
Report of the Chief Planning Officer

CITY PLANS PANEL

Date: 12th February 2015

Subject: PLANNING APPLICATION 14/06694/FU - ADDITIONAL PARKING LEVEL (111 ADDITIONAL SPACES) TO AN EXISTING MULTI-STOREY CAR PARK (MSCP) - ALBION STREET MSCP, PINNACLE, 67 ALBION STREET, LEEDS, LS1 5AA

Electoral Wards Affected:

City and Hunslet

☐ Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: REFUSE FOR THE REASONS SET OUT BELOW

1. The Local Planning Authority considers the proposal would adversely affect road safety by resulting in a significant increase in vehicular traffic movements across the Public Transport Box and at the junction of Albion Street and The Headrow which is listed in the Council's Sites for Concern document due to the severity of collisions at the junction. The proposal is therefore considered contrary to Core Strategy policies T1 and T2 in addition to saved UDPR policies GP5 and T24A and advice contained within the Draft Parking SPD and the National Planning Policy Framework

2. The Local Planning Authority considers the proposal would lead to an increase in long stay commuter parking contrary to Core Strategy policy T1, Saved UDPR policies T24A and T28 and advice contained within the Draft Parking SPD and the National Planning Policy Framework

1.0 INTRODUCTION

The application is brought to plans panel as the proposal represents a major development concerning a significant level of additional parking provision within the Public Transport Box prior to adoption of the Local Development Framework Parking SPD.

2.0 SITE AND SURROUNDINGS

- 2.1 The existing 390 space multi-storey car park at Pinnacle is located within the Prime Shopping Quarter and forms part of a mixed use environment containing ground floor retail outlets with a 3 floor multi storey car park above and a 19 storey office block.

The ground floor of the complex opens onto Bond Street and Albion Street to the South and East respectively, both of which are pedestrian areas. The car park occupies three upper levels, with vehicular access from Butts Court via a one way system.

The application site is not within a Conservation Area, although it can be viewed from the adjacent City Centre Conservation Area as part of lengthy views along Albion Place from Briggate and King Edward Street.

3.0 PROPOSALS

The proposal relates to the addition of a new 2820sqm area of car parking via the introduction of a new parking deck to the roof of the existing MSCP at the Pinnacle Building. It is proposed that the new parking deck will provide 111 new spaces.

The additional deck would be located to the western side of the office tower at Pinnacle. It would also project forward of the southern edge of the Pinnacle tower towards Bond Street and beyond the northern face of the tower towards Butts Court, following the existing perimeter of the MSCP roof but recessed back from the existing parapet by 300mm. The outer edge of the deck would be faced in Powder Coated Aluminium Cladding. The development would be served via the existing access points to the car park.

4.0 RELEVANT PLANNING HISTORY

- 4.1 20/85/00/FU - Change of use of part of basement car park to enlarged shop and new shop-front, Approved 23.06.2000
- 4.2 PREAPP/13/00831 – New Car Park Deck
An enquiry was made to officers on 29.07.2013 regarding the possibility of a new car park deck. Detailed design advice was provided to the applicant between July 2013 and October 2014. The applicant was advised that additional long stay parking would be contrary to adopted planning policy but that short stay parking could be considered subject to agreeing adequate control measures. However this matter remained unresolved at the point the application was submitted in November 2014.

