

**ACTION TAKEN BY CABINET MEMBER(S) UNDER DELEGATED POWERS
(EXECUTIVE FUNCTION)**

Subject Domestic In-Curtilage Parking Policy

Cabinet Member(s) Environment & Transport

Date of decision 30 November 2006

Date decision comes into effect 8 December 2006

Summary	To revise the policy and provision criteria for providing in-curtilage parking provision through access over footways and verges
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Officer Contributors Ian Counce, Chief Highways Officer

Status (public or exempt) Public

Wards affected All

Enclosures None

Reason for exemption from call-in (if appropriate) Not Applicable

Contact for further information: Ian Counce, Chief Highways Officer, Environment and Transport

Serial No.150 (ET022)

1. RELEVANT PREVIOUS DECISIONS

- 1.1 Public Works Committee 9 April 1991 decision 4, setting the essentials of the current policy.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 2.1 The Council's Transport Strategy 2006-16 document (Cabinet 3 April 2006) seeks to “keep Barnet moving through the provision of transport infrastructure to sustain a successful expanding suburb...”, including maximising road network performance through reducing the amount of on-street parking and maximising the highway network movement capacity.
- 2.2 The Sustainable Community Strategy for Barnet 2006-2016 identifies the need to ‘keep Barnet moving’ as a key ambition. There is full recognition that car usage in Barnet is high and there are implications for congestion, safety, air quality and parking. It encourages action to bring forward improvements.
- 2.3 The Council’s Corporate Plan 2006/7 – 2009/10 confirms the Council’s commitment to secure the effective use of the borough’s road network.
- 2.4 The Borough's Unitary Development Plan (adopted 18 May 2006) indicates that the Council will seek to ensure the provision of a safe and efficient transport system with access for all. In particular, the Council will seek to ensure that roads within the borough are used appropriately according to their status in the defined road hierarchy (Policy GRoadNet).
- 2.5 The Traffic Management Act 2004 (TMA) requires Local Traffic Authorities to manage their road network with a view to securing the expeditious movement of traffic on the authority's road network; and facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority. The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing the more efficient use of their road network; or the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority; and may involve the exercise of any power to regulate or co-ordinate the uses made of any road (or part of a road) in the road network (whether or not the power was conferred on them in their capacity as a traffic authority).
- 2.6 The Council's Local Implementation Plan (LIP) has been submitted to the London Mayor for his approval. Once this has been given, the LIP will be formally adopted by the Council as a statutory plan. Amongst

other policy issues, the LIP addresses traffic (and hence parking) growth in the borough and the need to manage the road network in a way which limits increases in congestion. This reflects the Network Management Duty imposed on the Council by the Traffic Management Act 2004.

- 2.7 The Three Strands Approach (June 2005) seeks to protect and enhance the best of Barnet suburbia. Much of the off-street parking provision will continue to be within the classic suburban areas and characteristic private gardens need to be protected.

3. RISK MANAGEMENT ISSUES

3.1 Financial.

Low risk: Applicants for a vehicular crossover pay the full costs of the works including administration charges to cover associated staff costs. Certain residents may decide not to proceed or sometimes there are physical restrictions that make passage over the footway impossible. Initial survey time and feasibility works are recovered through an initial inspection fee. These costs are published within the Environment & Transport Service's published fees and charges schedule. Although not determined by repair condition, works to provide passage over the footway to private parking areas increase the overall investment made to the borough's footway network.

3.2 Corporate Reputation.

High risk: In order to effectively manage the road network and comply with its duties as a Highway, Traffic and Local Traffic Management Authority, from time to time the Council needs to exercise its powers to control and manage on-street parking. The provision of alternative parking facilities reduces the overall numbers of vehicles requiring to park on-street enabling the Council to better manage the road network. There is a high likelihood that displacement of parking will take place onto adjoining roads without an increase in overall parking provision. Conversely the construction of a vehicular crossover reduces the kerb space available for on-street parking and can be a sensitive local issue.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 In-curtilage parking is likely to make the vehicle safer from theft and other vehicle collision as it will be off the public highway. It will also result in greater personal safety for vehicle occupants who will not have to park a distance away from their property.
- 4.2 People with mobility issues will be able to park as close as possible to their home address.

- 4.3 The resultant reduction in demand for on-street parking space will make it easier for neighbours to park, albeit balanced by the reduction of kerb space for on-street parking

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 The works and associated staff time is fully recoverable from the applicants and requires no direct budget support. It is envisaged that the increase in workload as a result of this report will be managed using existing staff numbers. Should it be necessary to obtain extra resource, any additional costs will be contained within the activity area.

6. LEGAL ISSUES

- 6.1 All applicants for new crossovers will be required to enter into an agreement prepared by the Borough Solicitor. The agreement will:
- forbid vehicles parked in-curtilage to hang over any part of the highway (including adjacent footway);
 - incorporate an informative notice to protect garden areas and address any overhanging foliage issues.
 - incorporate an informative advising that full costs will be levied upon any application for re-instating the access over the footway and/or for removing the bollards.
 - be registered as a local land charge, thereby becoming enforceable against future owners/occupiers of the property;
- 6.2 If the agreement is breached, there will be an escalating level of response, starting with a verbal warning, followed by a letter then a notice stating that the right of passage over the footway will be removed (s.184 Highways Act 1980).

