

CABINET

25 May 2021

Title: Parking Permit Policy – Car Free Developments	
Report of the Cabinet Member for Enforcement and Community Safety	
Open Report	For Decision
Wards Affected: All	Key Decision: Yes
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Accountable Director: Andy Opie, Operational Director, Enforcement and Community Safety	
Accountable Strategic Director: Fiona Taylor, Strategic Director, Law and Governance	
Summary <p>This paper sets out proposals in relation to the Council’s Controlled Parking Zone (CPZ) parking permit policy for those residing in existing and new housing developments which are deemed to be “car free”, “car light” or where residents living within the housing development have access to a private parking arrangement such as underground parking or private permit scheme. Housing developments which do have some levels of parking are often managed privately (not by the local authority). There may be circumstances where there are mixed planning conditions for different properties within a development and therefore permit eligibility will need to be reviewed on a specific case by case basis.</p> <p>The proposal, therefore, is that residents of properties referred to above are ineligible for a Council parking permit, unless there are exceptional circumstances. This proposal links the decisions made at the Planning Committee regarding the status of car parking for a housing development i.e Town and Country Act 1990 section 106 Agreements which are used to mitigate the impact of new homes on the local community and infrastructure and section 45 (3)(c) of the Road Traffic Regulations Act 1984 which states “In determining what parking places are to be designated under this section the authority concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include ... (3) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section”.</p>	
Recommendation(s) <p>Cabinet is recommended to agree that the Council’s Controlled Parking Zone policy be updated to reflect that those residing in housing developments which are granted planning permission on the basis they are or will be deemed to be “car free”, “car light” or have own private parking arrangement or access to private car parks in accordance with 45 (3) of the Road Traffic Regulation Act, shall not be eligible for a parking permit, subject</p>	

to the Operational Director, Enforcement and Community Safety being authorised to approve applications where he considers there to be exceptional circumstances.

1. Introduction and Background

- 1.1 The Parking Strategy 2016 -21 sets out a clear vision for parking in the borough. This vision was supported by 75% of respondents to the consultation. The vision is “To provide safe, fair, consistent and transparent parking services”.
- 1.2 This vision is supported by five main priorities that have been designed to reflect the competing parking needs in the borough. These priorities reflect the needs of residents, businesses, commuters, cyclists and pedestrians alike. The priorities are:
 - Reduce congestion caused by parked vehicles and improve road safety;
 - Make best use of the parking space available;
 - Enforce parking regulations fairly and efficiently;
 - Provide appropriate parking where needed;
 - Ensure that the low emissions and air quality strategy for London is at the heart of our decision making.

2. Controlled Parking Zones (CPZ) and Permit Eligibility Criteria

- 2.1 In 2018, Cabinet agreed the Controlled Parking Zone programme which aims to deliver the five main priorities set out above. A key part of this is the effective and fair management of how parking permits are issued to those that apply.
- 2.2 Within Controlled Parking Zones only residents who live directly within the boundaries of the particular zone and their visitors can apply for a permit which entitles them to park within permit holder bays at any time during the controlled hours. Whilst granting a permit allows the use of a space in a CPZ, there is no entitlement to or guarantee of a specific space within the zone. However, by discouraging certain groups of non-residents from parking in an area, a CPZ increases the likelihood that a resident can park close to their home and helps to encourage, via the use of emissions-based charges, a safer and healthier environment. Residents are required to live within the borough, their vehicles to be registered in the borough and to have an online permit account.
- 2.3 There is currently no limit on the number of resident permits per household although the emission charging structure, diesel premium and additional charges for multiple car ownership aims to reduce the number of vehicles parking within the borough. It is suggested this remains the case. However, parking demand will be monitored in each CPZ and should it be deemed appropriate due to over-subscribing of permits there may need to be limitations applied to the types or number of permits issued.
- 2.4 To ensure that those with mobility issues have better access to parking, those with a valid Blue Badge will continue to be able to park within our CPZ's without the need to obtain a specific permit. Typically, CPZ's are introduced on adopted public highway land and in some cases housing estate roads where requested by My Place. Private roads and associated properties remain excluded from the scheme.

