

COMMITTEE	PLANNING
DATE	27 February 2018
SUBJECT	Local Car Parking Standards for new residential development
REPORT OF	Director of Strategy, Planning & Regeneration

Ward(s)	All
Purpose	To seek Planning Committee views on the issues surrounding local car parking standards for new development, a report on which is due to be considered by Cabinet on 21 March 2018.
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Recommendations	1. That Planning Committee provide comments on the issues surrounding local car parking standards for new development, to be reported to Cabinet on 21 March.

1.0 Introduction

- 1.1 At Full Council on 13 November 2017, a motion that *Cabinet consider the cost and viability of introducing a policy on local car parking standards for all new residential developments* was resolved.
- 1.2 Currently, on schemes in excess of five units, advice on the amount of car parking to be provided in development and other highways issues relevant to a planning application is provided by East Sussex County Council (ESCC) as the local highway authority. On schemes less than 5 units, Eastbourne Borough Council (EBC) relies on standing advice from ESCC.
- 1.3 This report identifies the issues that will be considered in the Cabinet report that is due to go to Cabinet on 21 March 2018.

2.0 Background

- 2.1 As Planning Committee will be aware, planning law¹ requires that applications

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. A material planning consideration is one that is relevant to making the planning decision in question. Provided regard is had to all material considerations (and provided that they don't lapse into *Wednesbury* irrationality²), it is for the decision maker to decide what weight is to be given to the material considerations in each case. However, case law³ suggests that the decision-maker should give the views of statutory consultees 'great' or 'considerable' weight, and a departure from those views requires 'cogent and compelling reasons'.

- 2.2 ESCC, as local highway authority, is a statutory consultee, which means that they must be consulted on relevant planning applications. Statutory consultees provide advice to local planning authorities on specialist technical issues where an authority may have limited expertise.
- 2.3 The advice provided by ESCC on highways issues is a material planning consideration. ESCC base their advice on the amount of car parking that should be provided in a development on their adopted guidance, which was originally adopted in 2013 and last updated in October 2017.
- 2.4 Following ESCC's adoption of their guidance in 2013, a report was presented to EBC's Cabinet and Full Council, advising members about the new guidance and recommending the revocation of the old guidance from 2002, which EBC had adopted as a Supplementary Planning Guidance (SPG). It was determined at the time that any advice on parking provided by ESCC as a statutory consultee would be a material consideration; therefore there would be no requirement for EBC to adopt the new guidance as a Supplementary Planning Document (SPD). This is consistent with the approach of the majority of local planning authorities in East Sussex, all of whom rely on the ESCC guidance and treat it as a material consideration.

3.0 Policy Context

- 3.1 The introduction of the National Planning Policy Framework (NPPF) in 2013 allowed local authorities to set their own parking standards. Paragraph 39 of the NPPF requires that parking standards take into account local factors and circumstances, including:
 - the accessibility of the development;
 - the type, mix and use of development;
 - the availability of and opportunities for public transport;

² A reasoning or decision is *Wednesbury* unreasonable (or irrational) if it is so unreasonable that no reasonable person acting reasonably could have made it (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223)

³ *Steer v SSCLG* [2017] EWHC 1456 at [52], applying *Shadwell Estates Ltd v Breckland DC* [2013] EWHC 12 (Admin), at [72] outside the environment context

- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

- 3.2 The national Planning Practice Guidance (PPG) suggests that local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable⁴. The PPG also encourages the use of Travel Plans, Assessments and Statements to reduce the need for parking in order to release land for development that would otherwise be taken up by parking⁵.
- 3.3 The Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013) identifies in Policy D8 that 'Sustainable travel will be promoted through a variety of measures aimed at reducing the need to travel and reducing the reliance on the private car'.
- 3.4 Saved Policy TR11: Car Parking from the Eastbourne Borough Plan 2001-2011 (adopted 2003) requires development to comply with approved maximum car parking standards. In 2013, there was a change in government guidance to remove maximum parking standards, which means that Policy TR11 is out of date as it no longer conforms fully to current Government guidance and the current ESCC adopted guidance.

