

Body:	Cabinet
Date:	21 March 2018
Subject:	Local Car Parking Standards for new residential development
Report of:	Director of Regeneration and Planning
Cabinet member:	Councillor Dow, Portfolio Holder for Place Services
Ward(s):	All
Purpose:	To consider the cost and viability of introducing a policy on local car parking standards for all new residential developments
Decision type:	Key Decision
Recommendations:	<p>That Cabinet agrees:</p> <ol style="list-style-type: none">1. That it is not viable for Eastbourne Borough Council to introduce a policy on local car parking standards for all new residential development;2. That Eastbourne Borough Council work with East Sussex County Council to address Member concerns within the framework of the existing County guidance;3. That future consideration be given to issues relating to car parking and sustainable travel through the new Local Plan.
Reasons for recommendations:	The introduction of local car parking standards is likely to be ineffective as they could not hold significant weight in decision making and many of the concerns raised can be addressed by working with East Sussex County Council within the existing car parking standards.
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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 as the local highway authority. On schemes less than 5 units, the Eastbourne Borough Council relies on standing advice from East Sussex County Council, supported by highway officers on individual cases if requested by Planning officers.
- 1.3 This report considers the cost and viability of Eastbourne Borough Council introducing its own car parking standards for new residential development that could be used in the determination of planning applications, instead of basing planning decisions on advice provided by the Statutory Highway Authority, East Sussex County Council.

2.0 Background

- 2.1 Some concern has been raised about the provision of car parking within new residential development. The matter was debated at Full Council, where some members felt the existing East Sussex County Council car parking standards did not take sufficient account of the varying needs of different sites and areas, often resulting in inadequate parking provision. Other members offered some counter-commentary about encouraging excessive car usage by applying over-generous provision standards. It was resolved that Cabinet would consider the cost and viability of introducing a policy on local car parking standards that could be used in determining planning applications.
- 2.2 Planning law¹ requires that applications 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'.

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

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

- 2.3 East Sussex County Council, 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 that are outside of their remit.
- 2.4 The advice provided by East Sussex County Council on highways issues is a material planning consideration. East Sussex County Council base their advice on the amount of car parking that should be provided in a development on their published guidance, which was originally adopted in 2013 and last updated in October 2017.
- 2.5 Following East Sussex County Council's adoption of their guidance in 2013, a report was presented to Eastbourne Borough Council's Cabinet and Full Council, advising members about the new guidance and recommending the revocation of the previous East Sussex County Council guidance from 2002, which Eastbourne Borough Council had adopted as a Supplementary Planning Guidance (SPG). It was determined at the time that any advice on parking provided by East Sussex County Council as a statutory consultee would be a material consideration; therefore there would be no requirement for Eastbourne Borough Council 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 East Sussex County Council 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;
 - 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

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

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 2011, 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 East Sussex County Council adopted guidance.

4.0 Eastbourne 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 in 2016, 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 was an average of 1.04 cars per household in Eastbourne, although this ranged from 0.77 in Devonshire to 1.26 in Old Town. Car ownership varies 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 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 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 The 2011 census indicates that 70% of Eastbourne residents work within the Eastbourne and South Wealden area. 63% of Eastbourne residents in

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 (<https://www.gov.uk/government/statistical-data-sets/all-vehicles-veh01#table-veh0105>)

⁷ Via East Sussex in Figures – Access to Services (<http://www.eastsussexinfigures.org.uk/>)

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 area for travel to work broadly equates to the Hailsham, Polegate and Eastbourne Transport Corridor. East Sussex County Council 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 East Sussex County Council as local highway authority and statutory consultee is summarised below.
- 5.2 East Sussex County Council 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 at a ward level. It was last updated in October 2017.
- 5.4 The appropriate level of parking provision for residential development is identified through a calculation tool that takes into account the particular characteristics of proposed dwellings, 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 particular 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 on-street to accommodate the number of vehicles expected to be owned by residents of the site and their visitors that cannot be provided off-street. East Sussex County Council has area-based officers with specialist knowledge who undertake site visits as necessary to clarify the findings of such surveys.

