



Executive Director/Director Non-Key Executive Decision Report

Author/Lead Officer of Report: Andy Godson,
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Report to: Cabinet Member for Environment and Transport

Date of Decision: *As Soon as Possible*

Subject: Lansdowne Flats Car Parks permit Parking Scheme
– objections to the advertised Traffic Regulation
Order

Which Cabinet Member Portfolio does this relate to? Environment and Transport

Which Scrutiny and Policy Development Committee does this relate to? Economic and
Environmental Wellbeing

Has an Equality Impact Assessment (EIA) been undertaken? Yes ☒ No ☐

If YES, what EIA reference number has it been given? 787

Does the report contain confidential or exempt information? Yes ☐ No ☒

If YES, give details as to whether the exemption applies to the full report / part of the
report and/or appendices and complete below:-

Purpose of Report:

This report describes measures which have been advertised to deal with parking issues within the Lansdowne flats car parks. When formally advertised the proposal received some objections. These are detailed within the report together with officers responses to the objections the intention is to enable the Cabinet Member for Environment and Transport to make a decision on the best way forward with respect to the proposals taking into consideration the comments and objections received.

Recommendations:

Having considered the representations received and having determined that the reasons to support the proposals outweigh any unresolved objections, it is recommended that;

The Traffic Regulation Order is made in accordance with the Road Traffic Regulation Act 1984;

Introduce the Permit Parking scheme as advertised;

Inform the objectors accordingly.

Background Papers:

Appendix A: Original scheme/TRO proposals drawing

Appendix B: Objections – full responses.

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Damian Watkinson Date: 17 th March 2020
		Legal: Richard Cannon / Bob Power Date: 09 th March 2020
		Equalities: Annemarie Johnston Date: 11 th March 2020
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	Lead Officer Name: Andy Godson	Job Title: Senior Engineer
	Date: 24th February 2020	

1. PROPOSAL

- 1.1 Officers in the City Council's Housing and Neighbourhoods Service requested the introduction of waiting restrictions and controls on parking at Lansdowne Flats to deal with parking issues.

1.2 Lansdowne Flats Complex

Within the Lansdowne flats complex there are parking spaces on housing land intended for use by residents of the flats. In the past Housing issued permits to residents, free of charge, and contracted a private enforcement company to carry out enforcement on their behalf to ensure that non-residents did not park.

The private enforcement company withdrew from the contract leaving the car parking spaces unenforced and leading to complaints from residents about unauthorised parking.

This offered the opportunity of formalising control of the car park, by means of a Traffic Regulation Order (TRO), enabling the Council's Parking Services Civil Enforcement Officers to patrol and deal with unauthorised parking.

Informal consultation with residents was carried out between 29th January 2020 and 20th February 2020 to let them know what was being considered, including the introduction of charges for permits which had previously been issued free of charge, and there was a level of support expressed which encouraged Housing officers to ask us to proceed.

The intention to introduce a formal permit system backed by a TRO was advertised in January/February 2020, all residents received full details of the proposals and were given opportunity to comment and/or object.

The Lansdowne Flats Complex is situated within an area adjacent to the city centre which has for a number of years been subject to on street waiting restrictions and permit parking controls aimed at reducing congestion, improving the ability of residents to park near their properties and reducing the availability of long term commuter parking. Introducing similar measures within the Lansdowne Flats Complex will help alleviate congestion by reducing the number of motorists entering the flats seeking uncontrolled parking spaces and reduces the need for residents and their visitors to drive round adjacent streets seeking parking spaces. Controlling where vehicles can be parked within the flats will reduce the occurrence of obstructive parking and improves access within the flats for the emergency and care services, delivery and servicing vehicles and pedestrians, particularly those with mobility problems.

The proposed layout is shown on the plan attached at Appendix A.

1.3 **Responses to TRO Consultation.**

Approx. 600 letters were sent to residents within the Lansdowne Flats Complex, street notices were placed within the car park areas and a press notice published in the Sheffield Telegraph, all explaining the proposals and how to comment and/or object.

25 responses were received

- 20 supporting the proposals
- 5 objecting to the proposals.

Copies of the responses are attached as Appendix B and are summarised below.

1.4 The points raised in the objections included

- Additional spaces should be provided instead of the grassed areas(2),
- Having a permit won't guarantee a parking space(2)
- Delivery vehicles are the real problem (1)
- Just a ploy by the council to tax the poorest in society(1),
- When there was a previous scheme, I received more than 5 penalty tickets even though I displayed a permit(1),
- The consultation letter had the wrong deadline date showing 20th January instead of 20th February(1).
- Street notices were erected on Monday 3rd February instead of Friday 30th January(1),
- Preventing parking on the yellow lines and hatched areas in the car park will reduce capacity(1),
- There will be a lack of enforcement(1),
- The cost of permits will cause financial hardship(1).

