
Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 12 NOVEMBER 2010

Subject: APPEAL DECISIONS – VARIOUS SITES IN AND ADJACENT TO HOLBECK URBAN VILLAGE – RETENTION OF UNAUTHORISED TEMPORARY LONG STAY COMMUTER CAR PARKING.

Electoral Wards Affected:

City & Hunslet

No

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

Appeal Sites:

1. Enforcement ref E/08/01491/UCU3 Appeal against the Council's issue of an Enforcement Notice by Holbeck Estates Ltd (Acting by its receivers) Site at Land At Water Lane/Globe Road, Holbeck, Leeds LS11 5QG
2. Enforcement ref E/08/00065/NCP3 Appeal against the Council's issue of an Enforcement Notice by Holbeck Estates Ltd (Acting by its receivers) Site at Land North Of Globe Road, Holbeck, Leeds LS11 5QG
3. Enforcement ref 08/01492/UCU3 Appeal against the Council's issue of an Enforcement Notice by Ingram Row Ltd. at land bounded by Ingram Row & Sweet Street, Leeds LS11 9DB
4. Planning ref 09/04057/FU Appeal against refusal of planning permission by Ingram Row Ltd. at land bounded by Ingram Row & Sweet Street, Leeds LS11 9DB
5. Planning ref 09/04037/FU Appeal against refusal of planning permission by Ingram Row Ltd. at land at Ingram Street and Manor Road LS11 9AU
6. Enforcement ref 06/01037/NCP3 Appeal against the Council's issue of an Enforcement Notice by Ingram Row Ltd. at land at Ingram Street and Manor Road LS11 9AU

7. Enforcement ref 06/01082/UWF Appeal against the Council's issue of an Enforcement Notice by Montpellier Estates at Land at Sweet Street, Leeds LS11 9BY
8. Enforcement ref ENF/1545/05/20 Appeal against the Council's issue of an Enforcement Notice by St Pauls Street Investments Limited at land south of Water Lane, Leeds LS11 5BZ
9. Enforcement ref ENF/1548/05/20 Appeal against the Council's issue of an Enforcement Notice by Mrs. D. J. Morris at Former Warehouse Site, Sweet Street and Trent Street, Holbeck, Leeds LS11 9DB

Please see attached plan showing location of appeal sites numbered 1-9 above.

1.0 KEY ISSUES

The Inspector identified the principal issue in the determination of the cases as being whether the use of the land as temporary long stay commuter car parking is acceptable in relation to policies concerning commuter parking, sustainable transport choices and highway congestion.

The second issue is the effect of the use on the regeneration of the area.

In relation to appeals 1, 2 and 8 a third issue was the impact of the use and its boundary treatments on the character and appearance of the Holbeck Conservation Area and the setting of nearby listed buildings.

2.0 SUMMARY OF COMMENT

The appeals related to the retention of use of the sites as long stay commuter car parks. The majority of the appeal sites are located in the Holbeck Urban Village area, with two sites lying just outside to the south of Sweet Street. The sites all lie within the UDP Fringe City Centre Commuter Parking Control Area.

On the issue of temporary long stay commuter car parking in relation to policies concerning commuter parking, sustainable transport choices and highway congestion, the Inspector concluded that the use would not be acceptable, and would be contrary to UDP Policies T28, T24A, CCP2(ii), the national Climate Change Supplement to Planning Policy Statement 1, national Planning Policy Guidance 13 Transport, and the West Yorkshire Local Transport Plan. He stated, with reference to the 3 criteria in policy CCP2(ii) that the sites were readily accessible by public transport, that there was no evidence of on-street car parking problems in the area (which is patrolled by traffic wardens), and that the proposal was contrary to transport strategy objectives.

The Inspector noted that the provision of relatively low cost parking in this location was likely to encourage rather than discourage the use of the private car. Even though this would be for a temporary period (these cases have been present for some 5-9 years already), this impact would be significant enough to establish a habit of private car use, discourage people from shifting to more sustainable forms of travel, increase greenhouse gas emissions, and affect the viability of future park and ride schemes.

The Inspector also noted that whilst specific evidence was not put forward to contest whether the appeal proposals would increase traffic congestion or not, this was likely to be the case.

In conclusion, the Inspector stated that the use of the appeal sites for long stay commuter car parking would not be acceptable having regard to policies concerning commuter parking, sustainable transport choices and highway congestion. However, he noted that the Council's policies did not seek to restrict short stay parking provided it could be monitored and controlled to ensure it remained short stay.