- 5.7 East Sussex County Council provides advice to Eastbourne Borough Council 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 Cost of introducing a policy on local car parking standards

- 6.1 The lack of any in-house transport planning expertise within Eastbourne Borough Council means that the introduction of a policy on local car parking standards would require the commissioning of consultants to provide the detailed and technical expertise that would be required to justify a local car parking standards.
- 6.2 There would be a cost associated with the commissioning on consultants to provide this, and depending on how any new car parking standards were introduced, an on-going cost of obtaining expert advice necessary to support decisions made using those standards.
- 6.3 Based on the experience of East Sussex County Council in preparing their own standards, the commissioning of specialist transport consultants to prepare a methodology the work could cost in the region of £5,000. There would also be an additional cost to undertaking and analysing household surveys to feed into evidence, which could cost around £10,000 depending on the size and format of the survey.
- 6.4 Also, any new residential car parking standards would need regular updating, which would require a commitment to future funding.
- 6.5 If consultants are required to help defend a decision to refuse an application on the basis on Eastbourne Borough Council's car parking standards at appeal, it is likely that this could cost around £3,000 per appeal depending on the circumstances.
- 6.6 In the event that a decision for refusal based on Eastbourne Borough Council's car parking standards is overturned on appeal, the Council may be at risk of an award of costs being made against them if they are considered to have behaved unreasonably, the first example of which is "preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations". The risk of an award of costs would be higher if the Council failed to take into

account both national policy (the NPPF as updated in March 2015) and other material considerations (statutory consultee advice).

7.0 Viability of introducing a policy on local car parking standards

7.1 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.”

7.2 In considering the viability of introducing a policy on local car parking standards for new development, regard needs to be had to whether there is sufficient evidence to justify a deviation from the current East Sussex County Council standards, what will be required to produce new car parking standards and how any new car parking standards could be implemented.

7.3 Justification for policy on local car parking standards

7.3.1 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. It is likely that any evidence that could be used by Eastbourne Borough Council to justify new car parking standards would be similar to that used by East Sussex County Council to justify their existing car parking standards.

7.3.2 At the current time it is considered unlikely that there would be sufficient evidence to justify a significant deviation from the current East Sussex County Council standards. Evidence from the 2011 census on car ownership and ‘travel to work’, as well as other sources such as the Department for Transport’s Journey Time Statistics, suggests that, relative to other local authorities in East Sussex, Eastbourne generally has low levels of car ownership, good levels of accessibility to services and facilities, and short travel distances to places of work, although it is appreciated that there may be variations in different parts of the Borough. Based on the requirements of the NPPF that parking standards take into account local factors and circumstances (see paragraph 3.1 of this report), a significant increase in the amount of parking provision in new resident development is unlikely to be justified by the evidence.

7.3.3 The impact of increased car parking provision on the amount of houses that can be delivered also needs to be considered. Eastbourne is currently under-delivering housing against the Local Plan targets. The NPPF requires local planning authorities to have five year supply of housing land, and Eastbourne

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

can currently only demonstrate a 3.16 year supply. An increase in requirements for car parking provision would further reduce the ability for Eastbourne to deliver the housing required.

7.3.4 Higher provision of car parking in Eastbourne could encourage increased car use. There is evidence to suggest that in other locations the availability of off-street parking has a strong effect on levels of car ownership, and that higher levels of car ownership are associated with higher levels of car use⁹. This could have the effect of discouraging a wider modal shift to more sustainable forms of travel, and would not complement sustainable travel schemes such as those in the Hailsham, Polegate and Eastbourne Movement and Access Corridor. This modal shift is required in order for Eastbourne to accommodate the additional housing required in a sustainable manner. Not doing so could lead to increasing problems of congestion and travel disruption within the town.

7.4 Preparation of local car parking standards

7.4.1 As explained in Section 6 of this report, consultants would need to be commissioned to produce this work due to a lack of in-house expertise.

7.4.2 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 and can be analysed at lower level geographies, which would be required to allow robust comparisons about parking needs in different parts of the Borough.

7.4.3 Census data would be used to identify trends, such as certain types of development or locations that might have higher or lower car ownership than others. Specialist software would then be used to adjust expected levels of car ownership based on forecast traffic growth over time, which would then inform the level of car parking demand.

7.4.4 However, it should be noted this is the same process used by East Sussex County Council to prepare their current standards, and is therefore unlikely to produce significantly different results and unlikely to justify significantly different car parking standards.

7.5 Implementation of local car parking standards

7.5.1 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

⁹ Mayor of London/Transport for London – Residential Car Parking Evidence base (https://www.london.gov.uk/sites/default/files/london_plan_evidence_base_-_residential_car_parking.pdf)

outside of the Local Plan can only be considered as guidance in assessing planning applications.

