

# John Stebbing Architects

Unit2b Barton Road Retail Park Bury St Edmunds IP32 7BE  
01284 704546 johnstebbing@architectatwork.co.uk www.architectatwork.co.uk

**20<sup>th</sup> JUNE 2016**

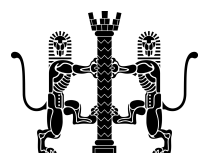
## **A STATEMENT IN SUPPORT OF THE PLANNING APPEAL IN RELATION TO AN UN DETERMINED PLANNING APPLICATION FOR WORKS AT THE PROPERTY KNOWN AS 6 CARLINGFORD ROAD LONDON NW3 1RX**

### **INTRODUCTION:**

- An application was made to Camden Council on the 20<sup>th</sup> of December 2015 for "The Conversion of existing 4-bedroom house into 1 x 2-bedroom unit and 1 x 3-bedroom unit; rear extension at lower ground and ground floor level; alterations to fenestration at roof level."
- The reference number given to this application is 2015/7179/P
- The application was registered on the 18<sup>th</sup> of January 2016 and this appeal is against its none determination by the London Borough of Camden who are the Local Planning Authority (LPA).

### **GROUND FORS APPEAL:**

- The grounds for Appeal are that the LPA have failed to determine the application within a reasonable time frame and that is self evident from the information that is provided with this Appeal.
- The date for determination of the application was extended till the 16<sup>th</sup> of March 2016 by agreement.
- It is accepted that had the LPA made their determination there may well have been two issues which they felt would stop them deciding the application in a positive way. These can be summarised as follows:
  - Design changes requested by the LPA which have been resisted by the applicants/appellants. This is the simpler issue of the two and is set out as **ISSUE A** below.
  - The imposition of a Section 106 agreement which seeks to remove parking permits in relation to one of the units. This is the more complex issue and the argument is set out as **ISSUE B** below.
- The applicants/appellants have exhausted the 'conversation' with officers on both issues and they have decided on this Appeal route as a way of short circuiting the situation, given that they had decided to appeal a refusal and present the very same arguments. By this course of action they simply bring the Appeal decision forward.



## **ISSUE A Design**

- There has been a difference of opinion between the LPA's design officers and myself over the impact, or otherwise, of the proposed changes to the property at ground and lower ground floor levels, although the Inspector will note that the LPA have 'watered down' their opposition, as it relates to the lower ground floor level.
- I argue that the changes at both levels are fundamental to the scheme and that they represent a perfectly acceptable modern design solution which can not possibly have a negative impact on either, the host property, or the wider conservation area.
- There is little to be added to the debate other than to let the Inspector look through the email trail between myself and the LPA's planning officer, and arrive at his/her decision. This email trail between myself (JS) and Ian Gracie (IG) is set out as **APPENDIX A** to this statement and only the final five emails are relevant to this simple issue as set out below:
  - IG to JS 11th March 2016 at 14.58. In this the LPA's officer indicates that he has written up a "positive" report which he needs to present to a senior colleague for review. A glance at the email trail previous to this one shows that there wasn't any issue regarding design at this stage and the delays in deciding this application were all as a result of the "car free development" issue which is dealt with later in this statement.
  - JS to IG 11<sup>th</sup> March 2016 at 15.14. In this I agree to an extension of time for determining the application.
  - IG to JS 11<sup>th</sup> March 2016 at 16.59. There are two issues raised in this email:
    - 1. The LPA's stance on design seems to have changed and they request a number of changes to the design at the rear ground and lower ground floor levels.
    - 2. The LPA raise concerns over the amount of light that will be enjoyed by the occupants of the lower ground floor bedroom.
  - JS to IG 3<sup>rd</sup> April 2016 at 14.55. In this I deal with both these issues and I will not add anything here to what is shown in the email.
  - IG to JS 3<sup>rd</sup> June 2016 at 11.27. The LPA respond as follows to the two issues raised previously:
    - They are now satisfied on the light issue.
    - They remain of the opinion that the proposals for the rear ground and lower ground levels are unacceptable and they quote Policy DP24 and the guidance set out in CPG1 to support this view.