Appeal sites north of Globe Road and at Globe Road/Water Lane lie within the setting of the Grade II* listed Tower Works and Grade II listed Globe Iron Foundry, and lie partially within the Holbeck Conservation Area. The Inspector concluded that whilst the wire fence boundary treatment along the northern side of Globe Road was harmful, the other boundary treatments were not, and therefore that a condition to provide enhanced boundary treatment including planting would be appropriate.

The appeal site at Land South of Water Lane lies within the Holbeck Conservation Area and the setting of the Grade II listed Midland Junction Foundry. The Inspector concluded that the fencing was unprepossessing, and that enhanced boundary treatments could easily outweigh any temporary visual harm caused by the car parking.

The Inspector concluded that the use of the sites for long stay car parking was unlikely to hinder the regeneration of the Holbeck Urban Village area, with reference to UDP Policy CC31A (Holbeck Urban Village Strategic Housing and Mixed Use Site) and the Holbeck Urban Village Revised Planning Framework 2006. He stated that the desirability of securing some active use for the sites would not justify long stay car parking contrary to UDP Policy CCP2(ii).

2.0 **DECISION**

Appeals 1 & 2 (Globe Road/Water Lane and Land North of Globe Road), 3, 4, 5, 6 (Ingram Row sites – 2 planning and 2 enforcement appeals) were allowed by letter dated 27 October 2010, subject to conditions to ensure short stay car parking only at the sites. The Inspector stated that there was no material change of use between long and short stay parking, and that the sites had previously had temporary approvals for short stay parking. The Inspector corrected the notices to be Enforcement Notices to cite breaches of condition, then quashed them. He then set out a number of conditions to restrict the car parks as short stay only. In summary, the conditions consist of:

- Temporary permission for 18 months from date of decision
- The car parks shall not open between 0630am and 0930am Monday to Friday
- Within 2 months of date of decision, details of enhanced boundary treatments shall be submitted to and approved in writing by the Local Planning Authority, with a timetable for its implementation and management
- Within 2 months, a tariff structure shall be operated which includes a charge of £25 for over 5 hours parking
- Within 1 month, details of signage to clearly inform customers that the car park is short stay only shall be submitted to and approved by the Local Planning Authority, and erected within a further 1 month.

The wording of conditions regarding short stay car parking were discussed at the Informal Hearings, and the appellants agreed that whilst it was not their preferred use for the sites, a short stay car parking approval would be better than no approved temporary use.

Appeals 7 (Land at Sweet Street), 8 (Land South of Water Lane) , and 9 (Sweet Street and Trent Street) were dismissed by letter dated 27 October 2010 and enforcement notices upheld, with 2 months to comply. In the cases of appeals 7 and 8, both appellants sought only the retention of long stay car parking under ground (a) deemed planning permission, and did not offer in their written statements to comply with conditions for short stay parking as with the aforementioned Informal Hearings. In the case of appeal 9, the appellant only sought a longer period of time to comply, they did not seek a deemed planning application for approval of the use through the appeal process.

In all 9 appeal cases, the Inspector agreed with the Council that the use of the land as long stay commuter car parking must cease.

3.0 IMPLICATIONS FOR COUNCIL

The appeal decisions will assist in meeting the objectives of the City's transport strategy through the UDP and the West Yorkshire Local Transport Plan to reduce the number of long stay commuter car parking spaces in the City Centre, to discourage reliance on the private car, reduce morning peak time congestion, promote more sustainable travel choices, reduce the contribution to climate change of car-based travel in the City, and help to make potential public transport improvements such as Park and Ride, NGT, Quality Bus Corridors, and the Station Southern Access more viable. National planning policy through PPG13 states that local authorities should use parking policies to promote sustainable transport choices and reduce reliance on the car for work and other journeys. National planning policy through the Climate Change Supplement to PPS1 states that climate change considerations be integrated into all spatial planning concerns.

The Council will need to monitor the 9.30am start time and the maximum 5 hour stays for vehicles. The Council will also need to monitor the signage changes and enhanced boundary treatment.

