



**Report of the Chief Planning Officer**

**PLANS PANEL CITY CENTRE**

**Date: 15<sup>th</sup> March 2012**

**Subject: APPLICATIONS FOR LONG STAY COMMUTER CAR PARKS:**

REFERENCE	PROPOSAL (NO. OF SPACES)	LOCATION	APPLICANT	DATE VALID	TARGET DATE
10/01420/FU	400	Whitehall Rd/ Globe Rd	Elite Parking UK	26/3/10	25/6/10
10/04358/FU	290	Wellington Place South	Wellington Place General Partner Ltd	24/9/10	19/11/10
10/04375/FU	423	Whitehall Riverside (TCS)	Town Centre Securities PLC	18/10/11	13/12/11
11/02640/FU	200	Wellington Place North	Wellington Place General Partner Ltd	14/7/11	8/9/11
11/04259/FU	200	Midland Mills, Water Lane	St Paul's Street (Investments) Ltd	20/10/11	15/12/11
11/05031/FU	601	Former Brewery, Hunslet Lane	Carlsberg UK	29/11/11	28/2/12
11/05214/FU	69	Globe Road (Car Park B)	West Register	12/12/11	6/2/12
11/05215/FU	156	Globe Road (C)	West Register	12/12/11	6/2/12
11/05216/FU	83	Globe Road (E)	West Register	12/12/11	6/2/12
11/05218/FU	170	Globe Road (A)	West Register	12/12/11	6/2/12
11/05220/FU	236	Globe Road (D)	West Register	12/12/11	6/2/11
11/05225/FU	420	Former Doncaster Monkbridge (BAM), Whitehall Road	BAM Monkbridge Ltd	12/12/11	12/3/12
11/05238/FU	278	Ingram Street	Ingram Row Ltd	13/12/11	7/2/12
11/05239/FU	225	Ingram Row	Ingram Row Ltd	13/12/11	7/2/12
11/05281/FU	742	City One, Sweet Street	Montpellier Estates Ltd	16/12/11	16/3/12
11/05310/FU	75	Skinner Lane	B M Car Parks Ltd – Mr B Morris	19/12/11	13/2/12

**Electoral Wards Affected:****City and Hunslet** NoWard Members consulted  
(referred to in report)**Specific Implications For:**Equality and Diversity Community Cohesion Narrowing the Gap 

**RECOMMENDATION:** Members are invited to note the contents of this report and to have regard to the information contained within the report and its appendices in their consideration of the officers reports on each application.

**1.0 SUMMARY**

- 1.1 The thrust of the Leeds UDP (Review 2006) is to resist further commuter car parking in the core car parking policy area and only to allow temporary commuter car parking within the fringe city centre commuter parking control area where there is limited availability of public transport and/or on-street parking problems. The overall objective behind this is aimed at reducing the rate of traffic growth particularly in the city centre at peak periods and to promote public transport as an alternative to the car.
- 1.2 In accordance with this policy position, in 2010 the City Council successfully took enforcement action against a number of unauthorised car parks on cleared sites. However, the Council recognised that the delivery of new public transport infrastructure such as Supertram/NGT and the provision of park-and-ride schemes envisaged when the UDP was adopted in 2001 had been delayed and that a pragmatic temporary solution to this would be to permit and regularise a limited amount of commuter car parking with the proviso that this was 'capped' in number and brought about an improvement in the physical appearance and quality of approved car parks.
- 1.3 An informal city centre commuter car parking policy (CCCCPP) was drawn up to regularise up to 3,200 city centre commuter car parking spaces for a temporary period of 5 years. This was subject to 5 weeks of public consultation in early 2011 and was subsequently approved as a material consideration for the purposes of planning decisions in September 2011.
- 1.4 At the time the CCCCCPP was approved, it was recognised that it was likely that applications would be received for a total number of car parking spaces which would exceed the 3200 cap. It was initially intended to consider applications on a 'first come first served' basis, but in the light of representations received during the public consultation it was agreed that a fairer approach would be to provide a timeframe for the submission of applications and to compare the merits of each of the applications received against a number of specified criteria.

- 1.5 Applications were invited within a 3 month window. 16 applications were received for a total of 4,568 car parking places. Each of the applications was assessed against the specified criteria and was ranked accordingly. The top ranking applications are considered to offer the most significant physical and visual improvements and therefore best meet the objectives of CCCCPP.
- 1.6 As the number of applications for car parking spaces exceeds the total number of spaces permitted in accordance with CCCCPP, in taking a decision on each of the 16 applications, Members will need to compare the merits of each of the applications so that a properly balanced decision is taken. Members will need to take into account all material considerations in addition to those referred to in this report.

## **2.0 INTRODUCTION:**

- 2.1 In 2010 the Council took enforcement action against a number of sites which were being used for unauthorised commuter parking particularly to the south of Leeds City Centre. The action provoked a review of city council objectives for city centre commuter parking. In 2011, following a public consultation, the Executive Board approved an informal city centre commuter car parking policy (CCCCP Policy) to allow a number of commuter car parks to be authorised – up to 3200 spaces – providing that visual and other enhancements are made.
- 2.2 The objectives behind this informal policy are to address the unauthorised use through regularisation, maintain enough commuter car parking for the economic needs of the city, achieve visual and qualitative enhancements and achieve sustainable transport in line with the Unitary Development Plan and West Yorkshire Local Transport Plan.
- 2.3 This report explains the purpose and status of the CCCCCP Policy in the context of the Development Plan and how this has been applied as a material consideration in the assessment of sixteen competing applications which have come forward for commuter car parks within the city centre.

## **3.0 BACKGROUND INFORMATION:**

### **3.1 Unauthorised Sites**

- 3.2 Prior to 2010, many city centre commuter car parks were either operating with no planning permission at all, or were operating under the guise of being a short term car park. UDPR planning policy is sympathetic to short stay car parking in the city centre to help support retail, culture and leisure uses. However, permissions for short stay car parks, controlled by a charging schedule, were often operated for long stay parking without the necessary consent.

### **3.3 Enforcement Action**

- 3.4 In 2010, enforcement action was taken against seven car parks in the Holbeck Urban Village, where the greatest number of unauthorised long stay parking spaces are concentrated. Appeals were lodged against the Council's enforcement notices but the Inspector supported the Council's stance by dismissing appeals in respect of wholly unauthorised sites and only allowing the continuation of those which had had permissions for short stay parking subject to conditions excluding the period of 06.30 to 09.30 on any day and to impose a punitive tariff of £25 for parking over 5 hours. The appeal decisions would have enabled the City Council to ensure that the

car parks subject of enforcement action either did not operate at all, or operated as genuine short stay car parks with a 9.30 opening restriction and for a period of 18 months only.

3.5 The appeal decisions further empowered the Council to pursue enforcement action against other unauthorised city centre long stay car parks. However, it was considered that such action could be harmful to the city centre economy and that further consideration should be given to developing a planning policy to manage city centre car parking. It was agreed to place a moratorium on all enforcement action pending consultation upon, adoption of and implementation of a new policy.

### 3.6 City Centre Commuter Car Parking Policy

3.7 The City Council introduced the City Centre Commuter Car Parking Policy (CCCCP Policy) to permit a number of commuter car parks, up to an aggregate limit of 3200 spaces, subject to physical and visual enhancements being undertaken. The policy was approved by Executive Board on 7<sup>th</sup> September 2011 as a material consideration in determining planning applications (see Appendix 1). Appendix c of the Executive Board report explains in detail how the 3200 space cap has been arrived at. In summary it seeks to retain existing traffic levels on the highway network. The Highways Agency was involved in the process of establishing the 3200 cap, and would not have supported the policy without the cap and does not support long stay commuter car parking applications which would deliver a total capacity above this cap.

### 3.8 Application "Window"

3.9 The CCCCCP Policy was approved in September 2011 with a 3 month window for planning applications to be submitted. In response to consultation comments about the fairness of the process it was decided not to adopt a "first come first serve" approach to determining the applications since this would have rewarded those sites where applications had already been submitted in response to the enforcement action but had subsequently been held in abeyance whilst the CCCCCP Policy was formulated. The closing date for planning applications was 19th December 2011. Applicants were informed that all applications submitted within this timeframe would be considered together and presented to a single Plans Panel for decision.

3.10 In addition, the decision was taken to determine these applications in advance of any later applications and in order to ensure a fair approach in the context of a comparative assessment, the Council would assess applications as presented at 19/12/2011. Once the 3200 space cap is exceeded further applications for long stay car parking would be contrary to the CCCCCP Policy and are likely to be resisted. The above advice was made clear on the Council's web-site before the closure of the application window.

3.11 It was expected that the policy cap of 3200 would be exceeded by the total spaces proposed in planning applications submitted during the application window. As such criteria were agreed to help distinguish between car parking proposals. The following scoring system was devised to help apply the CCCCCP Policy criteria; the scoring criteria were placed on LCC's website on the 12<sup>th</sup> of December 2011.