4.0 Context

- 4.1 According to the Department for Transport⁶, there were 53,913 licensed vehicles (cars, motorcycles, light/heavy goods and buses/coaches) in Eastbourne, of which 86% were cars. Over the previous five years, the number of cars in Eastbourne increased by 3,515, which represents an annual growth of 1.6%.
- 4.2 Data from the 2011 census shows that there is an average of 1.04 cars per household in Eastbourne, although this ranges from 0.77 in Devonshire to 1.26 in Old Town. Levels of car ownership can vary according to tenure, accommodation type and household composition. Households in social rented properties tend to own fewer cars than owner occupied households, and households living in flats or apartments tend to own fewer cars than households living in houses or bungalows.
- 4.3 Evidence from the Department for Transport's Journey Time Statistics⁷ show

⁴ National Planning Practice Guidance – Travel Plans, Transport Assessments and Statements (Paragraph: 008 Reference ID: 42-008-20140306)

⁵ National Planning Practice Guidance – Travel Plans, Transport Assessments and Statements (Paragraph: 006 Reference ID: 42-006-20140306)

⁶ Licenced vehicles by body type, diesel cars and vans by local authority (Table VEH0105), Department for Transport

⁷ Via East Sussex in Figures – Access to Services

that there are generally high levels of accessibility to services and facilities in Eastbourne. According to this data, the average minimum journey time by walking/public transport (at AM peak time) to an employment centre, a primary school, a secondary school, a GP surgery and a food store is less than 30 mins travelling time for all households in Eastbourne. In addition, for each of the services and facilities identified, the average minimum journey time is shorter in Eastbourne than for the average for East Sussex.

- 4.4 Evidence from the 2011 census indicates that 70% of Eastbourne residents work within the Eastbourne and South Wealden area. 63% of Eastbourne residents in employment travel less than 5km to work, which is equivalent to a six minute drive at an average speed of 30 miles per hour. This suggests that the majority of Eastbourne residents travel relatively short distances to their place of work.
- 4.5 The main travel to work area broadly equates to the Hailsham, Polegate and Eastbourne Transport Corridor. ESCC have recently consulted on proposals to minimise traffic congestion in this area and make sustainable transport more attractive through improved cycling routes and bus infrastructure. Such proposals are expected to increase walking and cycling, and significantly improve bus reliability and reduce journey times, making bus travel a more attractive option in order to minimise traffic growth.

5.0 Current Parking Guidance

- 5.1 In order to provide further context, the current parking guidance provided by ESCC as local highway authority and statutory consultee is explained below.
- 5.2 ESCC has two separate documents offering car parking standards guidance: one for residential development and one for non-residential development. It is common practice to have separate origin-based standards (i.e. residential) and destination-based standards (i.e. non-residential). In both cases, the standards are expressed as optimum parking guidelines, rather than a minimum or maximum requirement.
- 5.3 The residential car parking standards are based on evidence taken from site surveys and household questionnaires, as well as census data on car ownership and travel to work. It was last updated in October 2017.
- 5.4 The appropriate level of parking provision for a development is identified through a calculation tool that takes into account the particular characteristics of the development, including location, unit type, tenure, number of bedrooms and the number of units being provided. The guidance is designed so that it can be specific to the ward in the Borough or District where the proposal is located, and therefore the parking requirements that are identified are particular to the location and the type of development proposed. The parking requirement is also adjusted to take account of

expected growth in car usage to 2026.

5.5 The level of parking provision identified by the tool is used as a guide. The guidance recommends that some flexibility is applied in determining the actual provision at developments; this will depend on the location and be under discretion of officers and should be supported with justification.

5.6 As part of the transport statement/assessment for more significant applications, a car parking capacity survey is also required. This should identify the capacity available to accommodate the number of vehicles expected to be owned by residents of the site and their visitors.

5.7 ESCC provides advice to EBC on whether a planning application is proposing sufficient car parking and on the quality and suitability of any supporting information within the transport statement/assessment.

6.0 Issues

6.1 The NPPF at paragraph 39 clearly allows local planning authorities to set local parking standards for residential development. However, it should be noted that the Planning Update from Government dated March 2015⁸ provides the following text to be read alongside the NPPF: "Local planning authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that is necessary to manage their local road network."

6.2 In considering the viability of introducing a policy on local car parking standards for new development, a number of issues need to be taken into account.

6.3 In order to conform to the NPPF, any locally set car parking standards would need to be based on and be backed up by locally relevant evidence. Data from the 2011 census would form the basis for any potential local car parking standards policy, along with evidence from household surveys. It is accepted that data from the 2011 census is now 7 years old; however it is the most comprehensive and representative dataset available.

6.4 It is likely that the data that would be used by EBC to justify new car parking standards would be similar to that used by ESCC to justify their existing car parking standards. Therefore the data is unlikely to indicate significant differences from the current ESCC standards.