- In addition a telephone conversation between myself and IG took place on 29<sup>th</sup> April and I made a contemporaneous note which records the following:
  - He agreed that the large doors at the lower ground floor could remain without the set back.
  - He still wanted the set back at ground floor level.
  - He wanted us to change the glass balustrading to simple metal railings.
  - He told me that his colleague (a design officer one assumes) wanted us to retain the current glass roof but that he, IG, was prepared to allow the flat roof to remain as we had proposed.

The inspector will note that the actual correspondence makes no reference to this conversation which I can assure him/her took place.

- The reference to the overarching Policy DP24 and to the guidance set out in CPG1 provides no real way of identifying how the LPA feel that these proposals conflict with policy. Plainly there is a difference of opinion between the planning officer and his "senior colleague" and/or a "design officer" and the Inspector will accept that any judgment will have to be subjective because every situation is, of course, a unique situation and needs to be looked at on its merits.
- I am an Architect with 45 years of practice and as a designer I disagree with the position of the LPA and I would make the following comments with regards to the implications of these proposals on the policy:
  - The officer states that we would only need to make very minor changes to the proposals for it to comply with policy although those changes are slightly confused between the correspondence and the telephone conversation that took place.
  - We argue that the proposed changes are subjective and that there is evidence of differences of opinion within the LPA.
  - We note that clause 2.6 of the Guidance requires **"development (schemes) to improve the quality of buildings"** and we argue that this is exactly what is proposed here. The back of this building at the lower levels is a "mess" in design terms and our proposals will radically improve the situation with a modest modern intervention.
  - There isn't anything within the policy framework quoted by the LPA that rejects the idea of a modest modern intervention.
- I reserve the right to comment on the details of the LPA's objections in relation to the policy when they respond to this Appeal.

**JOHN STEBBING**

## **ISSUE B The removal of parking permits related to the new unit of accommodation.**

### **Introduction**

- The Inspector will note that **APPENDIX A** also contains an email trail which shows how the LPA sought to introduce this restriction and indeed their initial position would have resulted in the existing parking permits being withdrawn from the occupiers of the property in its entirety.
- The LPA's position is now that a planning consent should be subject to a Section 106 agreement that ensures that the 'new unit of accommodation' would not be able to have the benefit of parking permits.
- One of the applicants/appellants has prepared a paper on this issue which I am including within this statement for ease of reference. In the paper he argues that there are no parking problems in Carlingford Road or the immediate area and that the LPA's blanket approach is unreasonable and not supported by policy.
- The Inspector will note the inclusion of **APPENDICES B1, B2, B3, B4, B5 and B6** all being a photographic record of the parking situation in Carlingford Road and the surrounding area during the morning of six different days this year.
- The Inspector will note the inclusion of **APPENDIX C** which is a spreadsheet prepared by the applicant's/appellants brother, Michael Kerrigan of 134 Lime Grove, Newark, Notts NG24 4AH, who is a Member of the Institution of Civil Engineers (MICE).
  - He was a Transport Planning Officer at the London Borough of Hammersmith and Fulham before he retired and was part of the Transport Planning Group of that authority that developed the use PTAL for use in the various development plans adopted by that authority.
  - He calculates the property to have a PTAL rating of 3.
  - The methodology is accessible, via Wikipedia, and it is necessary to refer to this to show how the calculation translates into a PTAL rating of 3. The relevant extract is copied here as follows:
    - *The first stage in PTAL calculation<sup>[1]</sup> is to calculate the walking distance from the site (known as the point of interest (POI)) to the nearest bus stops and rail stations (where rail can be taken to also include London Underground, DLR and trams). These stops and stations are known as service access points (SAPs). Only SAPs within a certain distance of the POI are included (640m for bus stops and 960m for rail stations, which correspond to a walking time of 8 minutes and 12 minutes respectively at the standard assumed walking speed of 80m/min).*
    - *The next stage is to determine the service level during the morning peak (defined as 0815-0915) for each route serving a SAP. Where service levels differ in each direction on a route, the highest frequency is taken. On railways, a route is generally defined as a service with a particular calling pattern – for example, services on the Piccadilly line from Hammersmith could be divided into two "routes": Cockfosters to Heathrow and Cockfosters to Uxbridge.*