Criterion	Scoring	Ranking of total score
Preference to sites that will generate least localised congestion or junction problems in Transport Assessments (assuming a baseline that ignores traffic generated by unauthorised car parks)	Out of 0-10: 0 = worst; 10 = best	25%
Preference for sites which display high safety design features, such as good clear sight lines. Landscaping schemes should be designed so as not to impede sight lines or provide "places to hide".	Out of 0-10: 0 = worst; 10 = best	22.5%
Preference for sites that contribute the greatest enhancement in terms of visual appearance and biodiversity. Good quality landscaping including greenery will be a plus. It will be recognised that larger sites may have the opportunity to install landscaping in the same locations as approved on permanent schemes; as such investment will be longer term, the landscaping quality will be expected to be higher than would otherwise be the case.	Out of 0-10: 0 = worst; 10 = best	20%
Preference for sites inside the city centre boundary	10 for inside; 0 for outside	17.5%
Preference to sites that contribute other beneficial temporary uses such as allotments, sports pitches, public spaces, seating areas, electric charging points. It will be recognised that smaller sites will not be capable of delivering large temporary uses.	Out of 0-10: 0 = worst; 10 = best	15%

#### 4.0 PLANNING POLICY CONSIDERATIONS:

##### 4.1 Unitary Development Plan Review 2006

4.2 Unitary Development Plan Review (UDPR) policy is the development plan for Leeds which was subject to Examination. The plan was originally adopted in 2001 then the Review was adopted in 2006. Policy divides into that concerned with how much car parking accompanies new development (Policy T24 and T28) and that concerned with free standing provision of car parking. The latter divides between long stay commuter parking: covered by Policy T24A and short stay visitor parking covered by Policy T26. Here, we are principally concerned with long-stay commuter car parking unconnected with new development, ie T24A. Policy T24A states:

**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;**

**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.**

**PROPOSALS UNDER c. MUST BE SUPPORTED BY A TRAFFIC ASSESSMENT, INCLUDING APPRAISAL OF OTHER MEANS OF ACCESSIBILITY TO THE SITE, INCLUDING PUBLIC TRANSPORT. WHERE PLANNING PERMISSION IS GRANTED THE EXTENT OF PARKING ALLOWED WILL NOT EXCEED THAT WHICH WOULD OTHERWISE BE PERMISSIBLE UNDER THE CAR PARKING GUIDELINES, RELATED TO THE SCALE OF THE EMPLOYMENT USE.**

4.3 Policy CCP2 is particularly relevant for proposed car parking on vacant or cleared sites in the city centre or city centre fringe:

**CCP2: PROPOSALS FOR CAR PARKING ON VACANT OR CLEARED SITES WILL BE CONSIDERED AS FOLLOWS:**

**i. CORE CAR PARKING POLICY AREA (INCLUDING THE PUBLIC TRANSPORT BOX):**

**THERE WILL BE A PRESUMPTION AGAINST THE USE OF VACANT OR CLEARED SITES FOR COMMUTER PARKING. NON COMMUTER PARKING WILL GENERALLY BE ACCEPTABLE; A PLANNING CONDITION WILL BE APPLIED PRECLUDING ADMITTANCE INTO THE CAR PARK BEFORE 0930 HOURS EACH MORNING.**

**ii. FRINGE CITY CENTRE COMMUTER PARKING CONTROL AREA AND PDA'S (OUTSIDE THE CORE CAR PARKING POLICY AREA):**

**USE FOR COMMUTER PARKING WILL ONLY BE SUPPORTED ON A TEMPORARY BASIS. PROPOSALS (INCLUDING RENEWAL OF TEMPORARY PERMISSIONS) WILL BE JUDGED ON THEIR MERITS TAKING ACCOUNT OF:**

**a. ACCESSIBILITY OF THE AREA BY PUBLIC TRANSPORT;**

**b. PROBLEMS OF ON-STREET PARKING IN THE LOCALITY, AND THE RELATIONSHIP WITH ANY PARKING PERMIT SCHEMES;**

**c. TRANSPORT STRATEGY OBJECTIVES**

4.4 The thrust of the above policy framework is to resist further commuter car parking in the Core Car Parking Policy Area and to only allow temporary commuter car parking within the fringe city centre commuter parking control area where there is limited availability of public transport and/or on-street parking problems. Of the car park planning applications being considered here, three (Whitehall Road TCS, Wellington Place North and Wellington Place South) fall within the Core Car Parking Policy Area. All of the others fall within the Fringe City Centre Commuter Parking Control Area.

4.5 UDPR policy on commuting into the city centre was conceived on the basis of West Yorkshire Local Transport Plan objectives. UDPR paragraph 6.5.7 explains the

overall objective is to reduce the rate of traffic growth, particularly into the city centre at peak periods, and this would include "...the promotion of all forms of public transport to provide an attractive alternative to the car, park and ride facilities in the suburbs..."

- 4.6 In 2011, Executive Board considered that since the UDP was originally adopted in 2001 the delivery of new public transport infrastructure such as Supertram/NGT and the provision of park-and-ride schemes had been delayed. The effect of the government's spending cuts had further impacted on the ability of the Council to bring forward such schemes. Major interventions of this nature were considered unlikely to be delivered in the short term. It was therefore concluded by Executive board that an immediate clamp down on unauthorised commuter car parks in 2010-11 would be inappropriate and approved a non-statutory update to the policy. This update is known as the City Centre Commuter Car Parking Policy (CCCCP )

### **CCCCP Policy.**

**To permit temporary car parks in the city centre core and fringe car parking areas to accommodate commuter car parking subject to:**

**a) Physical improvements to the quality and appearance of the car park. Improvements may include the following: i) an attractive surface, making use of sustainable urban drainage solutions, ii) clear space markings, iii) appropriate landscaping, iv) security lighting, v) attractive means of enclosure and boundary treatment and vi) appropriate signage in terms of size and location. Physical improvement works and a maintenance programme should be agreed in writing with the City Council prior to planning permission being granted and implemented before commencement of operation of the car park,**

**b) where the site is of a scale and location that pedestrian movement between different areas of the city is impeded and where security of pedestrians and vehicles would not be endangered, insertion of pedestrian linkages through the site,**

**c) the total number of commuter car parking spaces permitted by this policy not exceeding 3200 for Leeds city centre Core and Fringe areas only,**

**d) Permission being temporary for 5 years from the grant of planning permission.**

**On expiry of the 5 year temporary planning permissions, the City Council will consider whether the delivery of public transport improvements would justify the cessation of the car parking or the granting of further temporary extensions of permission.**

**Parts a) and b) of the policy will be informed by other planning policies and guidance notes adopted by Leeds City Council, for example on design and drainage.**

- 4.7 Balancing competing objectives

- 4.8 The CCCCCP Policy seeks to balance a number of competing objectives. Following the determination of the enforcement appeals concerns were expressed about impact on the city's economy from a number of quarters. During this period of depressed market conditions, retail, leisure and business operations are under

strain. The recent Mary Portas study has emphasised the importance of car parking in city and town centres to support the vitality and health of centres. Hence, it is a priority for the CCCCPC to maintain availability of commuter car parking spaces at reasonable levels.

- 4.9 Secondly, it was important to ensure that Leeds' overall transport package for commuting into the city centre remains sustainable. As such, an overall cap on the number of car parking spaces to be permitted under the CCCCPC – 3,200 – was approved. The policy was amended following public comments and following consultation with the Highways Agency, including increasing the “cap” on the number of car parking spaces to be permitted through the policy from 3000 to 3200. Permissions would be temporary to enable future review of how much public transport infrastructure may have been improved.
- 4.10 Thirdly, the city expects to benefit from tangible improvements to the visual environment of car parks. The unauthorised car parks are mostly on cleared sites awaiting redevelopment which are usually secured with minimal regard to appearance to the detriment of the city and the attraction of potential investment. Boundaries are often unsightly. Palisade fencing, an absence of landscaping and poor surfacing is common. Their outward appearance is typically a negative blot on the surrounding townscape. So the opportunity to smarten up these sites needed to be taken to provide a genuine enhancement to the city, to create a more positive image of the city centre and to help create the conditions for future investment.
- 4.11 Fourthly, the City Council has a formal responsibility to deal with unauthorised use. The unauthorised car parks need to be dealt with in a managed way. This should create a level playing field so that the viability of legitimate car parks is not undermined by unauthorised car parks.
- 4.12 In addition to the above policies, the applications have been considered against other most relevant development plan policies. These are listed in brief below:
- 4.13 Regional Spatial Strategy (RSS): The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region.
- 4.14 UDPR Designation: All sites are within the designated City Centre. Some applications are within the Holbeck Urban Village Planning Framework area and Holbeck Conservation Area and one is within the South Bank Planning Statement Area, the appraisal of each application identifies when this is the case.
- 4.15 Other relevant UDPR policies:
- GP5: Proposals should resolve detailed planning considerations.  
T2: Development proposals should not create new, or exacerbate existing, highway problems.  
T24: Parking to reflect detailed UDP parking guidelines.  
LD1: proposals should allow sufficient space around buildings to retain existing trees in healthy condition & allow new trees to grow to maturity.  
N19: Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.  
N25: Boundary treatments should be appropriate to the character of the area.  
N38B: Planning applications and flood risk assessments



## N51: Nature conservation and enhancement

- 4.16 Supplementary Guidance and Policy:  
Holbeck Urban Village Revised Planning Framework 2006.  
South Bank Planning Statement 2011  
Leeds Waterfront Strategy 2006
- 4.17 The Draft Core Strategy was agreed for public consultation on 10th February 2012. It seeks to support objectives for sustainable travel, minimisation of congestion and limiting commuter car parking in the city centre coupled with park and ride provision to provide greater traveller choice.
- 4.18 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications have to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the Regional Spatial Strategy for Yorkshire and the Humber of May 2008 and the Leeds UDP (Review 2006).

## 5.0 ASSESSMENT PROCESS:

- 5.1 Sixteen planning applications for commuter car parks were received and validated by the 19<sup>th</sup> December 2011 deadline (Appendix 2). It is considered that some physical improvements would result from each of the applications meeting to a larger or lesser extent the overriding CCCCPC Policy objective to provide tangible physical and visual improvements. However the applications have been assessed together against the CCCCPC Policy preference criteria because the total number of spaces applied for (4,568) exceeds the limit of 3,200 set by the CCCCPC Policy, and therefore only a limited number of permissions can be granted in compliance with CCCCPC.

