

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 & Hunslet, 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 30th March 2011, Executive Board agreed to issue a draft informal policy for public consultation. The consultation ran between 31st March and 6th 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 30th 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 30th 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