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 Site notices were erected on 28.11.2014
- 5.2 The development was advertised as a major development in the Yorkshire Evening Post on 04.12.2014.
- 5.3 A letter of objection from Leeds Civic Trust was received on 22.12.2014
 - 5.3.1 This objection centres on the fact that the application is sited within the Public Transport Box. The Leeds Civic Trust consider that the City Council should seek to reduce any type of private vehicular activity within the Public Transport Box and that expanding parking provision on this site including short stay parking will increase traffic flows in this area. The Leeds Civic Trust further consider the development would increase the conflict between pedestrians and vehicles on Albion Street and Upper Basinghall Street where the pedestrianised zone abuts the car park access. Leeds Civic Trust consider this proposal would increase the number of private vehicles in the area which would hinder the movement of buses on The Headrow and Albion Street on the edge of the public transport box.
 - 5.3.2 Leeds Civic Trust state that, having reviewed the officer recommendations to the applicant concerning the management measures to prevent additional levels of commuter parking, Leeds Civic Trust consider these measures would not prevent an increase in vehicular activity since there would still remain a likelihood that levels of traffic around the site relating to short stay parking would increase. Leeds Civic Trust also draw attention to the extant permission for the MSCP at Victoria Gate and advise that there are adequate alternative locations outside the Public Transport Box for additional short stay parking.
 - 5.3.3 Leeds Civic Trust also highlight the draft Parking SPD for consultation detailed in paragraph 7.5 of this report which states that there should be a 'presumption against' the replacement of existing parking in the public transport box in order to enhance the city centre environment through the 'expansion of the pedestrian zone' (para 6.5.2 of the SPD).
 - 5.3.4 Furthermore, Leeds Civic Trust suggests that, in the longer term, the Local Planning Authority should seek to phase out car parking within the Public Transport Box so that the space can be put to alternative uses such as pedestrianized zones or cycle/bus routes.
- 5.4 A letter of objection was received from Steer Davies Gleeve on 19th December 2014.
 - 5.4.1 Steer Davies Gleeve are located within floor 5 of Pinnacle. The objection letter details concerns with regard to privacy and security of their offices following the addition of the proposed additional deck. Steer Davies Gleeve also express an objection to the proposal in visual amenity terms and suggest the development would have a negative impact on the appearance of the Pinnacle building. The objection letter also expresses concerns regarding noise disturbance and reduced air quality to their offices within Pinnacle. The objection also points out the following perceived discrepancies in the applicant's submitted Transport Assessment and submitted supporting documentation.

- 5.4.2 The submitted Transport assessment does not consider conditions in the morning peak hours.
- 5.4.3 The submitted Car Park Management Plan does not consider that the car park is not full before 9.30 am and that the proposed barrier would not preclude long stay parking.
- 5.4.4 No mention within the Transport Assessment of the amount of permit holders utilising the car park on a contractual basis daily nor any indication or consideration of how the use of permits may increase when empty floors in the building become occupied in future years.
- 5.4.5 Impact calculations have not been undertaken based on the car park itself but instead based on historic data covering the central business district of Leeds as a whole.
- 5.4.6 The Transport Assessment impact analysis has been undertaken based on a lower number of additional spaces (61 would be the additional amount of spaces in addition to what could be achieved if the car park were returned to its original layout, a matter which cannot be controlled) rather than the actual proposed increase - however it is the traffic associated within the current and operating capacity of the car parking that has been surveyed as part of the assessment.
- 5.4.7 The data within Appendix E of the Transport Assessment is considered by the objector to be flawed. The proposed calculation assumes that pro-rata the number of vehicles parked for more than 7 or 8 hours are equally likely to have arrived before or after 12 noon whereas it is possible that all long stay users arrive before noon. If this is the case, there would in fact be a greater number of commuter trips using the car park once capacity is increased based on the calculations in the Transport Assessment.
- 5.4.8 Lack of information supplied with regard to the impact of construction activities on the adjacent highway network.
- 5.4.9 Lack of information supplied on when the car park would be delivered and the implications on the 'need' for additional parking spaces within the City Centre given the additional spaces being created at Victoria Gate (860 spaces)

6.0 CONSULTATIONS RESPONSES:

6.1 Statutory

There are no statutory consultations in relation to this application.