1.5 **Response to objections**

There have been a number of months (from April 2017) since the arrangement with the private enforcement company ceased. During that period there have been a number of complaints from residents about unauthorised use of the parking spaces.

If the proposals are introduced there will be 77 parking spaces available within the Lansdowne Flats Complex specifically for Lansdowne residents. At present there are a few more vehicles parked but these are in "unofficial" parking spaces that could cause access obstruction to delivery and servicing vehicles. To provide additional parking spaces for residents and visitors during peak times, the permits issued will also be

valid for the on-street parking spaces on the adjacent streets. Housing has confirmed there is no budget for any plans to create additional resident parking spaces. It is acknowledged that under the previous arrangement permits were available to residents free of charge.

The proposed permit charges are:-
£46.80 for a resident's first vehicle, and
£93.60 for a resident's second vehicle.

In both cases there is a 50% discount applied for vehicles classed as low emission vehicles (Vehicle Excise Duty Band A or B).

These charges will be in line with the charges currently in place in permit schemes elsewhere in Sheffield.

The income generated by the charges will be used to cover the cost of administering the permit scheme, enforcement of the parking restrictions and maintenance of the signing and lining. Any surplus must be used for parking/transport purposes. The Council's Parking Services will enforce the parking restrictions to a nationally agreed regime.

A parking space will not be allocated or guaranteed (as with all resident parking schemes) but there will be additional parking opportunities for residents and visitors in parking bays on adjacent streets.

Permits for residents' vehicles will be 'electronic permits' i.e. vehicle details will be logged on hand held devices carried by enforcement officers, there will be no permit to be displayed in the vehicle.

Delivery vehicles will be subject to loading/unloading restrictions with an observation period of active loading/unloading activities being observed before an enforcement of the restrictions is undertaken. If issues arise then the issue will be given further consideration.

It was acknowledged that the letter date had an error and that some of the street notices were slightly delayed and the date was further communicated and the publicized to the residents and an additional 7 days was allocated to the deadline to ensure everyone was able to comment.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 The proposed waiting restrictions will improve the ability for tenants who buy a permit to park within the Lansdowne flats complex close to their homes. There is no anticipated impact on climate change and there is no anticipated economic impact. The situation will, however, be improved for residents at the Lansdowne flats complex and their visitors who choose to buy permits and also for the emergency services and delivery/maintenance vehicles who require access. Non-residents in the habit of parking in the Lansdowne Flats complex will be faced with finding alternative parking. On balance the proposals are considered to improve the customer experience.

3. HAS THERE BEEN ANY CONSULTATION?

Housing and Neighborhood Services conducted informal consultation with residents of Lansdowne flats complex with respect to the introduction of permit parking within the flats. Formal consultation with respect to the Lansdowne flats proposals followed in line with the legal requirements associated with the TRO procedure – a notice was placed in the local press and notices placed on street at each location and in addition letters were sent to all property owners. The proposals were also brought to the attention of local councilors, the Police, Fire and Ambulance services and other statutory consultees.

The responses received have been detailed within this report.

- 3.1 Legislation requires a 3 week consultation period to be provided, during which affected parties can submit comments on the proposals. The consultation took place between 29th January 2020 and the 20th February 2020. Officers consulted all affected residential properties (approx. 600 letters), 16 street notices were displayed within the car park areas, statutory Consultation was undertaken and an advert was placed in the local press.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 Overall the proposed car park control measures at Lansdowne flats will benefit residents and visitors who purchase a permit, as it will improve parking opportunities. It will particularly benefit visitors and residents who use a car and are disabled, carers, pregnant women and pushchair users (among others). However there is a potential negative financial impact due to the introduction of charges for permits and this may have a disproportionate impact on disabled people. This will be mitigated for disabled residents through consideration to providing disabled parking spaces at a suitable locations within the flats car park.

4.2 Financial and Commercial Implications

The total cost of implementing the Lansdowne Flat proposals is estimated to be £6000. The works are off the highway, on housing land, consequently there will be no commuted sum payable under the Highways PFI contract associated with the work. The cost of the works will be funded from Housing Revenue Account budget in 2019/20. Any future maintenance work required will be undertaken by Housing Services and funded from the Housing Revenue Account's responsive repair budget.

