

STATEMENT IN SUPPORT OF PLANNING AND ENFORCEMENT APPEAL

APPEAL SITE: FORMER CEREAL PARTNERSHIP
WESTERN SIDE HYDE WAY
WELWYN GARDEN CITY

PLANNING APPEAL REF: APP/C1950/A/11/2154055/NWF

ENFORCEMENT APPEAL REF: APP/C1950/C/11/2154058

APPLICATION REFERENCE: N6/2010/2461/FP

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1.0 Introduction

- 1.1 The Planning Appeal and Enforcement Appeal have been linked. This Statement responds to the Council's Six week Statement using the same headings set out in their letter of 25th July 2011.

2.0 Availability of Long Term Parking Spaces

- 2.1 The Council state that there is a *"Surplus of long term car parking spaces in and around the Town Centre with specific reference to Osborne Road Car Park"*. Reference is also made to a Technical Note published on 8th March, attached as Annex 2 to the Council's Statement. Particular attention is drawn to the figures in the Technical Note that deal with Campus West, Campus East and Osborne Way.

- 2.2 It notes that all these car parks are within easy walking distance of the railway Station and that the *"data clearly demonstrates that there is a surplus of long term parking spaces in all of them"*.

- 2.3 It is considered that the Technical Note and the conclusions drawn from it need to be treated with some caution since:

- It was prepared for a particular purpose some 18 months ago (to assess the impact of Town Centre North development proposals)
- It is not a public document that has been subject to any form of scrutiny. It has only just been made available as part of the Council's evidence
- In reaching conclusions about spare capacity, it does not distinguish clearly between short stay and long stay provision
- It makes no mention of Long Stay provision arrangements for public sector employees
- It does not recognise that the primary car park used by commuters is the Rail Station

- 2.4 Our more detailed comments in relation to the Figures in the Technical Note are set out below.

Campus West; Howard Centre and Hunters Bridge:

- 2.5 The Council refer to Figures 3.1 and 3.2 *"with regard to Campus West"*. The 'headline' from the Technical Note is that these car parks have plenty of spare capacity during the weekdays. However, in relation to the appeal proposal, which relates to long term parking for Rail Station users, there are several points to note:

1. With regard to Hunters Bridge and Campus West, the figures used are based on information obtained in 2006. We would suggest that since this is some five years ago, it is now out of date.
 2. The figures in the Technical Note group together the information for Campus West, the Howard Centre and Hunters' Bridge and draw conclusions based on the overall figures. The figures do not distinguish between each of the car parks or between long stay capacity and short stay capacity. None of these car parks provide long term parking for members of the public (see point 6 below).
 3. Figure 3.2 is irrelevant since it deals with parking on a Saturday, whereas the appeal proposal is for a car park serving the needs of commuters seeking to use the rails station during the working week.
 4. Hunters Bridge - this is a short stay car park. Long stay parking is discouraged, with high charges for parking of 5 plus hours.
 5. Howard Centre – this car park serves the shopping centre and provides short term parking. Long stay parking is discouraged, with high charges for parking of 5 plus hours.
 6. Campus West – Table 3.1 states that this car park provides some 200 long stay car parking spaces. However, this is operated as a short stay car park (see Council's web site - <http://www.welhat.gov.uk/index.aspx?articleid=3252>). Long stay parking is discouraged, with high charges for parking of 5 plus hours. It is understood that there are special arrangements for public sector workers who are able to use this car park for long stay parking at discounted rates. Notwithstanding, these points, the car park is not well related to the Rail Station and it is unlikely to be used for Station parking even if long term spaces were made available.
- 2.6 Given the above, it is considered that these car parks are irrelevant to the consideration of the key issues relating to this appeal. They do not provide any long term parking related to the Rail Station.

Campus East:

- 2.7 Paragraph 3.7 of the Technical Report states that *"this car park is used as a long term car park"* and has over 20% capacity.
- 2.8 The figures in the report do not distinguish between Campus Road Lower and Campus Road upper. The former has capacity for 400 long stay parking spaces whilst the latter comprising 148 long stay spaces is closed to the public Monday to Friday. It is understood that Campus Road Upper is reserved for public sector workers, including employees of Welwyn Hatfield District Council.
- 2.9 Figure 3.4 is irrelevant since it deals with parking on a Saturday, whereas the appeal proposal is for a car park serving the needs of commuters seeking to use the rail station during the working week.
- 2.10 This car park is detached from the Station. It is not perceived to be a car park for users of the Rail Station and is not used as such.

Osborn Way:

- 2.11 Osborn Way is a long term car park with capacity for 401 spaces. It is used as a car park for rail Station commuters. Figure 3.5 of The Technical Note shows that there are less than 100 spaces available during weekdays.
- 2.12 It is understood that this is based on occupancy data collected in January and February 2010. This predates the use of the appeal site for Temporary Parking and the surveys undertaken by the appellant as out in the submitted Planning Statement (Section 4.0), which produced different results.