6.3 Non-statutory:

6.4 Highways

Highways have stated that they are unable to support the proposal. Whilst current policy allows for short stay parking within the City Centre, the developer is unable / unwilling to offer more than restricting opening of the new spaces to 9:30am, this will only allow later long stay arrivals to park, still impacting on the morning peak. Therefore it is considered that the development has not demonstrated compliance with the short stay parking policy. Additionally, highways officers consider the increase in car parking will increase vehicular activity on Albion Street in particular.

Highways officers further note that there are often difficulties for vehicle movement on Albion Street caused by 'The Core' car park queuing on to the highway, the street has large pedestrian flows throughout the day, pedestrians often step into the carriageway due to the narrow footway on the western side. There have been accidents on Albion Street itself and more so at the junction of the Headrow. As such it is considered that increasing vehicular movement to and from the car park would be detrimental to highway safety. Similarly the 'sense of place' of Albion Street as a pedestrian friendly shopping street will be diminished.

SDU Design Team

The proposal reflects the advice given in terms of design at pre-application stage and therefore, there are no objections to the proposal.

Courts Service

No comments received

7.0 POLICY

7.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework 2012 (NPPF) was adopted in March 2012 and sets out the Government's planning policies and how they expect them to be applied.

Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraph 14 goes on to state that there should be a presumption in favour of sustainable development.

Paragraph 17 of the NPPF sets out the Core Planning Principles for plan making and decision taking. The 4th principle listed states that planning should always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 32 of the NPPF requires that new developments should consider whether safe and suitable access is provided. Paragraph 35 requires that developments are located to give priority to pedestrian, cycle and public transport movement.

7.3 Local Development Framework - Core Strategy

The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district.

Policy T1: To complement the provision of new infrastructure the Council will support the following management priorities:

Parking policies controlling the use and supply of car parking across the city:

- a) To ensure adequate parking for shoppers and visitors to support the health and vitality of the city and town centres.
- b) Delivering strategic park and ride for the city which supports the City Centre vision and provides greater traveller choice.
- c) To support wider transport strategy objectives for sustainable travel and to minimise congestion during peak periods.

- d) Limiting the supply of commuter parking in areas of high public transport accessibility, such as the City Centre.

Policy P10: New development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.

New development will be expected to deliver high quality inclusive design that has evolved, where appropriate, through community consultation and thorough analysis and understanding of an area. Developments should respect and enhance existing landscapes, waterscapes, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing.

Proposals will be supported where they accord with the following key principles;

- (i) The size, scale, design and layout of the development is appropriate to its context and respects the character and quality of surrounding buildings; the streets and spaces that make up the public realm and the wider locality,. The development protects the visual, residential and general amenity of the area including useable space, privacy, noise, air quality and satisfactory penetration of daylight and sunlight,
- (ii) The development protects and enhances the district's existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces, skylines and views,
- (iii) The development protects the visual, residential and general amenity of the area through positive high quality design that protects and enhances surrounding routes, useable space, privacy, air quality and satisfactory penetration of sunlight and daylight,
- (iv) Car parking, cycle, waste and recycling storage should be designed in a positive manner and be integral to the development,
- (v) The development creates a safe and secure environment that reduces the opportunities for crime without compromising community cohesion,
- (vi) The development is accessible to all users.

Policy T2:

New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility.

7.4 Saved UDPR Policies within the Core Strategy:

Policies T24, T26 & T28 are denoted as saved policies within the Core Strategy until adoption of the Local Development Framework Parking SPD.

T24a: Planning permission will not be granted for new long-stay car parking outside the curtilage of existing or proposed employment premises except:

- a. within the City Centre and fringe City Centre commuter parking control area, in accordance with policy CCP2; (*related to cleared or vacant sites*)
- b. for park and ride schemes in accordance with policies T16 and T17;
- c. where lack of parking within employment premises would cause serious traffic,

safety or environmental problems in the surrounding area.

T26: In the City Centre there will be a presumption in favour of the use of car parks in the core car parking policy area for short stay users unless insufficient demand for such facilities exists in a particular location.