6.5 In addition, the current levels of car ownership combined with relatively short travel distances and good accessibility to services and facilities in Eastbourne (as identified in Section 4), is unlikely to justify a significant increase in the

⁸ Written statement to Parliament – Planning update March 2015
(<https://www.gov.uk/government/speeches/planning-update-march-2015>).

amount of parking provision in new resident development in accordance with the NPPF.

- 6.6 The lack of any in-house transport planning expertise within EBC means that the introduction of a policy on local car parking standards is likely to require the commissioning of consultants to provide the detailed and technical expertise that would be required to justify a local car parking standards.
- 6.7 The PPG is clear that where a local planning authority has relied on the advice of the statutory consultee in refusing an application, there is an expectation that the consultee in question will substantiate its advice at any appeal⁹. As EBC does not have in-house transport planning expertise, consultants would have to be commissioned to help EBC defend at appeal any decisions made on any new standards.
- 6.8 Any increase in the standards for parking provision in residential development is likely to impact upon the amount of housing that can be delivered on each site. Eastbourne has been under delivering on housing based on the Core Strategy target, and can currently only demonstrate a 3.16 year supply of housing. The PPG states that '*demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals*'¹⁰. This means that there is a significant risk that refusals of planning permission for residential development could be overturned on appeal with associated cost implications, even if the application is contrary to Local Plan policy.
- 6.9 An increase in parking provision could also encourage increased car use, which would discourage modal shift to walking and cycling and minimise the impact of sustainable travel schemes such as those in the Hailsham, Polegate and Eastbourne Transport Corridor. This could lead to increasing problems of congestion within the town.
- 6.10 In terms of the process for introducing any new car parking standards, it is important to be clear that new planning policy for use in determining planning applications can only be made through the Local Plan. A 'policy' made outside of the Local Plan can only be considered as guidance in assessing planning applications.
- 6.11 New car parking standards guidance (i.e. made outside of the Local Plan) could only act as advice to developers as to how much car parking EBC would like them to provide, but it could not be seen as a mandatory requirement.
- 6.12 In addition, new car parking standards guidance from EBC would not

⁹ National Planning Practice Guidance: Appeals (Paragraph: 055 Reference ID: 16-055-20140306)

¹⁰ National Planning Practice Guidance: Housing and Economic Land Availability Assessment (Paragraph: 033 Reference ID: 3-033-20150327)

supersede the advice of ESCC, which should carry more weight in the decision making process (see para 2.1). This means that applicants could be given inconsistent advice, and any refusals of permission based on the EBC standards would likely be overturned on appeal.

- 6.13 In order for any new car parking standards to have sufficient weight in decision making, it would need to be planning policy, which means that it would need to be created through the Local Plan.
- 6.14 The Local Plan could potentially contain a policy on local car parking standards, and it could also contain policies that encourage sustainable forms of travel and mitigate the impacts of parking. Once new policies in the Local Plan have undergone scrutiny as part of the Examination in Public and been adopted as part of the Local Plan, they can be relied upon to refuse applications where relevant.

7.0 Conclusion

- 7.1 In light of the issues identified above, and in particular that any policies created outside of the Local Plan could not be comprehensively implemented, the report to Cabinet will recommend that it is unviable to introduce a policy on local car parking standards for all new residential development at the current time.
- 7.2 The Cabinet report will recommend that that issues relating to car parking and sustainable travel be considered through the Local Plan process, which will allow a more comprehensive and holistic view of car parking, mitigation and managing travel demand across the Borough and the introduction of appropriate policies to deal with this in new development.
- 7.3 It is felt that some of the concerns about parking provision could stem from a misunderstanding of the conclusions on the amount of parking required, which suggests a need for further explanation or justification. Therefore, the Cabinet report will also recommend that EBC work more closely with ESCC to address members concerns within the framework of the existing adopted guidance, including applying the existing parking standards more consistently and with additional justification.
- 7.4 Planning committee is asked to consider the issues reported above, and any comments will be considered and reported to Cabinet when they meet on 21 March 2018.

Background Papers:

- Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013)
- Eastbourne Borough Plan 2001-2011 (adopted 2003) (Saved Policies, 2007)

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- Guidance for parking at new residential development (East Sussex County Council, 2017)
 - Guidance for Parking at Non-Residential Development (East Sussex County Council, 2013)
 - National Planning Policy Framework (DCLG, 2012)
 - National Planning Policy Guidance (DCLG, 2018)

To inspect or obtain copies of the background paper, please refer to the contact officer listed above.