Additional comments with regard to capacity:

- 2.13 It should be noted that the appellant submitted more recent occupancy survey information (paragraph 4.21 of the submitted Planning Statement). This has been pasted below for ease of reference:

Car Park	Date			Date
	10/01/11	12/01/11	13/01/11	19/07/11
Spaces available at 10.00 am Park				
Osborn Way (401 spaces)	73	58	75	7
Campus Road East				
Lower (420 spaces)	82	67	120	170
Upper (148 spaces)	2	10	21	43
Total	157	135	216	220

- 2.14 It will be seen that even with the appeal site temporary car park in operation, occupancy levels of Osborn Way car park were at lower levels than those indicated in the Council's Technical Note, based on survey work undertaken at the start of 2010.
- 2.15 The surveys undertaken in January 2011 by the Appellant show a range of capacity from 14% to nearly 19% in respect of Osborn Way and less than 16% to 28% for Campus Road East Lower.
- 2.16 It is noted that with regard to Campus Road East Upper (used by Public Sector employees) that spare capacity ranges from 1.4% to 14%.
- 2.17 The further survey undertaken by the Appellant on 19th July 2011 was on a day when the pedestrian footbridge linking the Appeal site to the Rail Station was closed due to a fire, so there was a significantly lower amount of cars parked on the appeal site. On this particular day and at the time of the survey, Osborn Way was operating at full capacity with only a nominal 7 spaces available, which equates to only 1.7% of the car park capacity. Notwithstanding that it must have been difficult to park, there were some 170 spaces available at Campus Road East, which reinforces the point that this car park is not used as a Rail Station car park.
- 2.18 Overall, the Appellant disagrees with the Council's assertion that since all long stay car parks within the Town Centre are within easy walking distance of the Rail Station, then they all contribute cumulatively towards providing a more than sufficient spare capacity.
- 2.19 Additional survey work was undertaken on 6th September. With regard to Campus Road East Lower (the part of that car park open to the public), users of the car park were questioned between 7.30 am and 8.30 am. During this period, 84 spaces were occupied by people using the car park for the town centre and only 12 were using it for the station. With regard to the Osborn Way Car Park, a similar survey was undertaken between 7.30 and 8.45 am on the same day. During this period, 95 spaces were for customers using the rail station, 15 were contactors working on a nearby site and only 30 were for customers using the town centre.
- 2.20 This survey demonstrates that Osborn Way is used predominantly as a car park for the station and Campus Road East Lower is used very predominantly as a town centre car park, and is not used as a car park that is convenient for the station.
- 2.21 Without the temporary car park on the appeal site, it is considered that Osborn Way, (the primary long stay car park serving the Rail Station) would be operating at full capacity.

3.0 Grounds of Appeal

- 3.1 Our comments in relation to this section of the Council's Statement use the same paragraph numbering.

Paragraph 3

The point being made by the appellant is a simple one and should be clear. The temporary use of the appeal site as a car park does not in any way prejudice the site and wider area from coming forward for development that accords with the Planning Brief – whether this is the Tesco scheme currently being considered or any other scheme that may separately or subsequently come forward.

Paragraph 5

For the reasons set out in our planning Statement as well as those set out above in Section 2 above. It is considered that the Technical Report attached to the Council's Statement needs to be treated with some caution and that it does not 'clearly demonstrate that there are enough parking spaces to meet the long term parking needs of rail users'.

Paragraph 6:

The Council's Statement makes three comments in relation to case made by the Appellants that the appeal site will reduce the distance travelled for people living in the eastern side of the City. Our response to each of the Council's comments is set out below:

- (1) Paragraph 4.31 states that the primary objective of PPG13 is to reduce the need to travel, especially by car and that reducing the length of car trips is clearly in line with that objective because it reduces the overall propagation of vehicle emissions. It would be surprising if the Council did not accept the validity of this basic principle.
- (2) The second point made by the Council is that for residents to the east, the long term car parks to the west of the railway are just as easy if not quicker to access. The appellant does not agree with this point. It is very clear and evident from the plan included at paragraph 4.28 of the submitted Planning Statement that for the vast majority of existing users of the temporary car park, it is a shorter distance for them to travel and park at the temporary car park site than within the Osborn Way car park. Indeed, this must be the case otherwise if the Council's claim that the town centre long term car parks have capacity and are just as accessible, then it follows that very few residents would then choose to park at the appeal

site. The fact that the temporary car park is well used by residents to the east indicates very clearly a preference based on journey distance, journey time and ease of access.

- (3) The appellant has not suggested that a 'reduction of trips and a lowering of the level of traffic' is a reason, on its own, to permit a use on a temporary basis. It is, nevertheless, a strong material consideration that should be taken into account along with other material considerations covered in the planning statement. We would suggest that the benefits

4.0 Conditions

- 4.1 In the event that the Planning Inspectorate is minded to allow the appeal and grant planning permission, the Appellant disagrees with the Council's suggested draft Condition 1 which states that the use should be limited to 26th October 2011. This would provide very little time if any, following the issuing of a decision on the planning and enforcement appeal. It is considered that a period of 12 months is entirely reasonable given the particular circumstances of this case.

5.0 Enforcement Notice Appeal

- 5.1 It is noted that the Enforcement Officer has reviewed the time period for compliance set out within the Enforcement Notice and concluded that a period of 48 hours was too onerous and that a period of one month would be more applicable.
- 5.2 For the reasons given at ground (g) of the appeal statement, it is considered that a period of three months for compliance with the Notice would be entirely reasonable and appropriate given that Green Parking operates a business that employs people and that tickets are sold on a monthly and quarterly basis.