7. CONSTITUTIONAL POWERS

- 7.1 Part 3, paragraph 3.3 of the Council's constitution states that Cabinet Members powers include the power to discharge the executive functions that fall within their portfolio, whether or not they are also delegated to officers, except for matters specifically reserved to Council, Cabinet or Cabinet Committees
- 7.2 Part 3, paragraph 3.1 states that the Cabinet Member for Environment and Transport leads on all matters relating to the development and management of the Environment, including parking provision.

8. BACKGROUND INFORMATION

- 8.1 Barnet is primarily residential in character and our environment is attractive to and enjoyed by our community. Typical of many outer

London boroughs, although we are high users of public transport to commute to and from work, we also have high levels of car ownership. Currently there is just over one vehicle owned for each household in the borough. This is predicted to rise by 15% by 2025.

- 8.2 On-street parking has increased over the years and in many locations around our town centres there has been a need to manage and control this activity through the introduction of area-wide waiting restrictions and controlled parking zones. Twenty three zones have been introduced since the first around Brent Cross in 1988.
- 8.3 The increase in population predicted across Barnet in the next twenty years, and the resultant increase in car numbers, will put further pressure on the highway network.
- 8.4 Many of the areas that currently suffer parking stress ie. the demand for on-street parking is greater than the available spaces, are characterised by houses that do not have garages or rear accesses. In many instances residents have to park some way from their property which can be inconvenient when transporting goods and make them feel unsafe if alone at night.
- 8.5 The current practice, that has remained largely unchanged since 1991, is to approve passage over the footway or verge, under section 184 of the Highways Act 1980, only if the depth of the private forecourt is equal to or greater than 4.5 metres (this was reduced from 4.8 metres in 1998).
- 8.6 Car designs have changed over the years and there are now many vehicles that are considerably shorter than 4.5 metres. In addition, with the focus on sustainable transport, a number of electrically powered vehicles, as well as being short in length, require an electricity supply to recharge the battery supply. This cannot be achieved if parked on the road as it would necessitate cables being run over the footway, which is not allowed. An off-street parking facility is therefore necessary for Barnet to encourage this trend.
- 8.7 The forecourt depth criterion has been used to seek to eliminate any obstruction of the footway by vehicles overhanging from the private parking areas. It is proposed that the community's enjoyment of the footway can continue to be protected by means of a legal agreement with the applicant. The agreement will safeguard against any obstruction and will set out the penalties should there be regular violations. This agreement can be added to the local land charge register so that it is lodged against the property rather than the applicant at the time. This protects against successor issues. The cost of the agreement and register entry is envisaged to be set at £150.
- 8.8 The space between the road and the buildings fronting it is an important part of the environment, which can change significantly by the increase in front area parking. As traditional front gardens are replaced by hard

surfaces and vehicles, the harmony and continuity of the street frontage is interrupted, and enjoyment of the buildings themselves, especially if listed or in a conservation area, may suffer. This may also lead to a reduction in wildlife through lost habitats and permeable surfaces. It is therefore important that front garden parking, where permissible, should be constructed to cause minimum intrusion and harm. With care and attention, any visual impact of a parking space together with the adverse effect on wildlife can be reduced, whilst blending in with the neighbourhood. This is in line with the Three Strands Approach to enhancing suburbia and an informative containing guidance will be issued with every application approval, along similar lines to informatives issued as part of the development control planning process.

- 8.9 The informative will not be prescriptive but will offer assistance to applicants on a range of design aspects including boundaries ie. walls/fences/hedges, gates, planting and pervious surfaces. Bland hard-standings with no planting and water running off into the public highway will not be permitted.
- 8.10 The current requirement to seek planning permission for a number of locations ie. access off a classified road, sub-divided property, listed building, conservation area, past restrictive permission or fencing greater than 1 metre high fronting the highway and over 2 metres high elsewhere, will remain.
- 8.11 The adoption of a more flexible approach to the type of off-street parking provision as detailed in this report will better meet the modern parking demands of the community. There will be a greater opportunity for residents to obtain their own parking areas which will be more convenient and result in a reduction of on-street parking. The current average cost for providing a footway / verge crossover is approximately £1,000 and this cost will likely increase by £150. There will be other costs to the householder in laying out their frontage areas, which are difficult to quantify as they are directly proportional to the level of treatment. Suffice to say with confidence, that any immediate costs associated with the parking provision are fully covered by the increase in property value an off-street parking space adds.

9. LIST OF BACKGROUND PAPERS

- 9.1 Documents containing design criteria and approval procedures are held in the Highways Group.
- 9.2 Anyone wishing to see the background papers please contact Ian Counce on 020-8359 3011.

10. DECISION OF THE CABINET MEMBER(S)

I/We authorise the following action

10.1 That the revised policy and provision criteria for domestic in-curtilage parking be approved as detailed in this report.

Signed

M. Offord

**Councillor Matthew Offord, Cabinet
Member for Environment and Transport.**

Date

30 November 2006
