Monday to Saturday 9-10am and 3-4pm. However, street view images stretching back to 2014 indicate low parking pressure and many empty on-street bays. Further, the proximity to Boston Manor Underground Station (Piccadilly TFL Service) would indicate the CPZ is in operation to prevent

all day commuter car parking. For these reasons it is considered the requirement to enter a S106 legal agreement to prevent future occupiers of the development from obtaining parking permits would not be well-founded.”

In addition to the findings of the parking survey, our transport consultant reviewed the street images at 7 Julien Road and considered that they exhibit similar daytime availability to the on-street parking bays at 60 Burnham Way.

Conclusion

The proposal seeks a Minor Material Amendment to vary the S106 Agreement pursuant to planning permission reference: 194771FUL for the construction of 3 two-storey dwelling houses and provision of associated amenity space, cycle storage and refuse storage facilities (following the demolition of existing house) at 7 Julien road, Ealing, London. W5 4XA.

The S106 Agreement dated 25 November imposed a restriction on the ability of future occupiers from being able to purchase a permit to park in the adjacent controlled parking zone. This S73 application seeks to remove the car free restriction.

The Parking Assessment demonstrates that the average parking stress is 77% which is relatively low and leaves 42 available parking spaces. The site is not therefore in an area of on-street parking stress.

The uplift of two dwellings on the site will generate demand for an additional two cars/permits to park. An additional two cars within the study area would increase the observed overnight parking stress by 2% from 77% to 79% which is minimal and insignificant.

It is therefore considered that the removal of the car free restriction would not result in conditions prejudicial to the free flow of traffic, highway safety, or neighbouring amenity on the adjoining highway network. There are therefore no reasonable or justified grounds to impose a restriction on permits for future occupiers of the three dwellings.

It is therefore respectfully requested that the S73 application be approved to allow the applicant to provide a Deed of Variation to the Council’s legal team.

Yours faithfully,



Peggy Hui
Associate
Maven Plan Ltd.