
**Customer and Corporate Services Scrutiny
Management Committee**

**31 October 2022
(postponed from
10 October 2022)**

Report of the Corporate Director of Place

University Parking Update

Summary

1. Previous Scrutiny sessions have identified a number of concessions in relation to Parking in and around the University of York (UoY) East Campus. This report updates on these.
2. The concessions were:
 - i. That engagement with Archbishop Holgate School and the University of York would not be limited to just the council's Schools Travel Team.
 - ii. The review of the Travel Plan would follow high-level negotiations between the council and the University of York and include consultation with the Students Union and Ward Councillors before consideration at a future Decision Session of the Executive Member for Transport.
 - iii. There would be continued enforcement of parking in the area, where possible.
 - iv. A Commissioned Scrutiny meeting would take place within the next 6 months to examine either the Section 106 agreements or the Travel Plan, with the University, before consideration by the Executive.

Recommendations

3. Members are invited to
 - i. note the background and policy context
 - ii. note the engagement and work with the university
 - iii. consider any recommendations for a future travel plan

Reason: to support the development of the Travel Plan

Background

4. In considering these issues, the policy context of this site needs to be considered. The Council's over-arching policy is one of promoting sustainable transport.

Local Transport Plan

5. The Council's Current Local Transport Plan (LTP3) runs to 2031. The hierarchy established in that is that car travel is at the bottom of the hierarchy. LTP3 identifies a number of projects, including new or improved cycle routes in the UoY area, and links through Heslington to meet the aim of having a comprehensive cycling and pedestrian network to provide quality alternatives [to private car use] some of which have been delivered.

Planning Context

6. In May 2007, following a public inquiry, the Secretary of State for Communities and Local Government (SoS) granted planning permission for the development of a university campus on land south of Field Lane, Heslington subject to conditions and a legal agreement.
7. At examination, the Inspector questioned the extent to which the proposal would conflict with national planning policy on transport (at that time) as set out in Planning Policy Guidance Note 13 (PPG13). The Inspector found that although the site is not in an intrinsically sustainable location and the proposed development has the potential to significantly increase peak hour traffic, there are no available alternative sites in more accessible locations on which the proposed development could reasonably be accommodated. The Inspector stated "In conclusion I consider that overall the proposed development complies with the objectives of the guidance in PPG13." This view was reiterated in the SoS's decision which states "[...] the Secretary of State agrees with the Inspector's conclusion (IR 720) that, overall, the proposed development complies with the objectives of the guidance in PPG13."
8. Furthermore, the inspector specifically considered concerns expressed by residents in areas around the UoY about displaced parking that restricting car parking within the campus could encourage. He considered this in paragraph 719 of his report (replicated at Annex A), the last sentence of which states "I am satisfied that overspill car parking could be controlled though

planning conditions and the undertaking contained within the S106 Agreement.”

9. The conditions are clearly written in such a way to (e.g. Condition 10 replicated at Annex B) to comply with the objectives of PPG13 and discourage the use of private cars as a mode of transport. Not only do they impose a limit on car parking (1500 spaces maximum, subject to satisfying other conditions), but they also include monitoring of key junctions and the requirement for mitigations to reduce traffic to the university if these junctions see an increase in usage.

Planning Obligations (s106)

10. The s106¹ Agreement (see excerpt at Annex B) associated with the approved outline planning application complements the planning policy context. The s106 Agreement was amended by Deed of Variation² in April 2021 (see excerpt at Annex B) to be more contemporary.
11. The annual parking surveys are designed to monitor the parking in residential areas surrounding the University of York and implement mitigation measures if such parking causes agreed parking thresholds to be exceeded. This process has generated the various resident parking schemes in Badger Hill and the surrounding areas south of Hull Road. The surveys also enable the potential knock-on impacts of any mitigations to be identified.
12. It should be noted that these obligations are only related to an increase in parking issues that can be attributed to or are directly associated with the ongoing development of the UoY. The obligation to mitigate the impacts of parking in residential areas (if deemed necessary) are limited to a period of 15 years from 1st occupation.
13. These obligations will cease to apply after 30 September 2024 (only two-years' time), being 15 years after first occupation³, so when residents of the streets where a further expansion of the parking restrictions were consulted, they were advised that should a scheme be implemented, they will initially be able to apply for permits without charge, although this may be the case after 2024/2025, and at this time CYC would consult with residents further. In addition, the worthiness of further amending the s106

¹ Section 106 of the Town and Country Planning Act 1990

² Section 106 and Section 106A of the Town and Country Planning Act 1990

³ Goodricke College was first constructed and occupied in September 2009

(already amended through a Deed of Variation in 2021) and/or varying conditions has to be questioned.