### 5.2 Assessment Process

A number of officers representing the Council's Development Management, Planning Policy, Highways, Design and Landscape services and a representative of the Highways Agency were drawn together to undertake the assessment and scoring of the policy preference criteria at meetings held in January 2012. The results of the assessment are presented at Appendix 3.

### 5.3 Application of the CCCCPC policy preference criteria

- 5.4 Highways Impact : The applications were assessed in terms of their impact on the highway network at a localised site access level and their potential impact on the wider local road and motorway network. The quality of the Transport Assessments provided has also been considered. Although Highways Officers assessed traffic impact in terms of major, material and minimal impact to differentiate between the applications for the purposes of the preference criteria it should be noted that in each case where the application is recommended for approval, no proposal in itself was considered to have an unduly adverse impact on highway congestion. This is because they fall near to the 3200 aggregate space cap within the CCCCPC Policy which has been adopted to ensure that the existing traffic levels on the highway network are maintained and there is no adverse cumulative impact on the highway network.

- 5.5 Safety Impact: Consideration was given to proposals to improve personal security and safety. Features of improvement such as lighting, CCTV, improved access and

on-site personnel score well. In addition the scoring takes account of the safety of the locality, in terms of the natural surveillance provided by passing footfall and overlooking buildings. Generally, openness is scored as safer.

- 5.6 Landscaping: Consideration was given to the proposed enhancements made to visual appearance, biodiversity, landscaping including greenery, and opportunities taken for longer term improvements. Although the CCCC Policy advises that the details of the proposed physical improvements and a maintenance programme should be agreed with the Council prior to planning permission being granted and implemented prior to the commencement of the car park operations, this has not been possible due to the need to retain fairness and the ability to distinguish between the applications during the comparative assessment process. However it is considered that the matters can be adequately controlled and delivered in a timely fashion through the attachment of appropriate planning conditions.
- 5.7 Preference for Sites Within the City Centre UDPR Boundary: All sites validated by 19<sup>th</sup> December 2011 were within the city centre boundary and attracted the same maximum score.
- 5.8 Temporary Beneficial Uses: Consideration was also given to other beneficial uses such as allotments, sports pitches, public spaces, seating areas and electric charging points. It was noted that the policy advice acknowledges that small sites may not be capable of providing *large* uses, but smaller contributions such as seating or electric charging points can be scored proportionately.

## **6.0 RESULTS OF THE ASSESSMENT:**

- 6.1 The outcome of this comparative assessment can be seen in the table at Appendix 3. This table ranks all 16 applications in order of those that best meet the preference criteria to those that do not meet these as well. On the basis of this information it can be seen from the table that up to 11 of the highest scoring applications could be approved keeping the total number of spaces to the 3200 space limit. This means that the five lowest scoring applications would run contrary to the CCCC Policy in exceeding the 3,200 cap on parking spaces. It should be noted that the 11<sup>th</sup> and 12<sup>th</sup> sites (Ingram Street and Ingram Row respectively) have the same overall score with Ingram Street taking the total number of car parks over the 3200 cap whilst the other site would fall 35 spaces short of the 3200 cap. As Members will see from the relevant report, it has been decided to recommend for approval the Ingram Street site which takes the total number of car parking spaces to 3218 spaces. It is considered that allowing this level of commuter car parking is still compatible with the objectives of the CCCC Policy and would optimise meeting the short term economic need for city centre parking whilst still adequately safeguarding against the potentially adverse impact on the local and strategic highway network.
- 6.2 The highest scoring applications offer the most significant physical and visual improvements to a range of sites in the city centre located predominantly to the south of the City Centre, with the exception of one site on Skinner Lane. Improved boundary treatments are proposed, trees planted and landscaped buffers would be inserted. Security would be enhanced through a number of features such as better lighting, enhanced pedestrian routes and CCTV. Local traffic impacts are all considered tolerable. Only 4 of the sites are offering additional beneficial uses such as small areas of parkland, public art, sports pitches, coach parking and a temporary cultural/arts centre.

6.3 Enforcement action against sites where planning applications under the CCCCPC are unsuccessful will be taken as soon as the Plans Panel decisions are made. Enforcement notices will require that the use ceases within one month of the notice coming into effect, unless an appeal is lodged.

## **7.0 CONCLUSION**

7.1 The CCCCPC Policy is intended to provide a temporary solution to permit a limited number of commuter car parks as an interim measure and in advance of the delivery of a number of public transport improvements which meet the Council's long term transport strategy objectives. The cap is a critical part of that policy required to ensure that road congestion is not exacerbated and the Council's target for reducing carbon emissions and the objectives of the West Yorkshire Local Transport Plan are not compromised. The Council has received applications for significantly more car parking spaces than permitted by the CCCCPC Policy and therefore it must carry out a comparative planning assessment of the applications received.

7.2 Presenting the planning applications together and setting clear assessment criteria as identified above is intended to assist Members with that process. Members will of course need to make a final decision on the merits of each of the sixteen applications taking into account all material considerations in addition to those referred to in this report.

**Report of Director of City Development**

**Report to Executive Board**

**Date: 7 September 2011**

**Subject: Informal City Centre Commuter Car Parking Policy**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Hyde Park & Woodhouse, Holbeck & Beeston, City & Holbeck, Armley, Burmantofts and Richmond Hill	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The City Council had been successful in taking enforcement action during 2010 against a number of unauthorised car parks on cleared sites. The action accorded with policy of the Unitary Development Plan (UDP) and Local Transport Plan (LTP) to promote sustainable transport and was taken on the basis that LCC couldn't allow a proliferation of unregulated car parking to be developed unchecked. However, it is recognised that an immediate clamp down on such sites would penalise commuters who have not had the benefit of public transport infrastructure improvements which were anticipated by the UDP and LTP.
2. An informal policy has been drawn up to regularise up to 3,200 city centre commuter car parking spaces for a temporary period of 5 years on unauthorised sites on condition that physical improvements are made to the appearance and layout of sites.
3. A draft policy was approved for public consultation by Executive Board in March 2011. This was subject to 5 weeks of public consultation from 31st March to 6th May.
4. The policy has been refined in response to consultation and is presented for approval.

**Recommendation**

5. The Executive Board is asked to approve the policy set out in Appendix A as a material consideration in planning decisions.

## **1 Purpose of this report**

- 1.1 To seek approval of Executive Board to introduce an informal interim policy (Appendix A) to deal with commuter car parking sites in the city centre.

## **2 Background information**

- 2.1 This policy initiative concerns one particular aspect of car parking control in Leeds, which fits within a wider transportation context for Leeds and the City Region. It is important that this parking policy is kept under review particularly in terms of impacts on other transportation issues such as park and ride and residential on-street parking.
- 2.2 During 2010 Leeds City Council used policy in the Unitary Development Plan (UDP) to take enforcement action against a number of sites in and around Holbeck Urban Village which were being used for commuter car parking without the proper planning consents in place. In essence, UDP policy encourages provision of *Short Stay* car parking in the city centre to support shopping and leisure trips but discourages *Long Stay* car parking in order to promote sustainable transport choices and lessen congestion. Leeds City Council was successful in the enforcement appeals; the Inspector concluded that the use of pricing structures to ensure that the car parking spaces are taken up by short stay visitors is ineffective; he concurred with the Council that an opening hour condition preventing parking before 9.30am would be much more reliable and enforceable means of discouraging commuter car parking
- 2.3 The implication of the appeal decision was that the City Council would be able to pursue enforcement action and effectively prevent illegal commuter car parking on all city centre sites. However, it is recognised that the Council immediately implementing widespread enforcement against the unauthorised car parking spaces could be damaging to Leeds' city centre economy and could be unfair to commuters who have no choice but to commute by car. In recognition of this the council has prepared an alternative to the UDP policy; in essence this would legitimise a fixed amount of commuter car parking on the proviso that the physical appearance of car parks is improved.
- 2.4 On 30<sup>th</sup> March 2011, Executive Board agreed to issue a draft informal policy for public consultation. The consultation ran between 31<sup>st</sup> March and 6<sup>th</sup> May 2011 and 24 responses were received. Officers have considered the comments raised (see appendix B) and have revised the draft policy accordingly

## **3 Main issues**

- 3.1 Three main issues were identified from the consultation:
  - i) is the cap of 3000 spaces proposed in the draft policy for consultation the right number?
  - ii) is the "first come first served" approach for dealing with proposals appropriate?  
and
  - iii) is the list of physical improvements expected for car parks to be approved reasonable?

### **“The cap of 3000 spaces”**

- 3.2 In addition to the 1890 spaces that were subject to enforcement action during 2010, there are over 4000 further unauthorised spaces available for use. Potentially, the proposed policy can also apply to cleared sites that have never been car parks before, of which there is thought to be more than 45ha. A cap is needed to limit the number of car parking spaces that could be regularised so that road congestion is not exacerbated and the Council’s target for reducing carbon emissions and the objectives of the West Yorkshire Local Transport Plan are not compromised. The draft policy subject to public consultation proposed a “cap” of 3000 spaces. However, the public consultation and other new information meant that the Council’s calculations behind the 3000 space cap needed to be reviewed
- 3.3 The new information included the announcement of additional rolling stock for commuter trains into Leeds and more detailed information about the availability and lawfulness of commuter car parking spaces (see Appendix C). The conclusion is that a “cap” of only 3200 would be more appropriate, which includes a 10% allowance for under occupancy. It should also be noted that officer investigation revealed that nearly 700 of the 6000+ unauthorised available spaces are actually immune from enforcement action. Hence, in practice a total of 3900 spaces would be retained under the proposed policy.