- *A total access time for each route is then calculated by adding together the walking time from the POI to the SAP and the average waiting time for services on the route (i.e. half the [headway](#)). This is converted to an equivalent doorstep frequency (EDF) by dividing 30 (minutes) by the total access time, which is intended to convert total access time to a "notional average waiting time, as though the route were available at the doorstep of the POI".*
- *A weighting is applied to each route to simulate the enhanced reliability and attractiveness of a route with a higher frequency over other routes. For each mode (e.g. bus, Tube, [DLR](#), tram, rail), the route with the highest frequency is given a weighting of 1.0, with all other routes in that mode weighted at 0.5.*
- *Finally, the EDF and the weighting are multiplied to produce an accessibility index for each route, and the accessibility indices for all routes are summed to produce an overall accessibility index for the POI.*
- *This accessibility index (AI) can then be converted to a PTAL grade (1–6) through a banding system (where AIs 0.00–5.00 are PTAL 1, 5.01–10.00 are PTAL 2, etc. up to PTAL 6 for scores of 25 and above).*
- He points out why there is a difference between the general Transport of London map and this calculation in that the former is calculated on the basis of "how the crow flies" however the calculation should more correctly be done on the walking distance to the nearest bus stops and rail stations from the relevant premises.
- The applicants/appellants paper is set out in the following 5 sections and starts on the following page
  - 1 The current policy context.
  - 2 The developing policy context.
  - 3 Conclusions on the policy context.
  - 4 A summary of the policy position.
  - 5 A concluding statement on the car free development issue.

**JOHN STEBBING**

## **1 The current policy context.**

- **The LPA's (The London Borough of Camden) adopted Policy**
  - The adopted development plan for Camden comprises the Mayor's London Plan, together with the following documents:
    - The Core Strategy
    - Development Policies
    - Planning Guidance
- **The Mayor's London Plan**
  - Policy 6.13 (b) states that ***"In locations with high public transport accessibility, car-free developments should be promoted (while still providing for disabled people)."***
  - The London Plan sets maximum parking standards within Policy 6.13 E(a), which para 6.42 recognises need to be applied flexibly taking into account transport conditions in the local area: ***"Boroughs wishing to develop their own standards should take the standards in this Plan as their policy context. But he (the Mayor) also recognises that London is a diverse city that requires a flexible approach to identifying appropriate levels of car parking provision across boundaries. This means ensuring a level of accessibility by private car consistent with the overall balance of the transport system at the local level."***
- **The LPA's Core Strategy**
  - Policy CS11 deals with ***"promoting sustainable and efficient travel"***. Under the heading ***"making private transport more sustainable"***.
  - What CS11 provides in this context is set out as follows ***"....."as part of its approach to minimising congestion and addressing the environmental impacts of travel, the Council will:***
    - k) minimise provision for private parking in new developments, in particular through:***
      - car free developments in the borough's most accessible locations and***
      - car capped developments....."***
  - The supporting text states ***"11.17 The Council will continue to limit the amount of parking available for private cars. This represents a key part of our approach to addressing congestion, promoting sustainable transport choices, and facilitating the delivery of pedestrian and cycle improvements by maximising the amount of public space available to provide new walking and cycling facilities. Our approach to car parking will seek car-free development in the most accessible parts of the borough (Central London, town centres (except Hampstead) and other areas that are well-served by public transport). We will also seek car-capped developments where the provision of additional on-street parking would be harmful to parking conditions."***

- **The LPA's Development Policies**

- The relevant development policies are DP 18 and DP 19. DP18 deals with parking in new development. DP19 sets out policies designed to address the potential negative impacts of parking associated with new development.
- DP18 (so far as is relevant) says ***"The Council will seek to ensure that developments provide the minimum necessary car parking provision. The Council will expect development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones that are easily accessible by public transport. Developments in areas of on-street parking stress should be 'car capped'. For car free and car capped developments, the Council will:***
  - a) limit on-site car parking to: - spaces designated for disabled people, - any operational or servicing needs, and - spaces designated for the occupiers of development specified as car capped;***
  - b) not issue on-street parking permits; and***
  - c) use a legal agreement to ensure that future occupants are aware they are not entitled to on street parking permits."***

The supporting text states:

