



**Haringey** Council

Agenda item:

**[No.]**

**THE CABINET OF THE COUNCIL**

**On 20 NOVEMBER 2007**

Report Title: **Progress report on operation of the new technical guidance for crossover applications.**

Forward Plan reference number :

Report of: **Director of Urban Environment**

Wards(s) affected: **All**

Report for: **Non Key Decision**

### **1. Purpose**

1.1 To report on an evaluation of the impact of the new guidance for crossover applications since adoption in February 2007.

### **2. Introduction by Cabinet Member**

2.1 This report shows the effectiveness of the new guidelines in reducing the number of crossovers constructed in the period. The report shows there has been a 77% reduction in the number of crossovers constructed in comparison to the same period in 2006 and a 180% increase in the number of crossover applications rejected. Due to some crossovers being approved months in advance of construction some of those constructed during the period have been approved before the new guidance came into effect. Therefore it is possible that even greater reductions will be observed in future.

2.2 The new guidelines require adequate provision for drainage of the hard standing within the property, this may need to be further tightened to ensure use of permeable materials if the current guidelines do not prove sufficient.

2.3 The opportunity to use article 4 directives has been considered and although not currently recommended is something that will be considered if the current guidelines do not prove sufficient.

### **3. Recommendations**

3.1 It is recommended that the cabinet notes the impact of the stringent criteria on crossover applications since adoption of the new guidance notes.

3.2 The council continues to use the new vehicle crossover guidance notes to determine current and future applications for crossover construction.

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#### **4. Director of Finance Comments**

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

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

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. Additional charges were introduced in February 2007 to fully recover costs in respect of necessary amendments required to existing traffic management orders in controlled parking zones.

4.3 As a result of the additional charges introduced in February 2007, coupled with the more stringent criteria for approving crossovers there is an indication that there will be a potential reduction in income from crossover fees and charges for 2007/08 in the region of about 25%, compared to crossover fees and charges income received in 2006/7

#### **5. Head of Legal Services Comments**

5.1 Section 184 of the Highways Act 1980 governs the provisions of vehicle crossings. A local authority, in determining whether or not to exercise their powers to serve notice on an owner stating that they propose to execute works for the construction of a crossover or in considering a request from any person that they should exercise their powers to construct a crossover, need to ensure so far as practicable the safe access to and egress from the premises and the need to facilitate so far as practicable the passage of vehicles in highways.

5.2 A High Court case decided in 2000 held that a local authority can have regard to matters other than those referred to in s184 of the Highways Act 1980. The new vehicle crossover guidance notes provide for other relevant considerations that the Council can take into account before deciding to construct a crossover.

#### **6. Local Government (Access to Information) Act 1985**

6.1 Report to Cabinet of the council (20 February 2007) – Review of policy and technical guidance for vehicle crossovers

6.2 London Borough of Haringey - Vehicle crossover application notes ( February 2007)

#### **7. Strategic Implications**

7.1 In February 2007 the Cabinet agreed a policy of placing more stringent controls on crossover applications. This policy supports the Council Plan of being one of the greenest boroughs. The Cabinet requested a progress report after the first six months of implementing the guidelines to assess their effectiveness.

7.2 This report shows that the guidelines have been successful in reducing the numbers and sizes of crossovers approved and constructed since February 2007, compared to the same period in 2006. It is therefore recommended that we continue to implement the guidelines.

## **8. Financial Implications**

8.1 The council recovers the full costs incurred in constructing approved footway crossings on the public highway. It is evident that the more stringent criteria adopted in February 2007 have had the effect of reducing the amount of income the council receives to cover administration and supervision.

8.2 Using the data on income received to date (i.e April to September 2007) to project longer term income receipts for estimates, administration and supervision of crossover constructions, it would appear that annual fee income reductions may be in the region of approximately 25% in comparison to the same period in 2006.

8.3 It is proposed to conduct a more detailed audit on the potential income reduction and propose actions to compensate for this in the future.

## **9. Legal Implications**

9.1 The legislation governing the provision of vehicle crossovers on the public highway is detailed in section 184 of The Highways Act 1980. The highway authority cannot unreasonably withhold consent for such construction and in so doing must consider the need for safe access to and egress from the property and also the need to facilitate the flow of the traffic on the adjoining highway.

9.2 A High Court case decided in 2000 held that a local authority can have regard to matters other than those referred to in s184 of the Highways Act 1980. The new vehicle crossover guidance notes provide for other relevant considerations that the Council can take into account before deciding to construct a crossover.

## **10. Equalities Implications**

10.1 The construction of vehicle crossovers ensure safe use of the public highway by all categories of highway users and this reflects the council's commitment promoting equality of opportunity for all stakeholders.

## **11. Consultation**

11.1 As part of this progress review, Highways officers have met with a group of residents from across the borough with concerns about crossovers and loss of front gardens to determine the effectiveness of the new guidelines in reducing the number and scale of crossover approvals that the council grants. Feedback and comments are detailed in the report.

11.2 Council staff responsible for administration of crossover applications were also interviewed on the operation of the new guidance notes during the review period. Feedback and comments are also detailed in the report.

## **12. Background**

12.1 The council conducted an in-depth review of the then existing policy and guidance for crossover applications between December 2006 & January 2007. The review was conducted to develop new guidance notes and criteria to promote sustainable design and construction of future crossovers.

12.2 A report on the review was presented to the cabinet on 20 February. The cabinet agreed the report's recommendations and new guidance and requested a review of the operation of the new technical standards after 6 months.

12.3 The process for dealing with crossover enquiries and applications is shown in Appendix 2.

## **13. Progress review findings**

13.1 A review of the operation of the new guidance was conducted in September 2007. Key statistics on applications processed between February and August 2007 have been produced and analysed. Details of applications determined between February and August 2007 and the same period in 2006 are illustrated in Appendix 1 (Table 1).