3. Be First – New developments and Permit Eligibility Criteria

- 3.1 Barking and Dagenham is at the heart of London's eastward growth and will see significant housing growth over the next 20 years, with the potential to deliver up to 50,000 new homes across the borough. To accelerate this growth the Council established Be First, a wholly-owned urban regeneration company to take forward the delivery of the Council's own pipeline of new properties. This will make a significant contribution to delivering new homes, however it remains the case that the majority of homes will be delivered by the private sector. The scale of growth in the borough means that there needs to be careful management of the impact on existing and future residents' quality of life and access to services.
- 3.2 The Council also performs an important role as the Local Planning Authority (LPA). It is through this function that the Council can exercise controls to ensure that the impact of these new developments on existing infrastructure and services in the borough is mitigated by the developers. This includes formalising agreements with developers, through section 106 agreements, regarding the amount of parking available on individual developments. While much of the legislation regarding parking is set out at a regional and national level, each scheme is considered on an individual basis and, therefore, there needs to be an ongoing dialogue on schemes between the planning officers and the parking design officers to deliver the optimal solution within the wider policy framework.

4. What is a car free property or car light development?

- 4.1 Car-free properties are homes which have been built without car parking spaces. The idea is to reduce traffic congestion, reduce air pollution and better manage the limited amount of space available for on-street parking. By living in a car-free property, residents have agreed to certain terms as set out in their planning conditions or by their landlord. Usually, this means they cannot apply for an on-street parking permit i.e. within a CPZ. The resident's solicitor or landlord should have responsibility for explaining this agreement to buyers before they purchase or rent a property in a car-free development. The refusal to issue a permit will be tied in with the section 45(3) Road Traffic Regulation Act 1984 provision to take into account the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under section 45.
- 4.2 That a development is car free will be part of the planning decision. This arrangement should also be made clear in the section 106 agreement and typically, Be First planners should make this clear to all parties at inception stage so that expectations of both those who live there, the parking enforcement team and Council colleagues are clearly identified. In reality, it is very often the case that even in these types of car restricted developments, residents still decide to use a motor vehicle as a primary means of transport, which results in very high increases in parking demand within the area. Unfortunately, this then leads to concerns by existing local residents in terms of their ability to park, as well as impacting road safety, access for motorists and pedestrians, and air quality which are the very issues the Council and Be First are trying to improve.

- 4.3 This paper looks to formalise the need for Be First planners to agree the parking status of a development at design stage with the Parking service so they can fully understand the parking impact it will have on the area. In the event of not having sufficient parking in the area and in accordance with s45 (3) of the Road Traffic Regulation Act, the policy will be that the parking department reserve the right to not issue parking permits other than in exceptional circumstances as may be determined by the Operational Director, Enforcement & Community Safety

5. Consultation

- 5.1 There is a statutory process of consultation for new CPZ proposals. Consultation on this policy recommendation has been undertaken with the Inclusive Growth team and Be First who are in support.

6. Financial Implications

Implications completed by: Sandra Pillinger, Group Accountant

- 6.1 This is a proposal for the parking service to determine whether parking permits should be issued where residents are living in car-free or car-light developments or otherwise have access to private parking arrangements. There may be some loss of permit income but this is considered negligible in comparison with the benefits to be had from the ability to manage parking demand.

7. Legal Implications

Implications completed by: Dr Paul Feild, Senior Corporate Governance Lawyer

- 7.1 The legal position is that many new developments, particularly where they are in-fill sites, would present unacceptable car parking strains on the existing neighbourhoods. Furthermore, concerns about parking pressures are one of the most common themes of objections. As a result, it can be a condition of the planning permission that the developer shall inform the incoming residents that the development will be car-free, and they must not apply for residents parking permits to park in a controlled parking zone (CPZ). It is the case that requirements are placed in the section 106 Agreement to that effect.
- 7.2 Planning is not the only consideration because control of the CPZ's is a Highways function not a planning function. It is therefore proposed to tie the consideration as to eligibility to apply for permit in accordance with section 45(3)(c) of the Road Traffic Regulation Act 1984. So, if a development has a planning condition that it shall be car-free then the Parking administration will be entitled to refuse an application in that that development has not got off-street parking capacity. In case there are special circumstances this eligibility criteria would be tempered to allow the Director responsible for the parking service to use their discretion where they determine there are exceptional circumstances.

8. Other Issues

- 8.1 **Risk Management** – Issuing permits to car free developments will go against planning conditions and guidance as well as impact the ability for local residents to park.

- 8.2 **Corporate Policy and Customer Impact** – An Equality Impact Assessment has been undertaken and is attached at Appendix 1 to the report.
- 8.3 **Health Issues** – Improvements to air quality through the reduction of car emissions and ownership, as well as improve road safety and access.

Public Background Papers Used in the Preparation of the Report: None

List of Appendices:

- **Appendix 1** – Equality Impact Assessment