### **“First come first served”**

- 3.4 Officers accept that the proposal in the draft policy that applications be considered on a “first come first served” basis would cause unfairness if date of submission was the only factor and if applications for *more* car parking spaces than the “cap” were submitted. One or two respondents suggested different criteria which would enable certain site proposals to be preferred over others. In situations of over-subscription, officers consider that it would be fairer and more transparent to offer a 3 month window for applications to be submitted after the adoption of the policy. The applications could then be considered together. It is suggested the following sequentially preferable list of factors would be worthy of consideration in helping to discriminate between applications:

- Preference to sites that will generate least localised congestion or junction problems in Transport Assessments (assuming a baseline that ignores traffic generated by unauthorised car parks) Most important
- Preference for sites which display high safety design features, such as good clear sight lines. Landscaping schemes should be designed so as not to impede sight lines or provide “places to hide”.
- Preference for sites that contribute the greatest enhancement in terms of visual appearance and biodiversity. Good quality landscaping including greenery will be a plus. It will be recognised that larger sites may have the opportunity to install

landscaping in the same locations as approved on permanent schemes; as such investment will be longer term, the landscaping quality will be expected to be higher than would otherwise be the case.

- Preference for sites inside the city centre boundary
- Preference to sites that contribute other beneficial temporary uses such as greenspace, sports pitches, public spaces, seating areas, electric charging points  
It will be recognised that smaller sites will not be capable of delivering large temporary uses. Least important

### **Physical Improvements**

- 3.5 A number of car park users and owner/operators felt that the physical improvements expected were in excess of what would be strictly necessary and would be too costly. However, officer calculations suggest that the costs of between approximately £1500 and £3000 per space could be accommodated by increases to parking charges which would keep per-day parking fees competitive with public transport prices. Also, expectations for improvements will need to be proportionate to the scale of car park and potential to bear costs. Overall, it is considered that the extra cost would be worth it to make the car parks more visually attractive. In addition, applicants will be able to balance the improvements put forward in their applications in the context of their own assessment of cost and viability.
- 3.6 In order to help to ensure that the landscaping and other improvements provide real enhancements rather than minimal “tick box” efforts, the policy is now supported by advice and illustrations of best practice. This will give a greater steer to planning officers dealing with planning applications in making judgements on proposals, particularly where it may be necessary to distinguish between different schemes.

### **Other Matters**

- 3.7 A number of further points were raised in the consultation exercise which have been summarised in Appendix B. Some have prompted minor improvements to the text of the Policy. Others do not warrant any further changes.
- 3.8 Of interest, concerns were raised that the requirement for transport assessments and flood risk assessments to accompany planning applications could be too onerous. Officers consider that Transport Assessments will be required but they only need to be of a type and standard that is fit for purpose and proportionate to the scale and nature of the proposal. To assist, officers have assembled guidance on what level of detail will normally be expected (Appendix D).
- 3.9 The report to Executive Board 30<sup>th</sup> March 2011 presented a screening of whether Strategic Environmental Assessment (SEA) would be necessary. The screening concluded that the proposed car parking policy would not need an SEA. This conclusion has since been ratified by the Environment Agency and Natural England.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The informal policy was subject to 5 weeks of public consultation. The main points of issue are discussed in section 3 above. A summary of all comments and officer responses is provided in Appendix B.
- 4.1.2 The new policy will apply equally to both Fringe and Core city centre car parking zones as defined in the UDP (see map at appendix 1). For commuter car parking policy generally, there are stricter standards for the Core area because of better public transport accessibility and the greater need for short-stay spaces close to the Prime Shopping and Entertainment Quarters. In the case of cleared sites being used for commuter car parking there are only one or two sites within the Core Area (Whitehall Road), and these are in a peripheral location to the main retail quarter where short stay demand is limited.
- 4.1.3 The Council operates a small percentage of spaces within the fringe and core areas, meaning that the private sector influences the price of parking in the city quite considerably. This is moderated by there being several major providers allowing market forces to take effect. However, it should be noted that the LTP does provide guidelines on parking prices and it is recognised that changes in prices can displace parking patterns.
- 4.1.4 This report recognises that the Wards identified above could be affected by parking displacement but the consultation period has allowed for local comments to be taken into account when designing this policy.
- 4.1.5 The proposed policy is for a period of 5 years only at which point it will be reviewed in the light of public transport infrastructure changes. These changes will not occur overnight, and the consequences on parking and transport provision will be reviewed at each significant juncture.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 The report to Executive Board 30<sup>th</sup> March 2011 presented a scoping study of whether an Equality Impact Assessment (EIA) would be necessary. The study concluded that the proposed car parking policy would not need an EIA.

### **4.3 Council Policies and City Priorities**

- 4.3.1 The proposed informal policy cannot technically replace UDP policy which can only be changed through formal statutory processes. However, the informal policy will act as a material consideration in planning decisions. The fact that it has been subject to public consultation gives it more weight than if it had simply been adopted by the City Council.

### **4.4 Resources and Value for Money**

- 4.4.1 There are no financial or resource implications arising from the information in this report.



## **4.5 Legal Implications, Access to Information and Call In**

### **4.5.1 Legal Implications**

Enforcement Powers may be used against unauthorised car parks that are not regularised by this policy or against permitted schemes that fail to comply with planning conditions.

### **4.5.2 Call-in**

This is a key decision and is eligible for call-in.

## **4.6 Risk Management**

4.6.1 There are no significant risks identified in this report.

## **5 Conclusions**

5.1 In the context of long term objectives to reduce car commuting into the centre of Leeds, the proposed policy is considered to provide a pragmatic temporary solution to permit and regularise a limited number of car parks whilst waiting for public transport improvements and also achieving improvements to the appearance and quality of existing car parks and cleared sites.

## **6 Recommendation**

6.1 The Executive Board is asked to approve the policy set out in Appendix A as a material consideration in planning decisions.

6.2 As a temporary policy, to request that officers monitor impact in the context of public transport improvements and development in the city centre.

## **7 Background documents**

7.1 None

## **City Centre Commuter Car Parking Policy July 2011**

CCCCP1. To permit temporary car parks in the city centre core and fringe car parking areas to accommodate commuter car parking subject to:

- a) Physical improvements to the quality and appearance of the car park. Improvements may include the following: i) an attractive surface, making use of sustainable urban drainage solutions, ii) clear space markings, iii) appropriate landscaping, iv) security lighting, v) attractive means of enclosure and boundary treatment and vi) appropriate signage in terms of size and location. Physical improvement works and a maintenance programme should be agreed in writing with the City Council prior to planning permission being granted and implemented before commencement of operation of the car park,
- b) where the site is of a scale and location that pedestrian movement between different areas of the city is impeded and where security of pedestrians and vehicles would not be endangered, insertion of pedestrian linkages through the site,
- c) the total number of commuter car parking spaces permitted by this policy not exceeding 3200 for Leeds city centre Core and Fringe areas only,
- d) Permission being temporary for 5 years from the grant of planning permission.

On expiry of the 5 year temporary planning permissions, the City Council will consider whether the delivery of public transport improvements would justify the cessation of the car parking or the granting of further temporary extensions of permission.

Parts a) and b) of the policy will be informed by other planning policies and guidance notes adopted by Leeds City Council, for example on design and drainage.

### **Further Explanation**

#### *Policy Justification*

1. Unitary Development Plan (UDP) policy is the development plan for Leeds which has been subject to Examination so should be afforded considerable weight. Good reasons need to be advanced to justify any new informal policy which supersedes UDP policy. In this case, it should be noted that UDP policy on commuting into the city centre was conceived on the basis of West Yorkshire Local Transport Plan objectives. UDP paragraph 6.5.7 explains the overall objective is to reduce the rate of traffic growth, particularly into the city centre at peak periods, and this would include "...the promotion of all forms of public transport to provide an attractive alternative to the car, park and ride facilities in the suburbs..." Since the UDP was originally adopted in 2001 the delivery of new public transport infrastructure such as Supertram/NGT and the provision of park-and-ride schemes has been delayed. The effect of the government's spending cuts has further impacted on the ability of the Council to bring forward such schemes. Major

interventions of this nature are unlikely to be delivered in the short term. This new policy takes stock of non-delivery of public transport infrastructure and provides authority for an amount of commuter car parking to operate legitimately for a temporary 5 year period.

### *Physical Improvement Considerations*

2. In return for permitting use for commuter car parking Policy CCCC1 Policy expects that car parks will be improved to a reasonable quality and appearance. This will be of benefit to the local environment, and will thus assist developers in these areas in marketing their developments to potential tenants. It will also improve security for users. The following points provide guidance on what the policy expects as a minimum:

- surfaces should be regular and unbroken and where possible include sustainable urban drainage solutions which protect against risks of water pollution;
- appropriate landscaping will be expected to help break up and hide from view the density of vehicles; on the basis that many sites will be subject to a requirement for public space as part of permanent development schemes, it would make sense for the same areas to be laid out as the landscaped areas in the temporary car parks
- security lighting should ensure that all parts of a car park are well lit during the hours of operation and hours of darkness
- boundary treatments should be tidy and presentable
- signage should be tidy and presentable and of an appropriate size and location on the site

The Council's other planning policies, for example on design and drainage, will ensure that the physical improvements are appropriate for the local context. If the number of spaces proposed in planning applications exceeds the "cap" (see below), the *quality* of physical improvements will be considered as a means of distinguishing between schemes.

