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# Appeal Decision

Site visit made on 19 May 2014

**by Tim Wood BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 June 2014**

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**Appeal Ref: APP/X5210/Q/13/2204937**  
**54-55 Birkenhead Street, London WC1H 8BB**

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to modify a planning obligation.
  - The appeal is made by The Institute of Our Lady of Mercy against the decision of the Council of the London Borough of Camden.
  - The development to which the planning obligation relates is for a change of use from a hotel to a mixed use comprising non-self-contained residential accommodation, training rooms and offices.
  - The planning obligation, dated 12 April 2006, was made between the London Borough of Camden Council and Alison Jones, Robert Jones, John Frederick Jones and Renatta Jones and The Trustees of the Institute of Our Lady of Mercy.
  - The application Ref 2013/0677/P, dated 23 January 2013, was refused by notice dated 21 March 2013.
  - The application sought to have the planning obligation modified as follows: To remove Clause 4.1.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this appeal is whether the relevant clause within the obligation serves a useful purpose.

## Reasons

3. The appeal site sits at the corner of Birkenhead Street and St Chad's Street and is formed by 2 former houses, previously used as a hotel. The buildings have accommodation over 5 floors, including a basement and attics. The upper 2 floors of the buildings provide 10 bedrooms for Sisters and workers, together with ancillary residential accommodation. At the rear of the property is a yard which accommodates 2 car parking spaces, having access from St Chad's Street.
4. At the time that the original planning permission was granted by the Council, they operated a car capping policy wherein the number of spaces available to developments would be limited. The Council states that under current policy, this scheme would have been required to be car free.
5. Policy CS11 of the Camden Core Strategy 2010 (CS) relates to sustainable and efficient travel aiming to reduce environmental impacts of travel, minimising congestion and minimising provision for private parking. Policy DP17 of the

Camden Development Policies (DP) seeks to resist development which would be dependent on travel by private motor vehicles. Policy DP18 states that the Council will seek to ensure that developments provide the minimum necessary parking provision and will be car free in the Central London Area. Policy DP19 adds, amongst other things, that development that adds to on-street parking in areas of high parking will be resisted.

6. The appellant has submitted a parking survey which suggests that there are on-street parking spaces available. The Council argue that the Controlled Parking Zone has allocated 105 permits per 100 available spaces and so categorises the area as under parking stress. The Council are also critical of the appellants' survey for the following reasons: 2 separate overnight surveys are required; morning and early evening surveys should be undertaken due to the proximity and presence of commercial uses and rail stations; a 200m radius should have been covered, the appellants is a maximum of 130m from the site. I agree with the Council's criticisms and consider that the evidence that the appellant has put forward does not enable a complete picture to be gained of the parking situation in an appropriately defined area around the site. In addition, the Council point out that removal of the relevant clause would allow all residents of the site to have a parking permit.
7. The appellants have access to 2 parking spaces within the rear of the site. They state that a resident of the site had a blue badge and so was able to park in the area; since this resident has left the establishment, it now means that they have been deprived of the ability to park on the street and this has an adverse impact on the ability to run the charity. They add that the use of rear parking area can be difficult due to access and that they prefer to use only one space as this allows the remainder to be used as an amenity area. Furthermore, the charity point out that they use a car regularly, particularly so in the evenings.
8. In relation to the policy context that now prevails, compared to that prevailing at the time that the original permission was given, it seems to me that there is a greater awareness of problems caused by private car use and its effects on congestion and pollution particularly so in areas with excellent public transport accessibility, such as this. In part, this is reflected in the suggestion by the Council that such a development if proposed anew would be likely to be required to be car free. I agree that this is an area where there is every opportunity to use other forms of transport rather than the private car.
9. In relation to the day to day activity of the charity, it is accepted that the individual resident that had a blue badge was able to park on the street and that this may have enabled the appellants to benefit. However, they are fortunate to have access to 2 private car parking spaces as an alternative. Whilst they may not find these ideal to use, if a car is essential to their activities it seems to me that the slight inconveniences as stated would be outweighed by the ability to have sole access to these private spaces. Furthermore, the appellants stress that they need to use their car in the evening; I note, however that the parking restrictions do not apply after 18:30 hours in the week and after 13:30 at weekends.

## **Conclusions**

10. I have concluded that the appellant has failed to satisfactorily demonstrate that there is sufficient capacity within the area to acceptably absorb the additional

on-street parking that could be generated by the use. To allow the appeal would be contrary to the Council's Policies, as set out above. Therefore, I conclude that the obligation continues to serve a useful purpose and should continue to have effect without modification. In these circumstances, the appeal is dismissed.

*S T Wood*

INSPECTOR