



Report to Policy Committee

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Report of: Kate Martin, City Futures
Report to: Transport, Regeneration and Climate
Date of Decision: 15th December 2022
Subject: Car/Permit-free development: parking permit policy

Has an Equality Impact Assessment (EIA) been undertaken? If YES, what EIA reference number has it been given? 1343.	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has appropriate consultation taken place? <i>See consultation section</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken? <i>See Climate Implications section of report for rationale</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the report contain confidential or exempt information? If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:- <i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Purpose of Report:

The report recommends that this Committee approves a policy confirming that residents of designated car/permit-free developments will not be eligible for residents' parking permits or business parking permits (for businesses registered at the car/permit-free address) in the local area. This is to be applied to all car/permit-free developments, both existing and future, where there is a relevant condition or directive on the planning permission.

Recommendations:

That the Transport, Regeneration, and Climate Policy Committee:

a) Approve the *Car/Permit-Free Development Parking Permit Policy* that residents of properties which are designated as car/permit-free developments will not be issued with residents parking permits or business parking permits (for businesses registered at the car/permit-free address) in the local area, to be applied equally regardless of how the car/permit-free nature of the development was detailed in the planning permission (i.e. by condition and/or directive), aligning with the intention of the City Council as Local Planning Authority when the approval of planning permission was granted.

b) Note that the text of the *Car/Permit-Free Development Parking Permit Policy*:

“Residents of developments designated as car/permit-free developments will not be issued with resident parking permits or business parking permits (for businesses registered at the car/permit-free address) in the local area where there is a permit scheme in place. Residents may be eligible for other types of parking permit (carer, visitor, Blue Badge) in the usual way according to the relevant criteria.”

Background Papers: n/a

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: James Lyon, Assistant Finance Manager
		Legal: Richard Cannon, Professional Officer, Legal Services
		Equalities & Consultation: <i>(Insert name of officer consulted)</i>
		Climate: Jess Rick, Sustainability Programme Officer.
	<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	SLB member who approved submission:	<i>Kate Martin Executive Director of City Futures Approval</i>
3	Committee Chair consulted:	<i>Councillor Julie Grocutt, Deputy Leader of the Council and Co-Chair Transport, Regeneration and Climate Policy Committee Councillor Mazher Iqbal, Co-Chair Transport, Regeneration and Climate Policy Committee</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Cate Jockel</i>	Job Title: <i>Transport Policy and Strategy Manager</i>
	Date: <i>6th December 2022</i>	

1. PROPOSAL

- 1.1. The proposed policy supports the refusal of parking permits for developments which have been assessed and designated as car/permit-free. When a development is designated as car/permit-free the intention is that residents will not be able to obtain residents' parking permits or business parking permits (should a business be registered at the car/permit-free address).

Background

- 1.2. When a planning application is brought forward through the planning process, a series of tests are made to understand the material implications of the specific development on various policy areas. This includes the impact on transport and parking: evidence is submitted by the developer to demonstrate alignment with policy including mitigations to deal with any impact.
- 1.3. The impact on residential areas of additional parking can be very contentious. Developers consider how much parking is to be retained in their development plot and a discussion is undertaken with the Council in its capacity as Local Planning Authority. In doing so, the Local Planning Authority will consult internally with relevant teams such as Highways so they can assess and consider the application with regard to the Council's responsibilities in its capacity as both Highway and Traffic Authority.
- 1.4. Where there is a strong demand on existing parking and it is considered that the development will have an adverse impact on parking demand, Highways designate the development as car/permit-free and the planning application is then assessed on that basis.