### *Quantity of Car Parking Spaces*

3. Given the availability of unauthorised commuter car parking spaces in the centre of Leeds and potential for this policy to apply to newly cleared sites, an overall limit to the quantity of spaces that can be permitted is necessary. Otherwise road congestion will be exacerbated and the Council would be undermining the policies set out in the West Yorkshire Local Transport Plan and its own targets to reduce CO<sub>2</sub>.

5. A cap of 3200 spaces that can be permitted through this policy is set in order to help maintain the overall amount of car commuting to the centre of Leeds at roughly the same level. It was calculated starting with the actual amount of parking on unauthorised spaces and followed by adjustments to account for greater use of lawful commuter car parking (on and off-street), enforceability of existing unauthorised spaces and recently agreed increases in seats on commuter trains.

### *Process for dealing with Planning Applications*

6. On initial adoption of the policy it is anticipated that there may be more applications submitted, which together with applications held in abeyance, will propose more spaces than the “cap”. To help fairness, the City Council will consider together all applications submitted during an “application window” of 3 months from the date of adoption of the policy. To deal with oversubscription the following sequential preferences will be assessed:

- Preference to sites that will generate least localised congestion or junction problems in Transport Assessments (assuming a baseline that ignores traffic generated by unauthorised car parks) Most important
- Preference for sites which display high safety design features, such as good clear sight lines. Landscaping schemes should be designed so as not to impede sight lines or provide “places to hide”.
- Preference for sites that contribute the greatest enhancement in terms of visual appearance and biodiversity. Good quality landscaping including greenery will be a plus. It will be recognised that larger sites may have the opportunity to install landscaping in the same locations as approved on permanent schemes; as such investment will be longer term, the landscaping quality will be expected to be higher than would otherwise be the case.
- Preference for sites inside the city centre boundary
- Preference to sites that contribute other beneficial temporary uses such as allotments, sports pitches, public spaces, seating areas, electric charging points Least important  
It will be recognised that smaller sites will not be capable of delivering large temporary uses.

Those sites subject to enforcement action during 2010 which had been given an amnesty will be offered 3 months to submit planning applications following adoption of this policy. After this period, enforcement action will recommence on those sites that do not respond or do not secure temporary planning permission.

### *Geographic distribution*

7. To avoid local traffic impacts that are greater than the network can accommodate each planning application should submit a Transport Assessment. Permission may be refused if unacceptable local traffic impacts would be

generated<sup>1</sup>. Guidance on what Transport Assessments should consist of will be provided by Leeds City Council.

8. The new policy will apply equally to both Fringe and Core city centre car parking zones as defined in the UDP (see map at appendix 1). For commuter car parking policy generally, there are stricter standards for the Core area because of better public transport accessibility and the greater need for short-stay spaces close to the Prime Shopping and Entertainment Quarters; but in the case of cleared sites being used for commuter car parking there are only one or two sites within the Core Area (Whitehall Road), and these are in a peripheral location where short stay demand is limited. In addition, much of the existing commuter parking on cleared sites is used by people who work in the Core area, so applying further restrictions in the Core would not necessarily have any impact on overall levels of car use. On this basis it is unnecessary to have separate policy standards for both areas.

#### *Duration of permissions and cost*

10. Permissions should not be permanent or for such a long length of time that the City Council is unable to take stock of the impact of anticipated public transport infrastructure and park-and-ride schemes. On the other hand, permissions need to be long enough to justify the investment that site owners/operators will have to make in physical improvements. Officer calculations suggest that 5 years will be long enough for financial investment to be recouped. 5 years is also about the time when park-and-ride schemes might be realised.

11. The 5 year period should normally begin when permission is granted as this builds in an automatic incentive for the owner to carry out improvement works promptly. If there are exceptional circumstances why works cannot be implemented promptly, alternative arrangements can be agreed.

12. The physical improvement works should normally be completed within a reasonable period after temporary planning permission is granted. A condition should make clear that the use for commuter car parking is not sanctioned until the physical improvements are completed. A maximum of 3 months from date of planning permission is considered reasonable, but individual site circumstances might justify a longer period (for example, to take account of planting seasons)

#### *Flood Risk*

13. Some parts of Leeds city centre and fringe areas are classified as areas of high flood risk. Even though the planning permissions achievable through this policy would only be for temporary periods, it is still necessary for the impact of flooding to be taken into account. Therefore, in accordance with Leeds' standard practice, all applications for car parking under this policy should submit Flood Risk Assessments. Guidance on what they should consist of will be provided by Leeds City Council. It should also be noted that applications under this policy which concern land that is within 8 metres of the top of the bank of the river will require the prior consent of the Environment Agency.

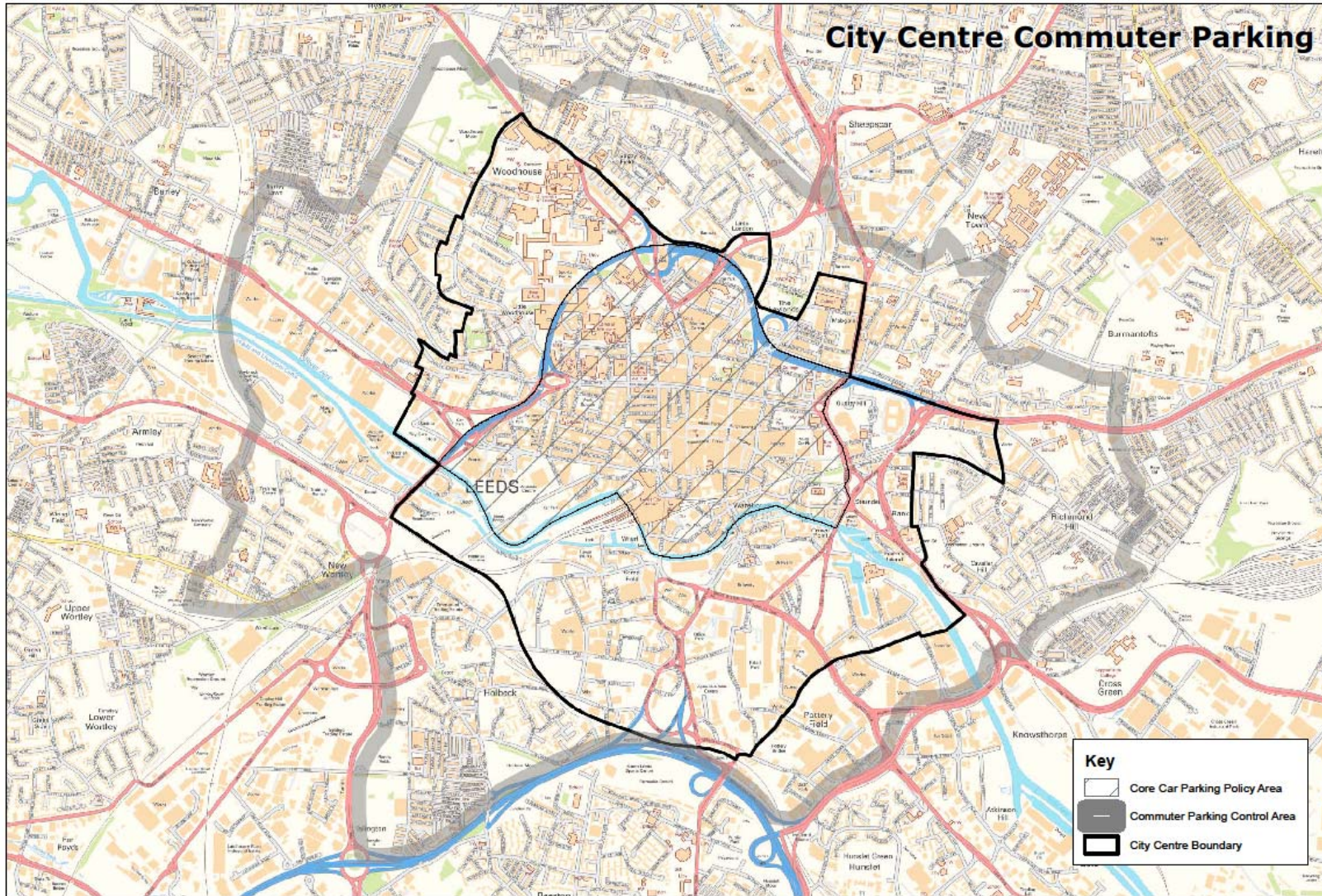
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<sup>1</sup> It should be noted that if future planning applications are submitted for permanent use of a site, Leeds City Council will expect the transport assessment to compare the impact of the proposed use with a situation where the temporary car park has, or is assumed to have ceased operation.

Useful website link:

<http://webarchive.nationalarchives.gov.uk/20110118095356/http://www.cabe.org.uk/files/land-in-limbo.pdf>





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## **Report of Consultation on the City Centre Commuter Car Parking Informal Policy**

### **1 Introduction**

1.1 The CCCC Draft Informal Policy was approved for 4 weeks of public consultation by Executive Board on 30<sup>th</sup> March 2011. The first part of this report describes the measures taken to publicise the policy particularly to those persons, businesses and organisations which were thought to have a direct interest in commuter car parking and to invite comments to be made. The second part summarises the comments made and offers responses on behalf of Leeds City Council.

