

Report Title: **Review of policy and technical guidance for vehicle crossovers**

Forward Plan reference number :

Report of: **Interim Director of Urban Environment**

Wards(s) affected: **All**

Report for: **Key Decision**

1. Purpose

- 1.1 To present details of the revised technical guidance for footway vehicular crossovers to reflect a greater emphasis on sustaining the streetscene environment.
- 1.2 To seek approval to adopt the revised guidance for use in determining future applications for crossovers.
- 1.3 To seek approval for the revised fees and charges associated with requests for the construction of crossovers.

2. Introduction by Executive Member

- 2.1 This report was brought to the Executive in order to revise council policy on vehicular crossovers.
- 2.2 The report was produced in response to a growing concern about the number of crossovers in Haringey and their negative impact on the environment and streetscape. I would like to thank officers for turning around the development of the new proposed technical guidance within the short time span of three months.
- 2.3 The revised technical guidance on vehicular crossovers set out in this report tightens the criteria for residents constructing crossovers and will help to sustain Haringey's green streetscape; furthering the green agenda.
- 2.4 I fully support the recommendations in this report.

3. Recommendations

- 3.1 That the Executive agrees the technical standards set out in Appendix A1 to determine future applications for crossovers.
- 3.2 That the Executive approves the new charging mechanism set out in Table 1 of the report.

Report Authorised by: **Graham Beattie, Interim Director of Urban Environment**

Contact Officer: **Alex Constantinides (Head of Highways Services) Ext. 1777**

4. Director of Finance Comments

4.1 The Council's external income policy has two fundamental principles that:

- services should raise income wherever there is the power or duty to do so; and
- the income should (at least) cover the full cost of the service including any overheads.

4.2 The charges set for crossovers are on the basis of fully recovering the construction costs incurred plus any relevant supervision, administration and overhead costs. However, currently no charge is made in respect of necessary amendments required to existing Traffic Management Orders (TMO) in controlled parking zones. In line with the above income policy the service is proposing to make a charge to cover the costs of any changes to a TMO. Other existing charges are also revised to reflect increases in construction and other associated costs.

5. Head of Legal Services Comments

5.1 The Head of Legal Services has been consulted and draws attention to matters which the Council must consider under the Highways Act 1980 in assessing a request to construct a vehicle crossover set out in paragraph 9.2 of the report.

5.2 Case law has held that a local authority is entitled to have regard to additional matters and it is not unreasonable for an authority to refuse an application to construct a vehicle crossover for a particular area on the basis that the proposed crossover could have an adverse effect on the safe and efficient operation of a Controlled Parking Zone within that area.

5.3 Provided each request for a crossover is considered individually taking into account all relevant considerations, the Vehicle Crossover Application Guidance at Appendix A1 of the report is a relevant consideration if recommendation 3.1 is adopted.

6. Local Government (Access to Information) Act 1985

6.1 Previous crossover application form and guidance notes.

7. Strategic Implications

7.1 An in depth review has been carried out to evaluate existing policy in consultation with the planning and legal departments. This has led to modifications to current guidance notes to reflect a greater emphasis on sustaining the streetscene environment.

7.2 The proposed guidance notes reflect the council's commitment to the Nottingham Declaration to reduce greenhouse gases by stipulating more stringent controls on

crossover applications. These controls are designed, where possible, to protect the existing 'green' streetscene environment. Nevertheless, due to permitted development rights the council cannot prevent residents turning their front gardens into hardstanding areas, except in Article 4 designated areas. (An Article 4 Direction gives the council special powers under the 1995 General Development Order to restrict permitted development rights for householders).

7.3 In cases where residents habitually drive illegally over the footway the council has powers to:

- install physical barriers to prevent continued illegal use and hence prevent damage to the footway; and /or
- effect legal action.

The Council does and will continue to take enforcement action in such circumstances.

7.4 A number of new changes to the policy for crossovers and hardstanding areas are proposed.

7.5 New Crossover Controls:

- In considering an application, the council will assess the need for safe and efficient operation of an existing CPZ. Applications will be refused where it is deemed that the construction of a crossover and subsequent loss of parking spaces would have a detrimental impact to on-street parking within a CPZ.
- The proposed application fee for a preliminary site visit and preparation of a cost estimate is increased from £50 to £100 to reflect the actual cost to the council.
- The cost of installing access bars across constructed crossovers is retained at £60. (Access bars are only advisory and are not enforceable by law, although the council has powers to remove vehicles parked across these bars and reported as denying access to a hardstanding via a crossover.)
- The cost of amending Traffic Management Orders for a crossover in a CPZ will be recovered through a charge of £1300.
- Construction costs will rise annually to reflect inflationary increases and supervision, admin and overhead charges will remain at 40% of construction costs.

7.6 Hardstanding Controls:

- There must be sufficient space within the boundary of the property to ensure a parked vehicle does not overhang the footway. Vehicles must be parked at 90 degrees to the carriageway and forecourts must be a minimum of 4.8m deep.
- Where the hard standing involves removal of soft landscaped gardens within the property, the applicant must arrange to keep the hard surface to a minimum (where feasible and practical). This can be achieved by creating two paved tracks wide enough to accommodate the car wheels. However applicants are strongly advised to consult with the Planning and Development section for further guidance and advice to ensure proposed works do not detract from the character of the surroundings and drainage is not compromised.

7.7 A list of all the conditions for both crossovers and hardstanding areas is in Table 3 of the Appendix A3.

7.8 The Planning Department has produced a guide to householders called 'Greening Your Home' and is planning further awareness raising activities on the negative impact of front garden parking. Copies of 'Greening Your Home' are available on the Council's web site.