Permit allocation and the need for a Policy

- 1.5. The issue of a parking permit is discretionary by the Council in its capacity as Traffic Authority – this function is exercised by the Council's Parking Services team. Using the powers in the Road Traffic Regulation Act 1984, the Council can decide not to issue/renew permits at any time, provided that it is considered necessary or expedient for regulating or restricting the use of a parking place, pursuant to its broader duty under that Act.
- 1.6. Fundamentally, this policy is needed to formalise the current procedure of refusing permits to residents of, or businesses at, developments that were granted permission on the basis of being 'car/permit-free'.
- 1.7. The primary consideration is that a formal local policy strengthens the Council's position in refusing permits in respect of these car/permit-free developments by making the basis for its' decision making clear and

consistent. The development proposals which were designated as car/permit-free were approved on the basis that residents parking permits (or business parking permits should a business be registered at the car/permit-free address) would not be issued owing to the adverse impact this would have. This policy position will provide the justification needed to mitigate against potential future challenges to the Council's procedures and allow it to take a stronger position in relation to the reasonable use of its powers.

1.8. Residents would be eligible for other types of parking permit (carer, visitor, Blue Badge) in the usual way according to the relevant criteria.

1.9. The proposed policy is as follows;
Car/Permit-Free Development Parking Permit Policy

Residents of developments designated as car/permit-free developments will not be issued with resident parking permits or business parking permits (for businesses registered at the car/permit-free address) in the local area where there is a permit scheme in place. Residents may be eligible for other types of parking permit (carer, visitor, Blue Badge) in the usual way according to the relevant criteria."

1.10. This policy is to be applied equally regardless of how the car/permit free nature of the development was detailed in the planning permission (i.e. by condition and/or directive). In effect, this reaffirms the intention of the City Council when the approval of planning permission was granted.

1.11. In summary, when a development which was designated as car/permit-free was granted planning permission, the intention was that residents would not be able to obtain residents' parking permits (or business parking permit should a business be registered at the car/permit-free address). Whether that was detailed through a condition or directive is immaterial to the purpose of the designation, which was based upon the relevant considerations detailed above. This current basis for decision making by Parking Services is recommended for approval as a formal policy position, with directives used to ensure the developer is advised to inform future occupiers. Legal advice is that directives are more appropriate for this purpose and conditions should therefore not be used going forward.

1.12. The wording proposed for these directives is:
This development has been granted permission on the basis that it is designated as a car/permit-free development. Residents of car/permit-free developments will not be issued with residents parking permits or business parking permits (for businesses registered at the car/permit-free address) in the local area where there is a permit scheme in place. Residents may be eligible for other types of parking permit (carer, visitor, Blue Badge) in the usual way according to the relevant criteria. This applies in respect of future parking permit schemes in the surrounding streets as well as in relation to current permit parking schemes.

- 1.13. In addition, some developments in areas currently outside of parking permit areas, such as Kelham Island, have been granted planning permission with a car/permit-free development status. This means that although the development is car/permit-free, there has been no restriction on the highway preventing the occupiers from parking their vehicle in the short term, before the introduction of permits. The introduction of a permit scheme then means they would not be able to obtain a parking permit. Notwithstanding this, the designation of car/permit-free status (as detailed in the planning permission decision notice) should be communicated through the conveyancing process if purchasing a property with this designation, or within the lease if renting.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1. The policy is needed to formalise the position of refusing parking permits in relation to car/permit free developments.
- 2.2. The National Planning Policy Framework allows for maximum parking standards for residential (and non-residential) developments to be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres, as well as other locations that are well served by public transport.
- 2.3. Locally, the Sheffield Local Plan Core Strategy (2009), policy CS53, Management of Demand for Travel, states that the City Council will apply “maximum parking standards for all new developments to manage the provision of private parking spaces” and will control parking to manage traffic levels in constrained locations and encourage the use of more sustainable modes of travel. Certain locations are specifically mentioned (including the Central Area, the Peripheral Parking Zone around the city centre, and the eastern end of the Lower Don Valley) as areas where parking will be controlled to manage traffic levels in what are constrained locations and encourage the use of more sustainable modes of travel.
- 2.4. Most of the existing car/permit-free developments are within those areas and especially within the Central area of the city.
- 2.5. It should be noted that the approach being taken forward in the Local Plan would increase the quantum of central area residential development, necessitating minimisation of the additional impact on the highway network, and putting more of a premium on the role of on-street parking provision in balancing competing demands from residents, Blue Badge holders, shoppers, passing trade, and visitors.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1. There has been no consultation on this policy. It is considered that consultation is not necessary because this policy is a restatement of the rationale for existing planning permissions being granted on the basis of being car/permit-free.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1. Equality Implications

4.1.1 The policy would formalise existing, established practice not to issue parking permits for car/permit-free developments. Because it does not represent a change of procedure/practice, the proposal, in practical terms would not be expected to result in material changes for people; i.e. it should not remove a benefit that people currently have. However, the policy should support clarity and consistency of decision-making.