### **2 The Consultation Exercise**

2.1 The following activities were undertaken to achieve effective consultation:

- i. **Notification of known interests.** 258 emails and 61 letters were sent to a range of organisations and individuals known to be interested in this matter
- ii. **Website.** A webpage was created on Leeds City Council's website giving a brief explanation of the proposed policy and the consultation exercise and offering downloads of the proposed policy, a map of the areas and a comment form. The screening for the Environmental Impact Assessment was also made available.
- iii. **Site Notices.** Site notices were placed at strategic locations around the City Centre, particularly near to existing unauthorised car parks. Each notice provided a summary of the proposed policy and explained how further information could be obtained and comments made.
- iv. **Press Release.** Leeds City Council issued a press release on the day before the draft policy was issued for consultation. The press release described the background, intentions and purpose of the policy and offered ways to find out more and make comments.
- v. **Officer Advice.** Planning and transport officers were on hand to offer further explanation about how the policy was proposed to operate in practice. In particular, meetings were held with the Highways Agency and Metro and advice was given to planning consultants acting for particular land owners, developers and/or car park operators.

2.2 Originally, the consultation period was set to run from 31<sup>st</sup> March to 29<sup>th</sup> April. However, it became apparent in mid-April that two of the planning consultants representing unauthorised car parks had inadvertently not been notified and another three notifications had not been addressed to the correct individual. In response, officers immediately offered to extend the consultation period for



## Appendix B

another week to 6<sup>th</sup> May. The individuals concerned indicated verbally that they were content with this arrangement.

### **3 The Consultation Responses**

- 3.1 Comments were received from 26 respondents. In particular this included responses behalf of owners/developers/operators of 6 car parks and responses from statutory bodies and agencies Network Rail, the Highways Agency, the Environment Agency, Yorkshire Forward. The remainder were from a mix of individuals who use the car parks and we also had comments from Barwick & Scholes Parish Council, Little Woodhouse Community Association, Tom Holvey (LCC Economic Policy) and the Campaign for Better Transport. An earlier letter was considered from DWP Solicitors who raised concerns about the impact of car park availability on staff who use their office in Bridgewater Place.
- 3.2 The respondents were sent acknowledgement of receipt explaining the next step in the process.
- 3.3 The vast majority support the principle of the policy but raised concerns about the details. Key issues included i) whether the 3000 space "cap" should be increased, ii) whether to replace the "first come first served" approach to dealing with planning applications iii) whether the physical improvements required are too onerous. The responses are summarised in the following table:

Appendix B - Comments received on Draft City Centre Commuter Car Parking Policy March 2011

Policy/Para	Rept	Comment (summary)	Change sought (if any)	LCC Recommended change	LCC reasoning
General	IC1, IC4, IC6, PCon1, CPO1, CPO2, CPO3, LWCA, MPA, SL, SG, ASDA	Support principal of policy intention. It is needed to support the economic growth of Leeds.  The proposed policy accords with national guidance in PPG13 which offers flexibility for car parking to support the vitality of centres	Changes to details	See detailed changes suggested below	Detailed points addressed individually
General	BSPC, LCCEP,  CPO4  CBT  CPO1 CPO5	Object to principle of policy. Acceptance of temporary car parking creates a financial disincentive for development which will put pressure on release of greenfield sites.  Not convinced that vacant sites deter investment. Potential occupiers expect development sites to appear vacant and disused.  Car parking for commuters will not help the cause of reducing congestion  Commuter parking provides an important source of income to the site	Withdraw the proposals or introduce a binding legal clause on green infrastructure  LCC to abandon policy and introduce other measures such as higher charges for commuter parking, 10am opening hours, promotional campaigns to use public transport and a 20mph speed limit	None	The policy is necessary to retain commuter parking until public transport improvements are made. A requirement for landscaping improvements remains part of the policy.

**IC1/2/3/4/5** = Individual Car Park Users Kevin Coyle (1), Craig Miles (2), Jennie Frost (3), Joanne Douglass (4), NR (5), **HA** = Highways Agency, **BSPC** = Barwick & Scholes Parish Council, **PCon1** = Planning Consultant ARUP, **CPO1/2/3/4/5** = Car park operator/Developer Elite Parking(1), MEPC (2), Town Centre Securities (3), Montpellier Estates (4), Ingram Row/Dandara (5), **LWCA** = Little Woodhouse Community Association, **EA** = Environment Agency, **LCCEP** = Leeds City Council's Economic Policy Team, **MPA** = Mrs P Auty, **NR** = Network Rail, **CBT** = Campaign for Better Transport (West Yorks), **RA** = Robin Adams, **SG** = Stuart Garforth, **DWF** = DWF Solicitors, **ASDA** = ASDA HQ

Appendix B - Comments received on Draft City Centre Commuter Car Parking Policy March 2011

Policy/Para	Rept	Comment (summary)	Change sought (if any)	LCC Recommended change	LCC reasoning
		owners who having bought the site for development purposes and await improvements to market conditions to allow the schemes to be built			
General	CPO1	Insufficient consultation time.	The consultation period should be extended to 6 weeks.	None	For an informal policy change, 4 weeks offered sufficient time. Those with a particular interest in the policy were notified immediately of the proposals by email. Interests who were inadvertently not notified were given extra time to respond.
General	EA	The flood risk implications of permitting car parks should be assessed.	The policy should clarify that all applications should be accompanied by a Flood Risk Assessment.	Agree. The supporting text to the policy will make clear that Flood Risk Assessments are required. The policy will be accompanied by a guidance note to help applicants understand what is required.	The submission of Flood Risk Assessments is a requirement of national planning policy set out in PPS25. More detailed assessments will only be required for sites in high risk flood risk areas.
General	EA	It will be as well to make developers aware that development within 8 metres of the top of the bank of the river will require the prior consent of the Environment Agency	The policy should make clear that any proposal within 8 metres of the top of the bank of the river will require the prior consent of the Environment Agency	Agree. Make a note of the requirement in the supporting text of the policy.	This is a statutory requirement.
Physical Improvements Policy a)	IC1, IC2, CPO1, CPO4,	Most of the physical improvements are unnecessary and will increase costs. Elite Parking estimates that improvements would cost between	No physical improvements should be required, or they should be limited in scale and	Clarify in the policy that the physical improvements listed are examples not	LCC does not want the cost of improvements to undermine the viability of schemes, so physical improvements will not be

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Appendix B - Comments received on Draft City Centre Commuter Car Parking Policy March 2011

Policy/Para	Rept	Comment (summary)	Change sought (if any)	LCC Recommended change	LCC reasoning
Physical Improvements Policy a)	RA	£1850 and £3150 per space. As up-front costs, these improvements would be unviable and are therefore unreasonable. Dandara suggest £750k of unnecessary expenditure per car park	cost and the length of time for implementation should be extended	mandatory requirements.	mandatory. However, LCC calculations based on the actual costs of constructing two car parks recently in Leeds validate the costs estimated by Elite Parking. However, officers believe that even the upper-range costs of improvement could be absorbed without having to raise prices beyond £5 per day which compares reasonably with public transport prices.
	IC1, IC4	Improved surfaces are needed with improved drainage	None		
	IC3, IC4, CPO4 CPO5	Space markings are unnecessary because attendants direct cars into spaces	Delete requirement for clear space markings		Not a mandatory requirement although it is good practice to provide space markings and clarifies exactly how many spaces exist. Also, attendants might not always be available.
	SG	Spaces should be enlarged to improve quality and usability of car parks	Spaces to have a minimum width of 2.7m	None	Size of spaces should comply with existing standards set out in the UDP Vol II including provision of larger spaces for disabled people.
	IC4, RA	Cost is a more important factor than appearance for sites south of the river		None	Appearances are also important south of the river in order to help attract investment
	LCCEP	Poor appearances and a sense of insecurity will deter investment		Agree	

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Appendix B - Comments received on Draft City Centre Commuter Car Parking Policy March 2011

Policy/Para	Rept	Comment (summary)	Change sought (if any)	LCC Recommended change	LCC reasoning
Physical Improvements  Policy a)	EA	The Environment Agency welcomes the policy criterion on provision of sustainable drainage. It goes on to offer detailed advice.	“For sites within 50m of the River Aire, surface water draining from areas of hardstanding should be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) should be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.”	None	The policy already includes a policy criterion on provision of sustainable drainage. The advice offered is considered too detailed to be included in the policy, but would be included in conditions on planning permissions.
	IC5	The 20% landscaping is a punitive measure which is not necessary	Delete the requirement for 20% landscaping	Delete 20% requirement	The policy will not make the 20% a mandatory requirement However, 20% provision will be

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Appendix B - Comments received on Draft City Centre Commuter Car Parking Policy March 2011

Policy/Para	Rept	Comment (summary)	Change sought (if any)	LCC Recommended change	LCC reasoning
Physical Improvements Policy a)	CPO2, CPO3, CPO5	The 20% landscaping is too prescriptive and may not be appropriate for each site	Substitute a new requirement: to provide an adequate and proportionate amount of landscaping relative to the site's layout and configuration taking into account wider development areas where applicable	Delete 20% requirement	comparable with the UDP policy requirement for major site redevelopments to provide 20% public space. On the basis that most of the car parks will subsequently be subject to this policy, it makes sense to be consistent. The landscaping space provides opportunity to make significant visual enhancement including greenery where appropriate. It is also a means of helping spread the distribution of car parking spaces.
	ASDA	The high density character of the city centre means that the most efficient uses should be preferred (ie car parking rather than landscaping) to achieve sustainable development		Delete 20% requirement	
	CPO4	20% landscaping unjustified. Better to focus improvements on the boundary areas.	Policy should prefer sites that offer improvements to boundary areas and improvements to security.		
	LWCA	The requirement for 20% landscaping could be interpreted as provision of gravel, which would not provide sufficient visual enhancement	Landscaping should specify provision of greenery including shrubs, bushes, grassy areas and the protection of any existing trees on the site	Offer further advice on what forms of landscaping would be sought in the supporting text.	Agree that as far as possible the landscaping should be good quality and suited to the site context including greenery as appropriate.
Pedestrian Linkages Policy b)	IC3	Requirement for improved pedestrian linkages is unnecessary. Bridgewater Place is the biggest impediment because of the risk from high winds.	Delete criterion b)	None	The City Council has aspirations to achieve greater pedestrian permeability of city centre areas and appropriate opportunities should be taken to create wider linkages as part of car park development. Security will need to be considered in determining
	CPO4	Providing pedestrian linkages across car parks could pose security risks	Pedestrian links should be established through boundary buffer areas	Security of pedestrians and vehicles should be inserted as a factor	