7.9 Since the proposed criteria are more stringent than the current conditions it is anticipated that the number of crossover applications will reduce. Currently the council receives around 500 applications a year with 20% of these typically being followed through to construction

8. Financial Implications

8.1 Table 1 overleaf sets out average charges that apply to different stages of the application process. The table includes current and proposed charges.

8.2 The Council proposes to recover the full costs incurred in constructing a footway vehicular crossover. The costs are a combination of the actual price paid to our term contractor and the cost of the council officer's time for supervision, administration and other associated overheads. The contractor's cost is based on a number of variants including type of crossover (light, medium or heavy duty), materials used and size of the proposed crossover. The contractor's labour and material costs increase annually to reflect inflationary pressures (annual price increase in unit rates in term contract). The current supervision, administration and overhead charge is set at 40% of the construction costs paid to our term contractor.

8.3 Where it is necessary to remove a highway tree or relocate utility apparatus, the full costs are to be met by the applicants. These costs vary and will depend on each individual case.

8.4 Currently there is no charge to the applicant for necessary amendments required to the existing Traffic Orders for a crossover request that falls within a controlled parking zone. However, it is proposed that the council recover its costs through an initial fee of £600 to carry out the statutory consultation process. This fee includes the drafting and advertising of the Traffic Order. Assuming all statutory requirements are met, a final fee of £700 will then be required to cover the costs of the amendment to the Traffic Order and the subsequent removal and relocation of the parking bay markings and signs.

Table 1: Summary of London Borough of Haringey current & proposed charges for Vehicle Crossover Applications

Ref No.	Item	Current Charge £	Proposed Charge £
1	Crossover application and estimate	50	100
2	Light duty crossovers (construction and supervision)	500	530*
3	Medium duty cross over (construction and supervision)	750	800 *
4	Heavy duty crossover (construction and supervision)	1200	1270*
5	Painting of Access Bars (white lines in front of crossovers)	60	60
6	Traffic Management Order amendments	0	1300

* denotes annual price increase to rates in the term contract to cover price increase in materials and labour.

- 8.5 As part of the review process officers have obtained current charges made by neighbouring councils. The available information illustrates that the London Borough of Haringey provides good value for money for crossover construction compared to neighbouring authorities. A summary of comparative information is detailed in Appendix A3 (Table 4).
- 8.6 As advised in paragraph 7.9 above it is anticipated that the impact of the revised more stringent criteria will reduce the number of future applications and approvals for crossovers. It is difficult to predict how great the reduction will be and figures of 30%, 20% and 10% have been assumed to project the impact on future income generation (Table 2 below).

Table 2: Current and projected number of crossovers constructed and income generated.

Year	No. of crossovers constructed	Construction charge (£)	Supervision, admin & overhead charge (£)	Total Charge (£)
2005/06	152	82,070	32,830	114,900
Projected 2007/08 (based on 30% reduction)	107	60,690	24,275	84,965
Projected 2007/08 (based on 20% reduction)	122	69,280	27,710	96,990
Projected 2007/08 (based on 10% reduction)	137	77,800	31,115	108,915

8.7 All three show a projected reduction in the income stream for supervision, administration and overhead costs and this will be contained within existing budgets.

9. Legal Implications

9.1 Section 184 of the Highways Act 1980 is the key legislation dealing with footway crossovers. This section makes provision for the highway authority to serve notice that it intends to construct a crossover and recover the costs where a vehicle is being habitually driven across the footway. Provision is also made for a person to apply to the highway authority to execute works so as to create a crossover.

9.2 In determining how to use its powers to approve construction of crossovers the Highway Authority must consider the need to ensure as far as practicable safe access to and egress from premises and the need to facilitate the passage of vehicular traffic.

10. Equalities Implications

10.1 Through its work the council is committed to reflecting the full diversity of the community it serves and to promoting equality of opportunity for everyone. The formation of vehicle crossovers ensures safe use of the footway by all categories of highway users.

11. Background and review of criteria

11.1 A resident or business in the borough can request the council to carry out works to construct a vehicle crossover. The highway authority is empowered to grant consent with or without modifications, may propose alternative works or may outright reject the request. If approved the applicant will be required to reimburse the council the costs incurred in constructing the crossover which, as works are on the public highway, will be undertaken by council contractors and supervised by council officers.

11.2 The current guidance notes provide relevant information to assist applicants to complete their application form and to understand the issues that the council will take into account in determining their application.

11.3 Due to increasing pressure for on-street parking space many residents elect to create hard-standings in their front gardens to enable parking facilities within the curtilage of their properties. This is more prevalent in areas of parking control. To enable a vehicle to drive from the public highway onto hard standings in private properties a 'footway crossover' is required i.e. the kerb must be lowered and the footway strengthened to prevent damage.

11.4 The review clearly sets out key criteria and conditions to be fulfilled prior to approval of applications for vehicle crossovers. A summary of existing and proposed criteria for footway crossovers and hard standings is given in Table 3 in Appendix A3: new criteria are listed in **bold type**.

11.5 Table 5 Appendix A3 sets out the number of application requests and footway crossovers constructed during the past four years.

12. Conclusion

12.1 Following the review of the technical guidance, a revised set of criteria for vehicle crossovers is proposed. The more stringent criteria will reflect a greater emphasis on sustaining the streetscene environment. The associated review of charges is in line with the council's external income policy and is comparative with charges made by neighbouring boroughs.

13. Use of Appendices / Tables

13.1 Appendix A1: Draft technical guidance notes for footway vehicular crossings

13.2 Appendix A2: Draft application form for a vehicle crossover over public footways & verges.

13.3 Appendix A3

- Table 3: List of current and proposed criteria for crossovers and hard standings
- Table 4: Comparison of crossover charges with other neighbouring boroughs
- Table 5: Number of application requests and crossovers constructed (2003 – 2006)