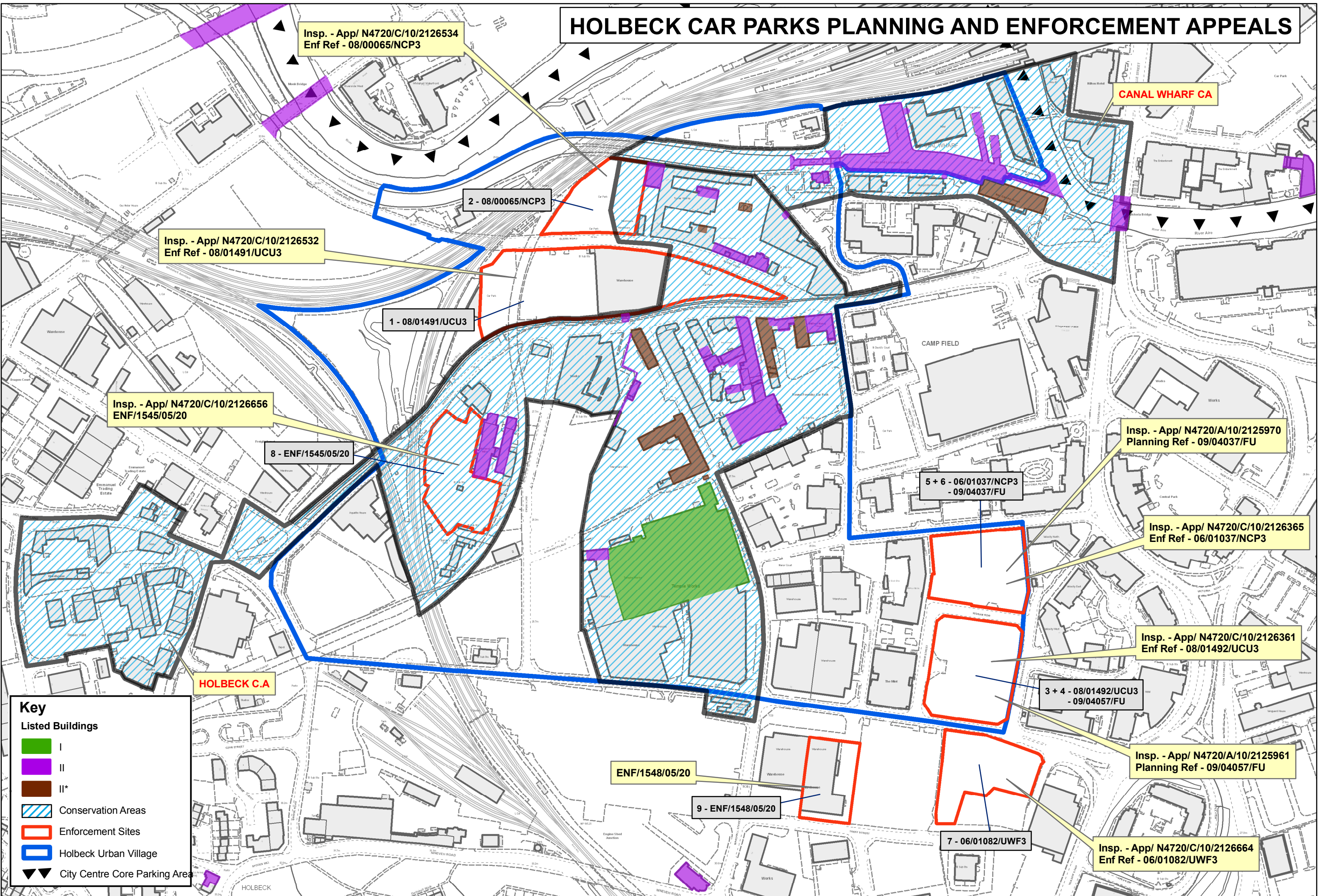
In the interests of maintaining consistency, and to continue to positively implement the Transport Strategy, action on other unauthorised car parking in and around the City Centre will need to be pursued on a similar basis.

Current and future planning applications for temporary car parking on vacant sites will need to be dealt with in a consistent manner, following the Council's and the Inspector's rationale and conditions to restrict such operations to short stay parking only (commencing after 9.30am with a 5 hour maximum stay), in line with local and national policies.

Background Papers

See file references on front page of report under heading Appeal Sites

HOLBECK CAR PARKS PLANNING AND ENFORCEMENT APPEALS



Key

Listed Buildings

- I
- II
- II*

Conservation Areas

Enforcement Sites

Holbeck Urban Village

City Centre Core Parking Areas

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