Highway Parking Control

14. Outside of the s106 Agreement the council has de-criminalised powers in respect of parking restrictions. This means that it can undertake active enforcement of any parking measures introduced.
15. As with the rest of the city the controls are residents parking permits, double yellow lines or limited stay traffic regulation orders that limit the time of parking.
16. Following the last scrutiny meeting, the Director of Environment, Transport and Planning wrote to the UoY in July 2022.
17. Two subsequent meetings have happened with the university since then.
18. These meetings have clarified several issues, as set out in the following paragraphs.

Parking Surveys

19. The parking surveys undertaken by the University in March this year have now been submitted to the council (August 2022).
20. These appear to show that is likely there is parking pressure in the Tranby Avenue area due to the development of UoY Campus East, The results, with the exception of the area east of Tang Hall Lane, also appear to show, however, that the impact of 'business at the UoY-related' parking is minimal and a large volume of on-street parking is associated with students in privately let accommodation in areas surrounding the UoY.
21. The next step is the for the UoY to engage with the council to determine what can and should be done, recognising that the ward councillors don't want university-funded residents' parking to be introduced.
22. From a Council perspective the parking pressure could, particularly if cars are parked irresponsibly, cause obstructions to buses, emergency vehicles, sight lines and driveways, resulting in unacceptable impacts on safety and adversely affecting residential amenity.

23. At the Executive Member for Transport decision session double yellow lines were agreed at several locations, on the basis of safety and junction protection.

Travel Plan

24. A new 5-year travel plan covering the period 2020-2025 is being prepared by the UoY. This has not yet been received by the council but is expected imminently. An interim COVID Travel action plan was prepared to cover the period from 2020 until such time as the 5-year travel plan is submitted.
25. There is a planning condition, in addition to the travel plan condition, that requires the provision of travel planning information - “to advise visitors to the Heslington East campus on travel options, appropriate access to the campus and car parking locations. The approved information shall be made publicly available at all times”. The new travel plan is likely to improve this information with real time information about capacity of parking on campus in real time for students so that those that intend to drive can see their options for parking on campus.

On-Campus Parking Capacity

26. Results from occupancy surveys of on-site car parks (see table below) indicate that the demand for parking on campus has decreased since 2019, so there is approximately 20% spare capacity in existing car parks at both Campus East and Campus West.

Campus	2019			2022		
	No. of Standard / Short Stay Spaces	Capacity Used	Available Spaces	No. of Standard / Short Stay Spaces	Capacity Used	Available Spaces
East	383	100%	0	377	82%	69
West	1,188	99.8%	2	1,330	81%	251

27. It should also be noted that vehicle trips overall to the UoY have reduced significantly since 2019.
28. Planning Condition 9 approved an initial 500 spaces, of which 423 have already been delivered at Campus East. The planning permission allows a further 1000 spaces subject to a planning condition requiring that the spaces are either relocated from the

existing (west) campus or that their use must not increase traffic at key junctions by more than 5% above predicted levels.

Campus Parking Charges

29. The campus parking charges can be summarised as follows:
- i. Staff parking on campus works out at £1.77 a day.
 - ii. Student parking permits for those living outside the York Outer Ring Road are £35 per annum.
 - iii. Pay and display parking for those without parking permits is available at both campuses. The fees are set for each hour's parking for up to 4hrs. (£5.00 for 4 hrs.) increasing to £8.00 for up to 10hrs. The fees are set to discourage unnecessary parking.
30. The car parking at the UoY is on private land and the UoY is entitled to apply parking charges.

S73 Deed of Variation

31. It has been suggested that the university should seek to vary planning conditions under a s73⁴ application.
32. The conditions are structured in such a way that parking does not sit in isolation. As outlined above the parking issues are linked both practically and in condition terms with other transport conditions.
33. The UoY does not need make a s73 to application increase parking, because as mentioned previously, it is already permitted to provide another 1000 spaces, subject to conditions. Should these spaces generate additional traffic above agreed thresholds the university would be liable for mitigation. Under the current policy context officers cannot see a position whereby the UoY could suitably be released from the conditions pertaining to monitoring the transport impacts of additional car usage and mitigating these impacts if agreed thresholds are exceeded.