4.1.2 The substantive part of the proposal in equality terms is that residents *may be eligible for other types of parking permit (carer, visitor, Blue Badge) in the usual way according to the relevant criteria*. This is a reasonable mitigation for people with disabilities (or other eligible circumstances).

4.1.3 To be successful and not to have adverse consequences, the proposal will rely on:

- Clear communication of the policy to ensure that residents and would-be residents are fully aware in advance of committing to a development
- The proper functioning of the Blue Badge scheme and other schemes that facilitate parking and concessions for disabled people
- Monitoring of the application of the policy, including this EIA

4.2. Financial and Commercial Implications

4.2.1. There are no financial and commercial implications.

4.3. Legal Implications

4.3.1. The Council may authorise the use of any part of a road within its area as a parking place, and regulate the use of that parking place, by legal order using powers contained in part IV of the Road Traffic Regulation Act 1984 ('the 1984 Act'). Orders are made so as to provide the details for each parking place and the Council may regulate their use by restricting them to permit holders only. While an order may provide the circumstances in which an application for a parking permit may be made, and the conditions upon its use, there is no obligation on the Council to issue parking permits. The issuing of permits is discretionary.

4.3.2. Where the Council exercises its power under the 1984 Act to issue parking permits, it is required to have regard to its duty under section 122 of the 1984 Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. It is

considered that the Council is acting in accordance with this duty by considering the car/permit-free status of a property when determining whether a permit should be issued, as it is having due regard to the outcome of an assessment of the issues it is required to take into account.

- 4.3.3. The Council is under a further duty contained in section 16 of the Traffic Management Act 2004 ('the 2004 Act') to manage its road network with a view to securing the expeditious movement of traffic on that network, so far as may be reasonably practicable while having regard to its other obligations, policies and objectives. This is called the network management duty and includes any actions the Council may take in performing that duty which contribute for securing the more efficient use of their road network or for the avoidance, elimination or reduction of road congestion (or other disruption to the movement of traffic) on their road network. It may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in its road network.

4.4. Climate Implications

- 4.4.1. Adoption of the clear policy position recommended in this report would provide clarity for residents in existing and future developments.
- 4.4.2. Climate implications are probably minimal and hard to assess. However, this policy would sit alongside what we know is the need to achieve transport mode shift to stay within carbon budgets.
- 4.4.3. The Climate Change Committee's 6th Carbon Budget, adopted by the Government, requires a 78% reduction in whole economy emissions (75% in surface transport) by 2035. This is arguably a more important target than the national 2050 net-zero target date, because achieving it would mean that cumulative emissions have been reduced in the lead up to 2050. It is in the emissions in the atmosphere, not target dates for net zero, that influence climatic change.
- 4.4.4. Sheffield City Council's ambition is, of course, even more stretching. Given that we won't start to see significant emission reduction benefits from zero-emission vehicles until we get into the 2030s, when the zero-emission fleet is big enough to make a difference and our grid electricity is increasingly decarbonised, mode shift and demand reduction are key to achieve near-term targets and start to reduce cumulative emissions.

5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1. The alternative option considered is to continue without formalising the position. This is felt to be unreasonable because the current position relies upon the planning decision without having any formalised policy in respect of refusing permits on the basis of developments being designated as car/permit-free.

6. **REASONS FOR RECOMMENDATIONS**

- 6.1 The proposed policy supports the refusal of parking permits for developments which have been assessed and designated as car/permit-free and is considered to strengthen how decisions in respect of issuing parking permits are made in the city.

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