- Paragraph 18.2 ***"The Council generally expect development in Low Parking Provision Areas (i.e. the Central London area, our town centres and other areas with high public transport accessibility) to be car-free."***
- Paragraph 18.3 ***"The Central London Area and our town centres, other than Hampstead, are well-equipped to support car-free households and businesses as they have high levels of public transport accessibility, and provide opportunities to access a range of goods, services, workplaces and homes. Camden will expect development in these areas to be car-free ..."***
- Paragraph 18.4 ***"Much of the rest of the borough has public transport accessibility levels that are moderate to excellent. Provided that parking controls are in force, the Council will expect car-free development where public transport accessibility is equivalent to levels in our town centres, and will strongly encourage it elsewhere."***
- Paragraph 18.8 ***"The Council will expect new developments in areas of high on-street parking stress to be car-capped. Car-capped development has a limited amount of on-site car parking, but no access to on-street parking permits in order to avoid any impact on on-street parking."***

- DP 19 (so far as is relevant) says ***"The Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking, highways or the environment, and will encourage the removal of surplus car parking spaces. We will resist development that would: ...  
c) add to on-street parking demand where on-street parking spaces cannot meet existing demand, or otherwise harm existing on-street parking conditions;  
d) require detrimental amendment to existing or proposed Controlled Parking Zones; ..."***

Supporting text provides:

- Paragraph 19.4 ***"Development that will reduce the amount of on-street parking or add to on-street parking demand will be resisted where it would cause unacceptable parking pressure, particularly in areas of identified parking stress. Policy DP18 states that, where the need for parking is accepted, developments in areas of high on-street parking stress should be 'car capped'. Our Camden Planning Guidance supplementary document gives details of areas where there is parking stress in the borough."***

- **The LPA's Planning Guidance**

- Camden's Planning Guidance provides advice and information on how the Core Strategy and the development policies will be applied in practice. Section 5 of CPG7 – Transport deals with car free and car capped development. There are two "key messages" set out at the beginning of Section 5:
  - ***"We expect car free development in the borough's most accessible locations and where a development could lead to on-street parking problems."***
  - ***"Legal agreements will be used to maintain car-free and car-capped development over the lifetime of a scheme".***
- The terms ***"car free"*** and ***"car capped"*** are clarified and defined as follows:
  - ***"A Car-free development is a development which has no parking within the site and occupiers are not issued with on-street parking permits....."***
  - ***"A Car-capped development is a development which has a limited amount of on-site car parking, but no access to on-street parking permits....."***
- Para 5.3 states ***"Car-free and car capped development is successful in Camden because most of the borough has very good access to public transport services."***



- Para 5.4 sets out when car free and car capped development will be sought as ***"Car free and car capped requirements apply to developments in particular locations and circumstances:***
  - ***we expect car free development in the Central London area, our town centres and other areas with high public transport accessibility (see Development Policy DP18);***
  - ***we will also expect car free development where the creation of a new access could lead to on-street parking problems where the loss of kerb space creates unacceptable parking pressure. Refer to Development Policy DP21, and the Access section of this guidance for more information);***
  - ***Car capped development applies to schemes that would have an unacceptable impact on on-street parking conditions or highway management and safety through the introduction of new units with access to on-street parking permits (see Development Policy DP19)."***
- Para 5.9 defines ***"highly accessible areas"*** for the purposes of DP18 (see above – actually the term used in DP18 is "other areas within Controlled Parking Zones that are easily accessible by public transport"):
  - ***Highly accessible areas are considered to be areas with a public transport accessibility level (PTAL) of 4 and above."***
- Para 5.10 says ***"Car free development will also be required where the creation of an access to allow off-street parking would reduce the availability of on street parking (see also section 6 of this guidance on vehicle access), or would otherwise cause problems relating to highway management or safety. Policy DP19 of the Camden Development Policies states that we will resist developments that would harm on-street parking conditions or harm highway safety."***
- Paragraphs 5.13 to 5.15 set out ***".....the circumstances where additional on street parking is not acceptable"....***
  - Paragraph 5.13 says ***"There are parts of the Borough where increasing competition for on street parking through introducing additional premises with on-street parking rights is not acceptable. This is generally the case in the Central London Area, but also in many other areas where the parking spaces available cannot meet existing demand. This has implications for queuing and congestion, illegal parking, and highway safety. In these circumstances, if a developer will not enter into an agreement to designate the additional development as car-free or car-capped, planning permission will not be given."***