⁴ Section 73 of the Town and Country Planning Act 1990

Next Steps

34. The Council have asked the University to engage with the Students Union in the preparation of the anticipated 5-year travel plan (2020-2025) to gain their views.
35. Once the Travel Plan is received it will be discussed with the Exec member for Transport and ward councillors from wards where additional parking pressure has been identified.
36. The possible impacts of any further expansion of the University site(s) that have not yet received planning permission would have their own transport impact assessments, with conditions and s106 agreements. These would obviously reflect the transport policies of the council at that point in time.

Council Plan

37. In addressing these issue consideration needs to be given to the objectives of the Council Plan
 - A greener cleaner city
 - Getting around sustainably
 - Creating homes and world class infrastructure

Implications

Financial

38. There are no direct financial implications arising from this report. The financial implications of any proposed options would need to be considered once identified.

Legal

39. Planning obligations, also known as s106 agreements are attached to a planning permission to make development acceptable which would otherwise be unacceptable in planning terms (having regard to Planning policy).
40. The National Planning Policy Framework (July 2021) paragraph 57 states “Planning obligations must only be sought where they meet all of the following tests⁵:

⁵ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
41. Developers can approach the LPA to voluntarily renegotiate planning obligations at any time. The modification of an existing s106 agreement, by agreement between the relevant parties, is permitted by s106A. Any modification under this provision must be agreed by all the relevant parties to the agreement. Any deed of variation will need to be assessed by the local planning authority to ensure that it meets relevant policy tests.
42. Applications for the development of land without complying with a condition subject to which a previous planning permission was granted can be made under a s73 application.
43. As an application under s73 constitutes an application for planning permission, the LPA must determine an application under s73 in accordance with relevant provisions of the development plan and material considerations (pursuant to its duties in section 38(6) of the Planning and Compulsory Purchase Act 2004).
44. The original permission continues to subsist whatever the outcome of a s73 application: a successful s73 application will result in the grant of a new permission, leaving the original planning permission intact and unamended, and the applicant free to choose which permission it wishes to implement.
45. As s106 planning agreements are tied to implementation of specific planning permissions, they should also be amended to ensure they continue to regulate the development permitted by the s73 permission.

Equalities

46. The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions

47. There are no significant changes proposed at this stage, any changes would need to be considered against people with protected characteristics as follows:

- Age;
- Disability;
- Gender;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race;
- Religion and belief;
- Sexual orientation;
- Other socio-economic groups including :
 - Carer;
 - Low income groups;
 - Veterans, Armed Forces Community.

Risk Management

48. The key risk is ensuring any changes are clearly communicated to the public and therefore detailed communications will be prepared and agreed.

Contact Details

Author:

Dave Atkinson
Head of Highways and
Transport
dave.atkinson@york.gov.uk

Chief Officer Responsible for the report:

James Gilchrist
Director of Transport, Planning and
Environment

Specialist Officers

Finance

Jayne Close, Principal Accountant

Legal

Sandra Branigan, Senior Solicitor

**Report
Approved**



Date 29/09/2022

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A Extract from Planning Inspector's report to Secretary of State for CLG dated 20 March 2007

Annex B Condition 10 and s106 Agreement

Abbreviations

UoY University of York
SoS Secretary of State
PPG13 Planning Policy Guidance Note 13
LTP(3) Local Transport Plan
CYC City of York Council

Background Papers:

Planning Conditions

<https://www.york.gov.uk/downloads/file/402/decision-296961-planning-inspectors-report>

Current Local Transport Plan (LTP3)

[https://www.york.gov.uk/LocalTransportPlan#:~:text=\(LTP3\)%2C%20covering%202011%2D,local%20targets%20for%20reducing%20emissions.](https://www.york.gov.uk/LocalTransportPlan#:~:text=(LTP3)%2C%20covering%202011%2D,local%20targets%20for%20reducing%20emissions.)

Executive Member for Transport Decision Session April 2022 - ePetition: CYC solve the York University related parking, don't just MOVE it

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=12796&Ver=4>

Corporate and Customer Services Security Management Committee – called in ePetition: CYC solve the York University related parking, don't just MOVE it

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=602&MId=13087&Ver=4>

Executive Member for Transport Decision Session May 2022 - Consideration of results from the consultation about Parking restrictions in relation to Cavendish Grove, Tranby Avenue and Moore Avenue/Osbaldwick Lane junction

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MId=12737&Ver=4>

Customer and Corporate Services Scrutiny Management Committee -
Called-in Item: Consideration of Results from the Consultation about
Parking restrictions in relation to Cavendish Grove, Tranby Avenue and
Moore Avenue/Osbaldwick Lane Junction

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=602&MId=13588&Ver=4>