- 7.5.2 New car parking standards guidance (i.e. made outside of the Local Plan) would act as advice to developers as to how much car parking Eastbourne Borough Council would like them to provide, but it could not be seen as a mandatory requirement.
- 7.5.3 East Sussex County Council's car parking standards represent their position as local highway authority and statutory consultee. Any new guidance prepared by Eastbourne Borough Council would not supersede East Sussex County Council's advice, and therefore it is likely that inconsistencies in approach could result in confusion for applicants.
- 7.5.4 As it is provided by a statutory consultee, considerable weight should be afforded to the East Sussex County Council advice in determining planning applications, as identified in paragraph 2.2 of this report. Therefore, if any new guidance conflicts with the existing East Sussex County Council car parking standards, decisions should be weighed in favour of the East Sussex County Council guidance.
- 7.5.5 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 appeal¹⁰.
- 7.5.6 In the event that a planning application is refused on the grounds of Eastbourne Borough Council's own car parking standards guidance and the decision was appealed, Eastbourne Borough Council would not have the in-house transport planning expertise to defend the decision. Therefore it would be necessary to commission consultants to defend the decision on Eastbourne Borough Council's behalf. If the proposal is in accordance with the East Sussex County Council standards but not the Eastbourne Borough Council guidance, the appeal is likely to succeed, with the potential for costs to be awarded against Eastbourne Borough Council.
- 7.5.7 The PPG states that '*demonstration of a 5 year supply is a key material consideration when determining housing applications and appeals*'¹¹, and therefore should be given weight in decision making. Eastbourne's lack of a five year housing land supply means that there is a significant risk that refusals of planning permission for residential development could be overturned on appeal, even if the application is contrary to Local Plan policy. Therefore it would be difficult to defend a refusal based on any new car parking standards at appeal,

¹⁰ National Planning Practice Guidance: Appeals (Paragraph: 055 Reference ID: 16-055-20140306)

¹¹ National Planning Practice Guidance: Housing and Economic Land Availability Assessment (Paragraph: 033 Reference ID: 3-033-20150327)

as an Inspector is likely to give more weight to the five year housing land supply than the car parking standards.

8.0 Recommended Approach

- 8.1 Local car parking standards produced outside of the Local Plan would only be considered as guidance and would be unlikely to outweigh East Sussex County Council's advice as local highway authority and statutory consultee. As such it is not considered viable to introduce local car parking standards for all new residential developments as they would hold no statutory weight in the decision making process.
- 8.2 If a decision was taken for Eastbourne Borough Council to introduce its own car parking standards, the evidence that would be used in the preparation of these new standards is likely to be the same as the evidence used by the County Council in their standards, and is therefore unlikely to justify a significantly different position.
- 8.3 It is recommended 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.
- 8.4 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. East Sussex County Council has confirmed they would be happy to speak to Councillors about their concerns in light of their local knowledge and see if they can address them through the calculation tool and the advice that they provide.

9.0 Implications

9.1 Legal Implications

- 9.1.1 The legal implications on determining planning applications are discussed in Sections 6 and 7 of this report and have been approved on behalf of the legal department. (Legal Implications Approved 19.02.18 007155-EBC-JCS)

9.2 Financial Implications

- 9.2.1 The financial implications of introducing a policy on local car parking standards for all new residential development is discussed in Section 6 of this report.

9.3 Human Resource Implications

9.3.1 Eastbourne Borough Council lacks the in-house expertise on transport planning, and therefore it would be necessary to commission consultants to assist in the creation of any new car parking standards.

9.4 Equalities and Fairness Implications

9.4.1 If a decision is taken to introduce a policy on car parking standards for all new residential development, this would need to be subject to an Equalities and Fairness Impact Assessment.

10.0 **Conclusion**

10.1 East Sussex County Council currently provide advice on the provision of car parking in development in their role as statutory consultee; as such, their advice is a material consideration that should carry weight in the decision making process.

10.2 The advice provided by East Sussex County Council is based on the outputs from their calculation tool, which uses data on location, unit type, tenure and size to identify an optimum amount of parking provision. The calculation is based on the location of the development at ward level, and therefore the East Sussex County Council parking standards should be considered to be 'local' and indeed area and site specific.

10.3 National planning policy allows local planning authorities to set their own car parking standards, provided that there is a clear and compelling justification. Initial evidence suggests that car ownership in Eastbourne is lower than average; that there is good accessibility to services and facilities by public transport; and generally people travel relatively short distances to work. The data used by East Sussex County Council in creating their standards would be the same that would need to be used by Eastbourne Borough Council for any new standards, and would therefore not provide significant justification for deviating from the current East Sussex County Council standards.

10.4 Any new car parking standards introduced by Eastbourne Borough Council outside of the Local Plan can only be considered as guidance and would be outweighed by the County advice as a statutory consultee. Therefore this would be considered to be ineffective and not viable.

10.5 In the short term, it is recommended that Eastbourne Borough Council work with East Sussex County Council to address members concerns within the framework of the existing adopted guidance, including applying the existing parking standards more consistently and with additional justification.

10.6 In the longer term, it is recommended that issues relating to car parking and sustainable travel be considered through the Local Plan, which will allow a more comprehensive and holistic view of car parking, mitigation and managing travel demand across the Borough.

Background Papers:

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