- Paragraph 5.14 says ***"In considering the ability of available on-street parking to accommodate the impact of additional development, we will have regard to the cumulative effect of proposals in the area, including unimplemented and partly implemented schemes already granted planning approval."***
- Paragraph 5.15 says ***"Our Parking and Enforcement Plan provides regularly updated permit data, which is used to establish levels of on-street parking pressure on each of the borough's roads. This information will be used when considering the acceptability of applications that would involve the potential allocation of additional on-street parking permits to the future occupiers of new development."***
- Finally, paragraphs 5.19 and 5.20 deal with ***"maintaining on-street parking rights of existing occupiers"***.
  - Paragraph 5.19 says ***"Existing parking rights can normally be retained on development sites, where it can be demonstrated that existing occupiers are to return to the address when it is completed. This is common where an existing dwelling or block is being extended or subdivided. It can also occur where a change-of-use brings a site or property into residential occupation."***
  - Paragraph 5.20 says ***"If a development is to have new occupiers, existing parking rights will not apply, and the Council will apply its car-free/car-capped policies as set out in Development Policies DP18 and DP19."***

## **2 The developing policy context**

- Camden's planning policies are under review. Camden has produced a new Local Plan, and consultation on the submission draft of the new Plan has now closed. The Plan will now be submitted to the Secretary of State, for Examination in Public by an Inspector appointed by him, probably in summer 2016. The Planning Inspector will consider, in the light of objections and national planning policy, whether any modifications to the draft are required. When the Local Plan is eventually adopted, it will replace the current Core Strategy and Development Policies document. However, at present, the draft Local Plan is at a relatively early stage in the process towards adoption, and it should therefore be given only limited weight for development control purposes.

- Car free development in the draft Local Plan is dealt with by Policy T2 as follows:
  - **"Policy T2 Parking and car-free development:**
    - **The Council will limit the availability of parking and require all new developments in the borough to be car-free. We will:**
      - a. not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits;**
      - b. limit on-site parking to:**
        - i. spaces designated for disabled people where necessary, and/or**
        - ii. essential operational or servicing needs;**
      - c. support the redevelopment of existing car parks for alternative uses; and**
      - d. resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking."**
  - Camden have produced a document – Camden Local Plan Evidence Report Car Free Development – February 2016 – which seeks to explain and justify the new policy approach. It explains **"Camden Local Plan policy T2 Parking and Car Free Development seeks to restrict car parking within both residential and non-residential developments to spaces designated for disabled people and essential operating or servicing needs where necessary throughout the whole borough. This extends the reach of the Council's adopted planning policies which seek car free development within areas with Public Transport Accessibility Level (PTAL) ratings above 4 (which covers most but not the entire borough)."**
  - The paper considers evidence to justify the approach, under the headings national and regional policy, the operation of the existing policy, air quality, public health, connectivity, car ownership and viability. In summary the paper argues that the existing policy has been successful in reducing car use, but needs to be extended further in the interests of improving public health and air quality, and because there are problems of parking stress outside areas with high accessibility levels. The paper argues in favour of moving away from the use of PTAL ratings, towards a broader measure of "connectivity", under which the whole of Camden would be shown to have high levels of connectivity.

### **3 Conclusions on the policy context.**

- From the above summary, we can draw the following conclusions:
  - The theme of current regional and local planning policy is that car free development should be required only in areas of "high public transport accessibility" (Mayor's London Plan Policy 16.3(b), Core Strategy Policy CS11(k), Development Policy DP18).
  - Hampstead Town Centre is expressly **excluded** as an area of high public transport accessibility in the Core Strategy (paragraph 11.17).