T28: The growth of long-stay commuter car parking related to City Centre employment will be managed as follows:

Parking provision in new development should reflect the city council's long stay commuter parking guidelines which distinguish between:

- within and immediately adjoining the public transport box, where additional commuter parking will be discouraged;
- the core car parking policy area, where the provision of additional commuter parking will be restrained;
- fringe City Centre commuter parking control area, where the objective is to control the growth of commuter parking;
- prestige development areas

BD6: Refers to extensions and alterations

GP5: Applications to account for all other material considerations.

7.5 Supplementary Planning Guidance

Draft Local Development Framework Parking SPD

The purpose of this document is to formalize current parking policies and update the parking guidelines for new developments. An 8 week public consultation on the draft Leeds Parking Supplementary Planning Document (SPD) ended on Friday 17 October 2014.

Feedback from the public consultation will be taken into account when finalising the SPD. A final version is expected to be presented to Executive board for adoption in 2015.

Relevant extracts from the Parking SPD:

6.5.1 Within the City Centre Public Transport Box, there are significant levels of public and Private Non Residential parking. The need for access to these car parks creates a conflict with the generally pedestrianised City Centre and requires cars to cross the Public Transport Box, conflicting with bus traffic.

6.5.2 If at anytime, current off street parking within the Public Transport Box is proposed to be redeveloped, there will be a presumption against its replacement. If necessary, replacement parking should be located outside the public transport box, this would allow the enhancement of the City.

The above extracts indicate an aspiration to further reduce car traffic within the Public Transport Box. However, the draft SPD is at a very early stage of adoption

with the feedback on this yet to be reported to Executive Board. The document therefore only has limited weight as a planning consideration.

8.0 MAIN ISSUES

Highways matters
Visual Amenity
Representations

9.0 APPRAISAL

9.1 Highways matters

9.2 The relevant highway matters pursuant to the proposal fall into two categories. The first is the impact of the proposal on the council's adopted policies to restrict the growth of long stay commuter parking within the City Centre's core car parking policy area and the effectiveness of the controls put forward by the applicant to prevent additional commuter car parking on the site. The second issue is in regard to the resultant increase in highway movements on the network serving the car park and the impact this would have on highway safety and the City Centre, particularly in and around the Public Transport Box.

9.3 Controls to prevent further long stay parking.

9.3.1 In terms of background, The Local Planning Authority has won numerous long stay commuter car parking appeals in 2010, 2013 and 2014 where short stay parking was considered as an alternative acceptable use. The inspector's decisions included a condition that stays over 5 hours would be charged at a minimum of £25. This was to deter almost all long stay commuter parkers as this cost is significantly above other long stay car parking tariffs in the city centre and a perceived unaffordable cost to park. The inspectors also placed conditions on the short stay car parks that prevented use between 0630am and 0930am Monday to Friday and required clear signage informing customers of the short stay only use of the car park, so that they would be easy to monitor and enforce.

9.3.2 The supporting information submitted by the applicant details a significant number of parkers within the existing car park staying in excess of 5 hours. A pro-rata analysis of these figures applied to the proposed top deck would result in a significant amount of long stay parkers and would therefore not be in accordance with adopted planning policy. The applicant has proposed that the additional parking would not be available before 9.30am to prevent commuter car parking.

9.3.3 However, it is considered that, due to changing work patterns of company staff in city centre locations, employees can work after 9.30 and still do a full days work (i.e. over 5 hrs), this therefore causes the effect of adding to peak time congestion in the evening with additional effects of increasing pollution in the City Centre. As established through the policy background and recent appeal decisions, the Local Planning Authority will not support long stay commuter car parking in the City Centre so during pre-application discussions, the applicant was advised to consider a method of discouraging long stay parking within the new car park deck which also included controlling the length of stay to a maximum 5 hours.