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Appendix B - Comments received on Draft City Centre Commuter Car Parking Policy March 2011

Policy/Para	Rept	Comment (summary)	Change sought (if any)	LCC Recommended change	LCC reasoning
	CPO5	Better to allow pedestrian access only during operational hours	Reword policy to allow pedestrian access only during operational hours	into the policy considerations	where a pedestrian link should be made and what times of day it should be open. Depending on site circumstances, certain routes may be safer or as safe to open at different hours to operational hours.
Quantity of Spaces  Policy c) and Paras 3-5	PCon1, CP01, IC2, IC5, DWF, SG	6000+ long stay unauthorised spaces are currently in use and are important for the economic growth of Leeds.	The "cap" should be removed altogether or increased to cover all redundant development sites.	Replace the cap of 3000 with 3200	In response to all comments, it is considered that a cap is needed to limit the number of car parking spaces that could be regularised so that road congestion is not exacerbated and the Council's target for reducing carbon emissions and the objectives of the West Yorkshire Local Transport Plan are not compromised. The City Council does not want the policy to draw in any more car commuting than before. Therefore, the cap has been calculated, taking account of the existing stock of unauthorised spaces, the number that can/cannot be enforced against, and potential to make better use of under-occupied lawful commuter car parking spaces (on and off-street). It also takes into account additional seats being made available on commuter trains into Leeds city centre.
	CPO4	The Council's evidence to support the 3000 cap lacks transparency and reliability			
	RA	The Council's calculations are too tight. Just 5% under-count would result in a need for 300 more spaces.	Build in safer margins to the figures. The cap should be at least 4800 spaces		
	IC3	Take account of the total number of city centre employees; in this context 3000 spaces is wholly inadequate			
Quantity of Spaces  Policy c) and Paras 3-5	PCon1, CPO4	Lack of consideration of anticipated losses of long stay spaces because of redevelopment, eg Sovereign St			
	IC1	Will force commuters who work south of the river to park on insecure streets.			
	IC1	Better usage of authorised car parks			

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Appendix B - Comments received on Draft City Centre Commuter Car Parking Policy March 2011

Policy/Para	Rept	Comment (summary)	Change sought (if any)	LCC Recommended change	LCC reasoning
Quantity of Spaces Policy c) and Paras 3-5		(which tend to be north of the river) will not help commuters who need to park south of the river			In particular, it should be noted that nearly 700 unauthorised spaces appear to be immune from enforcement action and therefore will remain available for commuter car parking.  Also, the cap makes allowance for expected under-occupancy of spaces being permitted by this policy by 10%.
	IC2	24 hour commuter car parks are also used by residents who don't have sufficient residential spaces	On-street car parking south of Granary Wharf should be made available to residents.		
	DWF	Public transport cannot always substitute for travel by car which offers the flexibility needed for modern lifestyles.			
	IC3, SG	LCC should be less concerned about car commuting as increasing numbers of electric vehicles will lower CO2 emissions	LCC should i) explore car share schemes ii) be more restrictive of large cars/4x4		
	CPO2, CPO3	It is not appropriate to factor in the following: i) under-occupancy @ 80% because the newly regularised car parks are also likely to occupancy of 80%, ii) on-street car parking because it is typically short stay nor iii) permitted car parks because they charge uncompetitive rates.	The "cap" should be raised to 6070 spaces (CPO2)		
	CPO4	The 80% occupancy rate is only applicable now in recessionary conditions.	The cap should be based on calculation of a higher rate of occupancy in subsequent years.		
	CPO5	The "cap" of 3000 spaces is not justified.	The cap should be 4800 spaces		

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	RA	Not appropriate to expect authorised car parks to increase occupancy from 80% to 100%. There has to be some slack; otherwise, cars will cause congestion going from car park to car park. Also, many commuters currently using unauthorised car parks will find the authorised car parks too expensive.	The cap should be at least 4800 spaces		
	ASDA	The assumption that 1800 spaces (Cap of 3000 against current occupancy of 4800 unauthorised spaces) can be absorbed by public transport and unused spaces of authorised car parks is unrealistic. No evidence is presented that existing car commuters will switch.	Set cap at or nearer to 4800		
	NR	Concerned that the cap should only apply to cleared sites, and not other car park proposals, eg long stay spaces at Leeds Train Station	Rewrite clause c) to say "The total number of commuter car park spaces <i>the subject of this policy</i> not to exceed..."	Rewrite clause c) to say "The total number of commuter car park spaces <i>permitted by this policy</i> not to exceed..."	Should be obvious that the cap applies to cleared sites only, but no harm in making it clear.
Quantity of Spaces Policy c) and Paras 3-5	HA	Is LCC going to extend the Fringe area southwards?		None	Not part of this policy
	HA	Will LCC hold back planning applications beyond 3000 spaces			
"First come first served" means of implementation	PCon1, CPO1, CPO2, CPO3,	Raises many questions about how the Council will be fair and even handed in dealing with applications.	Delete the "cap" (CPO1)	In response to all comments regarding "First come first served" means of	Officers agree with comments that the "first come first served" approach could be unfair and difficult to operate if the cap on

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Appendix B - Comments received on Draft City Centre Commuter Car Parking Policy March 2011

Policy/Para	Rept	Comment (summary)	Change sought (if any)	LCC Recommended change	LCC reasoning
Para 6	CPO4			implementation:	number of spaces is over-subscribed.
	PCon1 ASDA	Sites that are more suitably located could loose out to badly located sites that are submitted early. Contrary to PPS1 and PPG13		Introduce a new method for considering applications based on an "application window" of 3 months from adoption of the policy. In order to deal with over-subscription and distinguish between applications, sequential preference will be given to the following:	The preferences suggested aim to maximise the benefits to the city in terms of i) avoidance of localised congestion. ii) visual appearance, iii) ability to walk from car parks to a variety of central destinations, and iv) provision of beneficial temporary uses.
	PCon1	Potential bias in favour of unauthorised sites that have broken the rules but are advantaged by being in the system already.	New sites should be considered equally against sites that are already in the system		
"First come first served" means of implementation	PCon1	Will encourage hurried applications that might be badly designed as a result			It is considered that the individual economics of each and every scheme should not be assessed and compared. Such exercise would not necessarily make comparisons any fairer because the city council will not have full information about each site. It would also add a level of complexity which strays beyond normal planning expertise and could delay the whole process.
Para 6	CPO2, CPO3	The policy should set down criteria for differentiating between proposals. Sites that are already in operation as car parks will not generate additional congestion and environmental impact.	Preference should be given to sites which have been in existence for 10+ years and sites that benefit from extant or recently lapsed permission for car parking. Preference should be given to sites that can offer most contribution to environmental quality.	<ul style="list-style-type: none"> <li>Preference to sites that will generate least localised congestion or junction problems in Transport Assessments (assuming a base-line that ignores traffic generated by unauthorised car parks)</li> <li>Preference for sites that contribute the greatest enhancement in terms of visual appearance and biodiversity. High</li> </ul>	However, it is recognised that ability to meet preference iv) will depend on size of site, which is why preference iv) is ranked least important
	CPO4	Case by case judgements should be made of which sites perform better.  Can LCC provide reassurance that sites in appropriate locations that are suitably improved will be selected?	Preference to sites offering 1) environmental improvements to boundary areas 2) ability to intercept		In terms of preferences to fringe areas, this part of Policy T28 of the UDPR concerns parking

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	CPO4, CPO5	Ability to cover costs, including abnormals, should be considered and whether certain car parks may have a cost advantage.	traffic which would otherwise drive more centrally 3) less negative impact upon the highway network; and 4) positive measures being advanced to promote site redevelopment.	quality landscaping including greenery will be a plus. It will be recognised that larger sites may have the opportunity to install landscaping in the same locations as approved on permanent schemes; as such investment will be longer term, the landscaping quality will be expected to be higher than would otherwise be the case.	related to new development rather than cleared sites.
	CPO5	The "first come first served" approach does not make sense.	Give preference to sites that would comply with all other planning policies and which are most used by commuters. Give preference to fringe locations in accordance with UDPR Policy T28	<ul style="list-style-type: none"> <li>• Preference for sites inside the city centre boundary</li> <li>• Preference to sites that contribute other beneficial temporary uses such as allotments, sports pitches, public spaces, seating areas, electric charging points. It will be recognised that smaller sites will not be capable of delivering large</li> </ul>	

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				temporary uses.	
Geographic Distribution Para 7	HA	The Policy should distinguish between different parts of the city centre	Authorise say up to 600 spaces around Mabgate and up to say 2,000 spaces in the south west quadrant? These areas would serve the main commuter corridors of A64 and M621 (HA)	None	In response to all comments it is considered that geographic quotas are not supported because i) a good proportion of commuters walk to sectors beyond where they park, often to the city core, ii) they would unduly complicate the process of distinguishing between applications in the likely situation of over-subscription.
	SG	The policy should set quotas for different parts of the city to ensure even distribution (no figures are suggested)			
	IC3	Commuters parking south of the river appear to work locally. Restriction of car parking south of the river will merely shift where people park and will not help congestion overall.			
	IC5	There are several large office blocks located on Sweet Street: Lateral, 1 City Walk, 2 City Walk, The Mint, with the Central Park and Apex View offices across the road and Victoria House offices and other office blocks one street away on Manor Road. This represents several thousand workers.	Local workers should be given priority to Sweet Street car parks.		
Geographic Distribution Para 7	CPO2, CPO3	Survey work for the Wellington Place planning application found that most commuter car park users worked in the Prime Office Quarter/West End. Restriction should not be applied to particular areas, but preference should be given to areas proximate to the west end.			