4.3 Legal Implications

4.3.1

The Council has the power under section 32 of the Road Traffic Regulation Act 1984 ('the Act') to provide on and off-street parking places in its area for the purposes of relieving or preventing congestion of traffic where it appears necessary. The Council can make a Traffic Regulation Order (TRO) under section 35 of the Act to regulate the use of those parking places, including setting charges to be paid in connection with their use.

The Council can also make a TRO so as to impose waiting restrictions on roads where it appears to the Council that it would be expedient to make it for, inter alia, facilitating the passage on the road or any other road of any class of traffic (including pedestrians) or improving the amenities of the area through which the road runs.

Before the Council can make a TRO, it must consult with relevant bodies and publish notice of its intention in a local newspaper in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the Regulations'). The Council has complied with these requirements. Where objections are received the Regulations place a duty on the Council to ensure that the objections are duly considered. In making its decision the Council must also be satisfied that the approved scheme will secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians). Provided the Council is so satisfied it is acting lawfully and within its powers.

Before the Council can make a TRO, it must consult with relevant bodies and publish notice of its intention in a local newspaper in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the 1996 Regulations'). The Council has complied with these requirements and has considered any duly made public objections received as a result.

5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The only alternative is to not introduce any parking restrictions at this location. This is not considered to be an acceptable option. No other alternatives to parking restrictions have been considered.

6. REASONS FOR RECOMMENDATIONS

The proposed measures will address complaints received regarding unauthorized use of the Lansdowne flats car park

7. RECOMMENDATIONS

The reasons to support the proposals outweigh any unresolved objections and it is recommended that the Traffic Regulation Order is made in accordance with the Road Traffic Regulation Act 1984;

Introduce the proposals as advertised

Inform the objectors accordingly.

Appendix B – Responders original correspondence

Date received	Comments
<p>31.01.20 email Resident</p>	<p>As a resident I have many concerns about the proposed parking permit scheme.</p> <p>I live on the Mount Street block and can say there is a problem with individuals driving DHL vans parking haphazardly across kerbs, in the disabled space and that required for emergency access. This is an issue that needs attention. I do not think that every resident of the Lansdowne area should be penalised due to the actions of the few. The proposed permit scheme doesn't guarantee a space for all those with permits. This to me looks like yet another tax on the poorest.</p> <p>Charging residents to park and not guaranteeing a space is morally unethical and yet another greedy capitalist action by the council. Sheffield city council need to attend to the lack of parking in our area rather than adding yet another stream to their income from those living on the breadline.</p> <p>What we need is more parking spaces to be created allowing sufficient space for all those living in this densely packed urban area. Personally I think that some of the grassed areas could be converted into additional parking. The flats were built when car ownership was much less and the city council need to adapt to the changing needs of residents and citizens.</p> <p>I am tired of seeing parking attendants issuing tickets to my neighbours because I know this is another ploy by the council to tax the poorest in society. We need more free parking not another expense that serves only the government.</p> <p>In my opinion the DHL vans should be clamped and those individuals attended to appropriately. I object to the permit scheme. I would like to hear back as to your final decisions because they affect me, my neighbours and my community as a whole.</p>
<p>17.02.20 email resident</p>	<p>I wish to object to the introduction of a Permit Holders Only restriction on the parking bays within the Lansdowne Flats Car Parks.</p> <p>I have lived on Cliff Street for more than 3 years and own a car.</p> <p>I wish to object based on some of the bullet points included in the letter to residents and the attached schematic of the car parks which I do not agree are a true and accurate reflection of the parking situation at these flats.</p> <p>The parking situation here has gotten worse over the last year and from my observations this is because of 2 reasons.</p> <p>1) Some households now have 2 or more cars now that some children</p>

have grown up but still live at home.

2) The car parks are heavily used by taxis and vans, of which some of the owners live in the flats and so the vehicles are both for personal use and business use.

During the day there is usually a free space or two to be found, but after 5pm they are all used up and residents have to park 200-300 meters away or more or some choose to park on the grass or double yellow lines as shown in the layout diagram.

My first objection is based on the enforcement on the double yellow lines. All of the residents use some of the double yellow areas when there is nowhere else to park BUT (this is the important part) we all know which cars belong to residents and we are all very careful when parking and leaving not to hit other vehicles or cause obstructions and I do not believe there has been a single accident or inconvenience because of this parking as there is room to manoeuvre around the parked vehicles. Enough room for vans and SUVs to come and go. As a resident that drives I know how invaluable these extra parking locations are in Car Park A and C (I can't speak for B and D as I have never used them but I imagine they are equally valuable).

By enforcing on these areas we would lose 7 spaces, that means 7 more vehicles would have to park elsewhere and it would shift the parking problem to Nuffield health (which is also heavily used by non gym goers) and Club Garden Road and surrounding streets. (Our car parks are also being used by the staff at the businesses on Parliament Street and Hallamshire Crt.)