- Hampstead is implicitly **excluded** as such an area in DP18 (because it is omitted from the list of town centres where the Council will expect development to be car free) and expressly **excluded** in the supporting text (paragraph 18.3)
- Camden have expressly defined “highly accessible areas” for the purposes of its policies as areas with a PTAL of 4 or above (CPG7, Para 5.9), which has the effect of **excluding** Hampstead
- From these conclusions, it follows that **Camden does not have a policy of imposing car free development in Hampstead, or any other area with a PTAL of below 4**, and that is repeatedly and expressly made clear in its policy documents. Lest there should be any doubt about whether that interpretation of the policies is correct, it is confirmed by Camden itself in February 2016 in its Camden Local Plan Evidence Report Car Free Development – see above.
- What of the argument that Camden’s policy is to apply car free development wherever there is on street parking stress?. The position is:
  - It is important to distinguish between car free development and car capped development. Car free development has no parking on site, and no on street parking permits are issued. Car-capped development does have parking on site, but no access to on street parking permits (definition from CPG7). A distinction is drawn between these two types of development because different policies apply to each. Logically, a stricter approach to access to on street parking permits may be justified where parking is available on site.
  - Our development has no parking on site. Therefore, the policies to be considered are the policies on car free development, not the policies on car capped development.
  - There is no policy of seeking either car free or car capped development in areas of parking stress in the Mayor’s London Plan.
  - Camden’s Core Strategy makes clear (paragraph 11.17) that car free development is sought in highly accessible areas, and car-capped development is sought in areas where additional on street parking would cause problems.
  - That is the approach followed in DP18 too.
- Therefore, **Camden does not have a policy of imposing car free development in areas of on street parking stress**. It is only if the policies are **misunderstood** that it can be suggested it does. In particular:
  - Development Policy DP19 (c) appears to suggest that the Council will resist all development that would add to on street demand where the number of existing spaces cannot meet demand.
  - However, it needs to be read in context (as paragraph 19.2 recognises). Policy DP19 is a policy which “seek[s] to ensure that the creation of additional car parking spaces will not have negative impacts on parking, highways or the environment, and will encourage the removal of surplus car parking spaces”. Its focus is therefore upon development which adds to on street demand **by the creation of additional car parking spaces**.

- This is made completely clear when the supporting text is considered, particularly paragraphs 19.6 to 19.9. E.g. ***"19.7 Creating private off-street parking frequently involves the loss of on-street spaces, for example where kerbside parking is removed to enable vehicles to cross over the pavement to a garden or forecourt. This can cause or worsen problems where there is already significant on-street parking demand. Providing off-street parking necessarily involves creating a link to the highway network or intensifying the use of an existing link, which can have implications for highway safety, ease of pedestrian movement and the adequacy of sightlines.....19.9 Development of off-street parking will be resisted where it would cause unacceptable parking pressure, particularly in identified areas of parking stress."***
- That this is the correct interpretation is confirmed by CPG7. The first "key message in Section 5 of CPG7 is ***"We expect car free development in the borough's most accessible locations and where a development could lead to on-street parking problems"***
- However, what is meant by "development [which] could lead to on street parking problems" is then made clear. As set out above Para 5.4 sets out when car free and car capped development will be sought. One circumstance in which car free development will be sought is ***".....where the creation of a new access could lead to on-street parking problems where the loss of kerb space creates unacceptable parking pressure."***
- One circumstance in which car capped development will be sought is ***"schemes that would have an unacceptable impact on on-street parking conditions or highway management and safety through the introduction of new units with access to on-street parking permits"***.
- The conclusion is that any suggestion that Camden's policy is to impose car free development anywhere where there is on street parking stress is based on **misinterpretation or misunderstanding** of the policy. It is not in fact open to Camden's Development Policies to operate in that way, because there is no warrant for it either in the Mayor's London Plan or the Council's own Core Strategy.
- The final conclusion on the policy context is that Camden expressly recognises that existing parking rights should not be removed, at least in cases where existing occupiers will return to the site when development is completed (Paragraph 5.19 of CPG7).

#### **4 A summary of the policy position**

- From the above, we can say the following about the proposed development at 6 Carlingford Road:
  - Camden does not have a policy of imposing car free development in Hampstead, or any other area with a PTAL of below 4. This property has a PTAL of 3 as set out in **APPENDIX C**
  - Camden does not have a policy of imposing car free development in areas of on street parking stress.
  - The proposal does not meet the criterion for car free development in the Mayor's London Plan (Policy 6.13(b))
  - The proposal does not meet any of the criteria for car free development in Camden's Core Strategy (Policy CS11) and is in an area expressly excluded from the list of areas where such a requirement should be imposed
  - The proposal is not in any of the areas where "the Council will expect development to be car free" in Development Policy DP18. It is in an area expressly excluded by Paragraph 18.3
  - The proposal is not one which should be "resisted" under Development Policy DP19, provided that Policy is properly understood
  - Camden's Planning Guidance lists the "particular locations and circumstances" where car free development will be sought. None of them apply to the proposal.
  - The proposal involves the development of residential property with existing parking rights, and where existing occupiers will continue to reside. Camden's policy recognises that existing rights should be retained in those circumstances.
  - Whether the proposal is in an area of on street parking stress is not relevant in policy terms, as set out above. But even if it was, there is no justification in Camden's policy for measuring on street parking stress by a crude match of permits issued against number of spaces. (Indeed I attach photographic evidence to show that Carlingford Road appears to have a surplus of on street car parking spaces).
  - Under the Council's emerging planning policies, the proposal (indeed all proposals apparently) would need to be car free. But the emerging policies should be given little weight at present as they may not survive scrutiny at the Examination in Public.