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	CPO4 CPO5	Preference should be given to fringe areas which have the ability to take cars off the highway network before they reach core locations.			
	RA	Agree no local apportionment is appropriate.			
Use of TAs Para 8	HA	Questions of how TA consideration would work in practice: i) need for a full TA? ii) what baseline? iii) consultation with the HA? iv) cumulative impact of other sites? v) growth beyond temporary period?		Retain the need to submit Transport Assessments but provide guidance on what should be included.	In response to all comments it is considered necessary to require TAs in order to assess impact on <i>local</i> traffic flows. The baseline traffic flow should ignore traffic generated by unauthorised car park use. Any applications for LCC car parks will be treated the same.
	CPO1	Transport Assessments are costly. The requirement to undertake a TA is too onerous.	The requirement for a TA is omitted or at least downgraded to a Transport Statement given the costs involved		
	CPO2, CPO3	TAs are unnecessary because the policy implicitly accepts that car parking spaces up to the level of the cap are acceptable. For existing unauthorised car parks, traffic impact is already known and the Screening for the Environmental Impact Assessment by the City Council indicates that no worsening of the current situation in terms of quantum of car commuting is expected.	The need for a TA should be determined on a site by site basis		
Use of TAs Para 8					

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	IC3	Inequitable that Tas required for unauthorised car parks in the fringe but not for those owned by LCC in the core	Require Tas for LCC owned car parks in the core area.		
Duration of permissions Para 10	HA	Will permissions be renewed and the 3000 cap be reviewed depending on progress in delivering public transport improvements?		None	Permissions will be reviewed on expiry. Renewal will depend upon progress in delivering public transport. These will be decisions to be taken at the time; policy now cannot second guess what the outcome should be.
	CPO4	The evidence to justify 5 years as a sufficient time to recoup investment should be made available.		None	Five years is considered sufficient time to recoup investment ensuring developments remain viable and proposals and their viability will be shaped by applicants against non-mandatory requirements.
	CPO4	3 months is too short a time to expect for the physical improvement works to be carried out. For example, it takes no account of planting seasons	Delete 3 months. The time required should be negotiated on a case by case basis	3 months is retained in the supporting text as a benchmark, but with acknowledgement that individual site circumstances may justify a longer period.	It is assumed that most owners will be keen to complete the works ASAP in order to re-open for business. However, it is accepted that there may be exceptional site circumstances to justify a longer period than 3 months to complete works.
Map of Core and Fringe areas	IC3	Map lacks clarity and reference points	Show street names so that car park locations can be identified	Provide a map with an ordnance survey base	Improve clarity.
Miscellaneous	CPO4	Danger that permitted schemes may delay or fail to deliver the agreed physical improvements. This would		None	LCC aims to be rigorous in using its enforcement powers to ensure that physical

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		be unfair to schemes refused permission.			improvements are delivered to time. LCC would be aided by the favourable appeal decision achieved in 2010.
Miscellaneous	CPO2, CPO3	The status of the policy should be clarified.	State that the policy will be treated as a material consideration in determining proposals for city centre car parking	Insert: This policy will be treated as a material consideration in determining proposals for car parking on cleared sites in the city centre core and fringe car parking zones.	Clarify the status of the policy.
Miscellaneous	LWCA	Overnight car parking should be restricted	Ensure erection of barriers to prevent overnight car parking	None	Hours of opening and means of control of opening hours would be a site specific matter for determination in planning applications.
Miscellaneous	IC3	"there are stricter standards for the core area because of public transport accessibility" (para 9) – are there really? – the state of some of the existing car parks suggests not!		None	"Stricter standards" refers to policy controlling the number of on site parking spaces to accompany development proposals, not to standards of maintenance
Miscellaneous	IC3	"much of the existing commuter parking on cleared sites is used by people who work in the Core area" (para 9) – where is the evidence of this?		None	Periodic surveys carried out by Leeds City Council.

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## Appendix C: Quantity of Car Parking Spaces Affected

The March 2011 report to Executive Board proposed that a cap should be applied to the number of spaces permitted under the proposed new policy. The level for this cap was suggested as 3000 spaces.

A review of the affected sites has revealed that a number of the car parks previously identified as unauthorised could not be subject to enforcement action because the sites have either been in operation for more than ten years or have historical consents for car parking use. Consequently it is proposed that the cap is modified to reflect the continued usage of these sites. In addition, the estimated number of spaces has been modified slightly to reflect more recent survey information.

The number of spaces under consideration is therefore as follows:

Spaces directly affected by recent enforcement action	1890
Spaces immune from enforcement	670
Further spaces currently available for use	3530
Total	6090

The occupancy of these car parks is estimated at around 4750 vehicles, of which 500 are parking in the spaces immune from enforcement. In total therefore there are an estimated 4250 cars parking in unauthorised car parks.

As stated in the March report these are a significant number of spare long stay spaces available within authorised car parks and on-street within the City Centre. In addition, the Department for Transport has announced that extra trains are to be introduced on a number of commuter lines into Leeds from December 2011 which will provide additional peak hour capacity. It has been assumed that a proportion of these parking spaces and train seats will be available to accommodate commuters currently using the unauthorised car parks:

Spaces available in lawful long stay car parks	500
Long stay spaces available on-street	450
Additional seats on peak hour trains	450
Total	1400

A revised cap has therefore been derived as follows:

$$(4250 - 1400) / 0.9 = 3167 \text{ spaces (allowing for 90\% occupancy)}$$

It is therefore proposed that the new policy incorporates a cap of 3200 spaces, which reflects the availability of alternatives but also makes an allowance of 10% for under occupancy. In combination with the spaces that are immune from enforcement, this would retain 3870 parking spaces for commuter parking out of the 6090 identified above.



## **Appendix D - Advice on the preparation of a Transport Assessment to support a planning application.**

### **Context:**

1. The Local planning Authority has prepared a policy to support long stay car parking for temporary period.
2. A transport assessment is required to support a planning application for long stay car parking for temporary period of 5 years in accordance with the policy.
3. In preparing the policy, a cap was placed on the number of commuter spaces acceptable within the City Centre Core and Fringe; therefore the analysis of the impact of a car park across the wider highway network is not of critical interest.
4. The purpose of the assessment will be to demonstrate that the impact of the proposal is acceptable locally to the site.

### **Basic Information**

All transport assessments should contain the following information:

1. Location of the site
2. Baseline traffic data (observed traffic less traffic associated with unauthorised use of the site)
3. Number of car parking spaces proposed
4. Access / Egress arrangements, including plans demonstrating compliance with highway geometry.
5. Traffic generation: am peak 7:00 – 9:30 and pm peak 16:00 – 18:00.
6. Distribution of generated traffic on radial routes approaching the city, including the Motorway network.
7. Distribution of generated traffic on the primary and local network adjacent to the site, i.e. how traffic arrives at the site from the radial routes approaching the city.
8. Capacity calculations at the site access/egress and at the point of connection to the primary road network, if different.
9. Positive or negative impacts on sustainable means of travel.
10. Positive or negative impacts on road safety.

### **Further information for larger sites**

If a proposal seeks to concentrate more than 300 spaces in one area, a more extensive analysis of the impact of the proposal will be required than described above. In such cases the applicant should discuss the proposals with the Local Planning Authority before submission of the application.

### **Future Development of the site.**

In any future planning application for a permanent use on the site a more extensive transport assessment will be required. In terms of methodology, the level of car park generated movement should not be included within the baseline traffic flow for the assessment supporting an application for permanent use.

## **Advice on the preparation of a Flood Risk Assessment to support a planning application.**

All Applications should be supported by a Flood Risk Assessment - that examines the risk of flooding to the site, the means of drainage and outlines mitigation of flood risk both on site and from the discharge of surface water off site. If a site is in a location where there is unlikely to be any flood risk to the site and no possibility of impact on others, then a simple statement to that effect may be all that is required.

However some parts of Leeds City Centre and adjacent areas are classified as areas of high risk of flood including zones 2 (1 in 1000 chance of flood), 3ai (1 in 100) and 3aaii (1 in 20) – these areas will require a more detailed FRA. Car parking can be acceptable in areas of flood risk, but it is necessary for dangers to be properly considered as part of the planning application process. This is the role of the Flood Risk Assessment (FRA) which is required to accompany planning applications for temporary car parking in flood zones 2, 3ai and 3aaii. FRAs need to be structured to address the following of matters of safety and environmental protection:

- i) Surface rainwater run-off. How will run-off be handled to avoid pollution of watercourses but also absorb water from downpours?
- ii) Evacuation routes. Have appropriate routes been identified for cars to leave a car park in an emergency flood situation
- iii) Where there might be a danger of cars being swept away (flooding to a depth in excess of 300mm), include physical measures to prevent cars being swept off site
- iv) Include signage warning that the car park may be liable to flood and any instructions

Areas of flood risk can be identified in Leeds' Strategic Flood Risk Assessment. This is available for download on Leeds City Council's website. Map 24 covers the area of Leeds City Centre. It will also be necessary to consult national planning advice, PPS25 and the associated practice guidance available on the Communities and Local Government website..