I must stress that not all of the double yellow lines are parked on. As residents that need access to leave and return we all know there are certain double yellows that are definite no go areas, we try to maximise the use without being inconsiderate to each other. This is because we are all in the same situation and we all look after each others cars - if parking on a double yellow would block someone in we simply do not do it. I have never seen anyone get blocked in - we all understand the situation and make the best of it.

I believe some of the hatch markings and double yellow lines on the diagrams should be amended and I feel it was designed by someone who has zero experience of parking here and of what the real situation is like. For example on the access road to car park C there are double yellows on either side, as you enter the car park there is room for 2 hatchbacks on the left or 1 estate - no one ever parks on the right hand side double yellows as we need that area to exit.

My second objections is based on some of the parking rules that would conflict heavily with RESIDENTS and tie into my first objection.

Objection to bullet point 6 - fining residents for parking in restricted areas. I think this point needs to be looked at in more detail and with the help of residents that actually have cars. I agree the grass in some areas is being ruined and cars should not be allowed to park here, and I agree they shouldn't be allowed to park entirely on pavement areas (this is very rare). But I do not agree that residents should not be allowed to park on some double yellow lines or hatched areas (see above point), as previously stated we are all considerate of each other and this has not caused any problems in the past.

The problem isn't residents parking in places they shouldn't, the problem is non residents using the car parks and parking where they shouldn't. The problem is the lack of enforcement for permits and the lack of bays. The proposed scheme will directly affect residents in a negative way when it should be deterring non residents, and deterring multiple cars per household.

Simply put, if you only patrolled for non permits and parking on grass/pavements that would be better and more effective than the current proposed scheme which seeks to punish residents for trying to park close to their home.

When I get home from work there is never a space for me, I always have to park on club garden road or further away and walk in the dark and cold 200-300 meters, sometimes carrying expensive equipment and then walk through the flats and past groups of young men smoking weed or drinking alcohol. I have been the victim of abuse and I am scared to have to do this. If I get lucky and get a space but then want to do a food shop or go to the gym I will lose my space. I hate the parking situation here and I am still objecting to the plans because I think they have been decided without discussion from the residents that use them and I think they will affect me negatively. This surely must mean there is something wrong with the proposed scheme.

Objection to bullet point 7 - I live on my own on minimum wage and the cost of 1 permit is a hit to me but I understand the need for the cost. I object to the price of the second permit. I think this price is too low. I live on my own and have to pay the rent and all of my bills by myself. If I lived with a second person my bills would be cut in half and the cost of a permit would be a laughing matter to me. What is £93.60 to someone with half the living costs of a single person? I would "make" that back in 1 month saved on having to pay half of everything else. This is not a big enough deterrent to have multiple cars and is not fair to single residents.

Ultimately I would not object if the patrols only focused on non permitted vehicles and ignored residents with permits entirely. I would also suggest extending the enforcement hours to 8pm.

I would love for someone involved in this scheme to come and visit me

	<p>one evening to discuss this in person and for me to walk them around the car parks and show and explain the real situation.</p>
<p>20.02.20 email Resident</p>	<p>Andrew Godson - Thank you for your letter dated 29 January 2020 which I received hand delivered without an envelope on Friday 31 January 2020.</p> <p>I wish to formally object to what is being proposed on the following grounds:</p> <p>Your letter with map attached dated 29 January 2020, which I received 31 January 2020 has a response date of Thursday 20 January 2020. This should actually read Thursday 20 February 2020, due to this error this notification is wrong and does not comply with the provisions of the Road Traffic Regulation Act 1984 as intended.</p> <p>Some associated signs have gone up in the vicinity of the Lansdowne Flats Car Parks regarding a Traffic Regulation Order (TRO). These signs are also wrong because they were not in situ until Monday 3 February 2020, regardless of the dates on the TRO signs. Due to the signs being late in being erected in the area, they are wrong and do not have the intended effect.</p> <p>Please reserve the letter of notification and erect the TRO signage on the same day, giving the three weeks by which to make objections.</p> <p>Thanking yourself in advance</p> <p>Best wishes</p> <p>Yours sincerely</p>
<p>07.02.20 Comments form resident</p>	<p>I would like to object due to the fact that I work different shifts every week so, why should I as a resident have to pay if I am not going to be guaranteed a spot. If I was guaranteed a spot I would happily pay no matter what the cost.</p>
<p>05.02.20 Comments form resident</p>	<p>When there was a permit scheme before, I got more than 5 penalty charges even though I had a permit because of how busy it was still.</p>