- 9.3.4 The Council surveyed most car parks in the city centre in September 2014, the survey showed that overall car parking occupancy peaked at approximately 85% of capacity on a Weekday. The Pinnacle car park was 87% full at 9:30am, peaking at 98% of capacity, a significant number of vehicles were in the car park before 7:00am, (16% of capacity). The car park sells various contract parking arrangements, including over night and daytime office parking. This pattern of arrivals is characteristic of other car parks that are considered to be used predominantly by commuters.

The tariff is punitive for people buying tickets on the day, however contract office parking is offered at £410.00 + VAT. i.e. £8.20 per day, so not out of reach of some drivers.

- 9.3.5 The information submitted by the applicant shows that a proportion of the parkers recorded through the day stayed for less than 5 hours, on average for weekdays this represented 234 vehicles. This represents 40% of the vehicles recorded by the council entering the car park after 7:00am.

It is therefore considered that the existing car park operates predominantly as a commuter car park.

- 9.3.6 The applicant is only offering as a means of control a limit of opening of the new car parking area until after 9:30, this coincides with the car park becoming sufficiently full to need to begin filling these floors anyway. Clearly the extension could result in more permits being sold and certainly does not promote short stay car parking.

Highways officers have advised that the Local Planning Authority would only be able to consider the introduction of an additional car park deck if one of the following range of controls were proposed to prevent long stay commuter car parking and providing this has no adverse public/road safety implication.

- 6.30am-9.30am weekday closure of the top deck with a punitive charge of £25.00 on exit of the top deck if parking longer than 5 hours. (this would require a dual-tariff for the car park which the applicant has stated is unmanageable from an operational perspective)
- 6.30am - 10.30am weekday closure of the top deck
- 6.30am – 9.30am weekday closure of the top deck and a punitive charge for in excess of 5 hours stay for the entire car-park (thereby removing the applicant's flexibility to allow long stay parking within the existing floors).

As noted in the response from Highways Officers, whilst current policy allows for short stay parking within the City Centre, the developer is unable / unwilling to offer more than restricting opening of the new spaces to 9:30am, this will allow later long stay arrivals to park and without an additional punitive charging regime would not guarantee the additional spaces to be solely utilised by short stay customers only. Therefore the controls proposed by the applicant are not considered sufficient means to prevent the new car park deck being utilised for commuter/long stay parking.

9.4 Impact of the proposal on highway safety / movements within the Public Transport Box.

- 9.4.1 The submitted Transport Assessment makes reference to the number of spaces within the car park being reduced from the approved maximum to a lower number (387spaces), this does not alter the fact that an additional 111 spaces will be provided with the consequential increase in traffic movements.
- 9.4.2 Whilst the Transport Assessment suggests an equal split of exiting traffic between Albion Street and Upper Basinghall Street, this is unlikely to be the case; unfamiliar users of the car park will tend to exit the same way they entered, i.e. via Albion Street. Additionally the route via Upper Basinghall Street has a constrained egress onto the Headrow, which often results in queuing and provides a more tortuous route back to the Loop than Albion Street, the only benefit to this route is for certain routes to the north or west for drivers who know the city and consider the benefit of a shorter route over delay exiting onto the Headrow to be worthwhile. This route will become even less attractive should the NGT scheme be built, therefore the split of exiting traffic will be more biased to Albion Street. The council's survey recorded 1085 two way trips over a 12 hour weekday period (90/hour) and 1362 on a Saturday (113.5/hour). If trips rise in proportion to the increase in parking spaces, it would result in 26 hourly weekday and 32 hourly Saturday movements.
- 9.4.3 Albion Street has a large pedestrian flow and narrow footways, often resulting in pedestrians stepping into the carriageway. The accident record shows that five accidents have occurred since 2007 on Albion Street, four involving pedestrians. The underlying cause is a mixture of high pedestrian flows on the narrow footways, the junction of Albion Street and Short Street being tightly constrained with conflicting movements, exacerbated by the start of the pedestrianized section of Albion Street and the width of the carriageway meaning vehicles drive close to the kerb edge.
- 9.4.4 The junction of Albion Street and the Headrow is a 37th on the list of sites for concern 2013. Accidents involve a variety of causes, with pedestrian and bus movements figuring significantly.