13.2 Key changes noted during the review period include:

- A 28% decrease in the number of requests for crossover applications compared to the same period in 2006 was noted. That the main reason for the reduced number of requests in the review period is because majority of potential applicants abort the process after obtaining informal pre-application advice from the Council indicating that their applications may not satisfy all the new criteria. Informal pre-application communication with staff was significantly less in previous years.
- A 45% decrease in the number of completed crossover applications returned to the council for consideration compared to the same period in 2006. The main cause for the reduction in completed applications to the council is also attributed to the increased informal pre-application advice.
- A 180% increase in the number of crossover applications rejected in comparison to the same period during 2006. The current criterion for available depth of hard standings within private properties is very stringent and has been the main reason for rejections. 93% of applications were refused during the review period because applicants did not have sufficient depth of hardstanding within their properties. In comparison only 40% of applications were refused for the same reason during the same period in 2006 when applications with considerably shallower hard standings were granted permission.
- A 77% decrease in the number of crossovers constructed in comparison to the same period in 2006. It is evident that fewer crossovers were constructed during the review period because of non conformity with key criteria such as depths of hard standings. However other stipulations designed to ensure sustainable construction have also contributed to stream lining crossover constructions. For example the council now inspects each private hard standing prior to construction of a vehicle crossover to confirm that the

resident has made adequate provision for drainage of the hard standing within the property. This inspection is conducted to ensure that constructions of approved crossovers do not adversely impact on localised highway drainage. The council prohibits construction of the crossover until this criterion has been satisfied.

- A 25% increase in number of applications requiring planning permission or requiring construction within conservation areas. This statistic appears to reverse the trend of reduction of applications requested during the review period. This however reflects the fact that nationally proposals to planning authorities involving private developments and alterations to domestic dwellings (that may include vehicle crossings) have significantly increased in the recent past.

13.3 Previously the council approved a significant number of applications received from residents requiring vehicle crossovers in controlled parking zones. In some instances these approvals had a detrimental impact to the on-street parking capacity of the location. With more attention now paid to subsequent loss of parking spaces within controlled parking zones, it is expected that fewer applications will be approved in the future. During the review period the council received enquiries but did not receive any completed applications for vehicle crossovers in Controlled Parking Zones (CPZ's). In previous years there has been significant numbers of agreed applications in CPZ's.

13.4 To protect the environment where possible, we are now advising residents on practical construction techniques including use of permeable surfacing within the hard standings or creating paved tracks just wide enough to accommodate the car wheels.

13.5 A meeting was held with residents to discuss the effectiveness of the new guidance. Residents were positive about the new criteria and the significant reduction in the amount of crossings constructed during the review period. It was their view that the new policy recognised the environmental damage caused by paving over front gardens and the degradation this causes to quality of conservation areas and the streetscene environment in general.

13.6 Interviewing council staff responsible for administration of crossovers applications highlighted the significant rise in the number of informal pre-application communications with applicants and correspondence appealing rejection decisions.

#### **14. Crossovers requiring planning permission**

14.1 Applications for crossovers requiring planning permission are determined within the framework of national planning policies. As a planning authority the council is very cautious in the way it deals with planning applications for crossovers in areas where it has a degree of control (for instance in conservation areas). It must however be recorded that certain alterations to front gardens including removal of boundary walls, soft landscaping and crossovers are essential in permitted developments. Each planning application for a crossover construction is thus determined on its own merit. The adoption of the new policy guidance on crossovers has resulted in a marked increase in the number of applications rejected in comparison to previous years. It is recommended that the council continues to use these guidelines to determine future crossover applications. In the period from February to September 2007 there were 31 planning applications for crossovers and more than half of these were refused.

14.2 It is possible to use article 4 directions to prevent front garden parking in conservation areas. This means that the owner of a property must apply for planning permission for works which normally are deemed to be permitted development. However, there are a number of limitations to this listed below and, as the new procedures is successfully reducing crossovers, it is not recommended that we use this method of control at this stage.

- In areas where article 4 directives are applied the planning applications are exempt from fees under the Planning Fee Regulation. This means that the proposed work would be executed at the council's expense. In theory there is a financial risk to the council since the article 4 directive can lead to request for compensation payable to the applicant who is refused permission under the directive.
- Article 4 directive would only be worthwhile in those parts of conservation areas that do not have large numbers of existing crossovers. This would be mainly on the grounds of protecting the surrounding environment such as loss of front boundary walls rather than preventing front garden parking. Otherwise it will be difficult to justify on appeal the refusal of front garden parking if there are many other examples in the road.
- The number of front gardens protected via this process could be very small. On the other hand setting out, implementing and enforcing article 4 directives is a very resource-intensive process requiring site visits, assessments, consultations and legal framework.

## **15. Conclusion**

15.1 The adoption of the new policy guidance on crossovers has resulted in a marked increase in the number of applications rejected in comparison to previous years. It is recommended that the council continues to use these guidelines to determine future crossover applications.

15.2 The charges for construction of crossovers are set on the basis of fully recovering the construction costs incurred and any relevant supervision, administration and overhead costs. The reduction in the number of crossovers constructed during the 6-month review period has resulted in a reduction in the amount of income fees received in comparison to the same period in previous years. It is proposed to conduct a more detailed audit on the potential income reduction and propose actions to compensate for this in the future.

## **16. Use of Appendices/Tables/Photographs**

16.1 Appendix 1 (Table 1: Information on crossover applications)

16.2 Appendix 2 (Flow diagram for processing vehicle crossover applications)