## **5 A concluding statement on the car free development issue**

- Carlingford Road, is currently occupied by my wife and I (and we have been granted "on street" parking permits for up to two cars ever since restrictions on car parking were introduced in our road). It is our intention to continue to occupy part of the premises following the proposed development and sell on the remaining part of the property to our son. We are anxious, therefore, to preserve the rights that our family have exercised as residents of Carlingford Road since 1975.
- As I hope the photographic evidence shows in **APPENDICES B1, B2, B3, B4, B5 and B6**, Carlingford Road and the adjoining road of Pilgrim's Lane have more than adequate parking spaces available and it is not, as is argued by Camden, an area of "parking stress".
  - I took the first set photos on 9th Feb. when the Planning Officer was originally supposed to visit the site and the second set on 10th Feb. when he did actually attend.
  - I then took further photos on four separate days towards the end of May when this submission was being prepared.
  - I deliberately selected a mid morning period when I thought vehicle owners would have returned from the "school run" and parking spaces would be at a premium.
- I discussed the parking position with Ian Gracie (the planning officer) during his visit and he insisted (presumably on the basis of his transport colleague's advice) that Carlingford Road, and the roads immediately adjoining, were areas of established parking stress and that because of this our proposed development had to be "car free". When I suggested that my photographs showed, and that he could clearly see for himself standing on our doorstep, that there were a number of available parking spaces both in Carlingford Road and in Pilgrim's Road at the time of his visit, he said that this was not relevant as Camden had carried out a recent survey, which he could show me, that demonstrated that the whole of Hampstead was now an area of parking stress.
- Firstly, as far as I am aware that survey does not form part of any evidence submitted in support of Camden's existing planning policy, and secondly he (and Camden) ought in any event have been prepared to consider the actual position in the immediate locality before reaching any decision.
- It is ironic that by taking away parking rights in areas where there are adequate spaces Camden may well effectively encourage car owners to drive their cars away from areas where there is no problem into the very areas where there is stress. For example, if I were to lose my on street parking rights during the day, rather than struggle to work on public transport, I would very likely drive to work and use the underground car parks in Canary Wharf to park my car, thus creating extra traffic through stress areas of Camden that the Council's planners are concerned about in their adopted policy.
- Furthermore, despite what Ian Gracie (the Council's planning officer) told me, the Council's own figures appear to show that the situation ought to be an improving one in Hampstead, because although the number of households in Hampstead has increased over the last ten years, the level of car ownership has reduced (Source: Figure 15 page 28 of Camden Local Plan Evidence Report Car Free Development).

- The Council's Policy states (paragraph 19.4) that Planning Guidance will give details of areas where there is parking stress. CPG7 doesn't appear to actually do that. Having chosen not to do that, it should not be open to the Council to assert on a completely unscientific basis that there is parking stress where there is none. As indicated above, there is also no justification for the approach used by the planning officers in correspondence in policy terms.
- The argument that because more permits than spaces are issued there is clear evidence of parking stress is also fallacious. More permits than spaces can be issued without causing problems, because not all cars with a permit will all be parked on a street at the same time. By way of comparison, Westminster has fewer than 29,000 residents parking spaces, and routinely issues around 37,000 residents parking permits a year. A better and more logical definition of parking stress would be the ratio of number of spaces available to number of spaces occupied. (I think the photographs I have submitted are the best evidence that Carlingford Road, and the adjoining road of Pilgrim's Lane are not areas of parking stress. I would simply add that I cannot recall any occasion during the day when I have not been able to park within 25 yards of our property.)

**DONAL KERRIGAN**