It is considered that the extension of the car park will inevitably increase traffic movements on Albion Street and through its junction with the Headrow and add to these serious public/highway safety concerns.

9.5 Layout

- 9.5.1 Highways officers have assessed the submitted plans and advise that the proposed u-turn exit from the bottom of the ramp to the fourth floor does not allow safe two-way movement for vehicles using the westernmost aisle. A revised layout and marking change would be required to accommodate a one-way system so vehicles all travel southwards down the westernmost aisle to the fourth floor and vehicles do not conflict with the exit u-turn at the bottom of the ramp. Additionally, the last parking space adjacent to the exit barrier would allow vehicles to escape the exit control as there is no physical restraint to the side of the exit and therefore this should be reconfigured to contain vehicles before exiting. These internal layout issues are however not considered insurmountable and do not form the basis for the reasons for refusal set out at the head of this report.

9.6 Visual Amenity

- 9.6.1 The application site is not within a Conservation Area, although it can be viewed from the adjacent City Centre Conservation Area to the east of the application site. The additional deck would be located to the southern and western edges of the existing flat roof/top deck of the car park and would comprise an additional deck with perimeter walling/ enclosure. The deck would not therefore be viewable within the Conservation Area setting to the east or appear in key east-west views within the Conservation Area, particularly from Commercial Street and Albion Place.
- 9.6.2 Visually, the perimeter treatment would match the existing form, appearance and materiality of the existing building. The design includes a setback from the current perimeter of 300mm to ensure the deck would appear recessive when considered alongside the existing building but remaining consistent with the existing building in its visual finish.
- 9.6.3 From the west of the application site, the additional deck would be viewable from Park Row. Lengthier views of the western edge of the Pinnacle building are achieved from the recently improved Bond Court to the western side of Park Row. Within the setting of the western face of the car park deck are the Grade II listed buildings at 11-14 Bond Court and 33-35 Park Row.
- 9.6.4 It is considered that the car park deck would integrate well with the existing building and from the west of the application site would form part of a modern composition of buildings, appearing almost indistinguishable from the existing building through the use of the proposed materials to the perimeter which would match the existing building. From street level along Bond Street, Upper Basinghall Street and Albion Street, the setback proposed would ensure that the additional deck would not appear to be unduly dominate from within the pedestrian environment.
- 9.6.5 An additional benefit of the siting of the proposed car park deck would be its function in screening an existing high sided brick faced lift enclosure as part of street level viewpoints of the building which currently appears incongruous when read against the massing of the modern office block which sits above the existing car park as part of longer views from Bond Court across Park Row.

10.0 Representations

A letter of objection from Leeds Civic Trust was received on 22.12.2014. It is considered that all of the matters within the objection are addressed within the appraisal above and reflected in the officer recommendation.

In addition to the points raised by Leeds Civic Trust, a letter of objection was received from Steer Davies Gleeve on 19th December 2014. With regard to the remaining matters raised by Steer Davies Gleeve at paragraph 5.4 above:

It will be inevitable that there is likely to be some disturbance and noise during the construction works to adjacent occupiers. However this will be for a temporary period only and can be managed through hours of working, ongoing dialogue with neighbours and is a matter that can be controlled by planning condition.

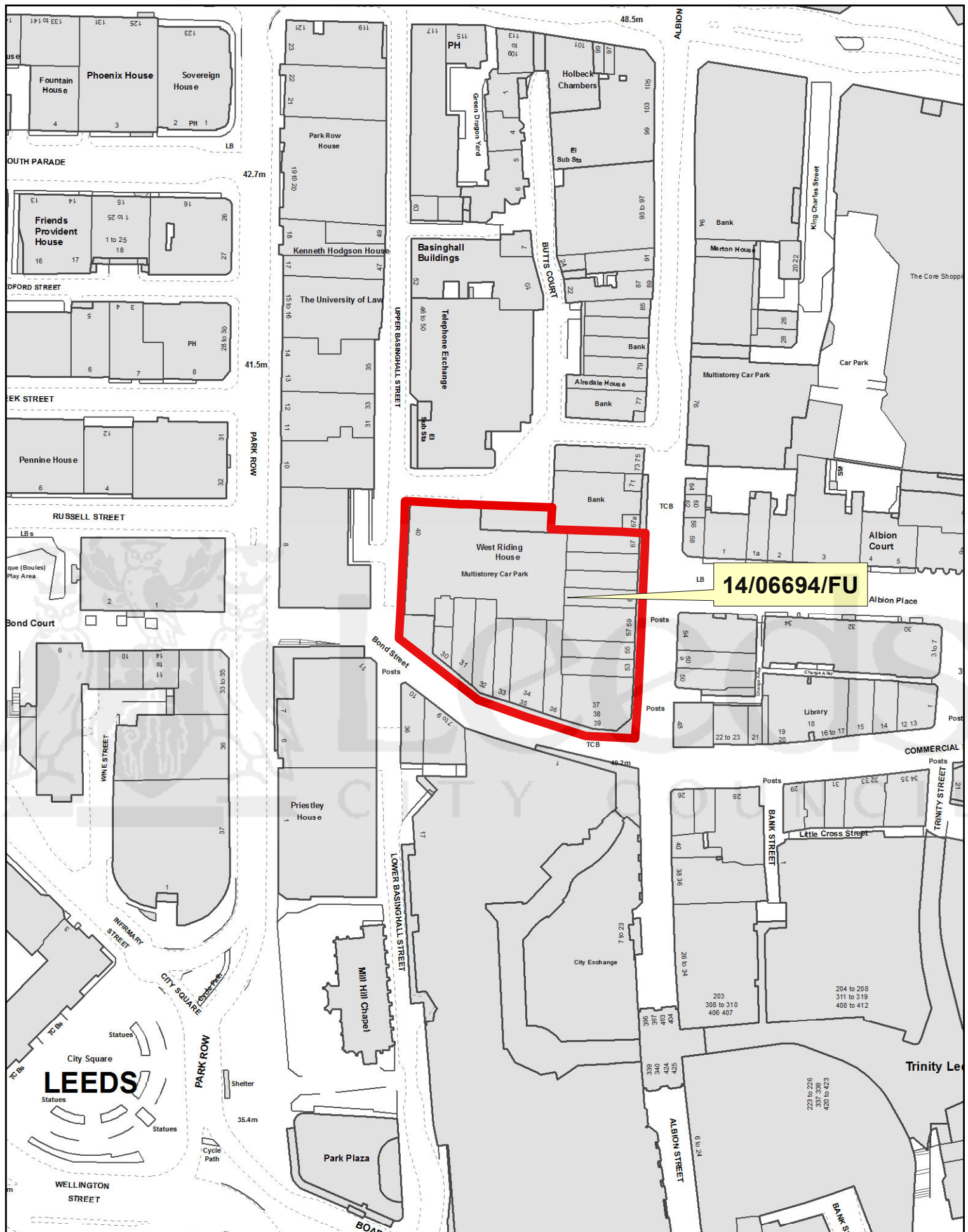
Furthermore the adequacy of the submitted Transport Assessment is noted and reflected within the appraisal above.

Notwithstanding the availability of existing and planned short stay parking in the City Centre, the Council's policies recognise that visitor and short stay parking is important to the viability of the City Centre and therefore, in principle this type of parking is supported.

Background Papers: Application file 14/06694/FU

Letter of objection from Steer Davies Gleeve

Letter of objection from Leeds Civic Trust



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SCALE : 1/1500

