

Name of decision maker: Councillor Janice Marshall

Portfolio: Housing

Date of Portfolio Holder Decision: 12 January 2007

Title of Decision: Amendments to the criteria used for the installation of parking pads and for granting approval for vehicular access across Housing amenity greens.

Decision made and reasons:

To amend the criteria used for the installation of parking pads and for granting approval for vehicular access across Housing amenity greens as follows: (amendments to the existing text of the criteria are shown in bold type for ease of reference)

1. To amend paragraph 7 of the criteria to: "Pavement crossovers will be constructed **in materials to be agreed with the Council**".
2. To amend paragraph 8 of the criteria to: "The cost of the lowered kerb and driveway will be paid **by the applicant** (to Herts County Council) prior to commencement of the works".
3. To amend paragraph 14 of the criteria to: "Parking Pads are not constructed where existing ground levels fall or rise by more than 1:6 from the footpath or carriageway **unless safety considerations dictate otherwise**".
4. To amend paragraph 19 of the criteria to: "Crossing a grass verge, amenity green, landscaped area or other feature is only permitted where, in the view of the Council, this can be achieved without affecting the amenity value of the feature. Generally such crossings should not exceed **4 metres in length and the vehicle crossover itself must not be used for parking purposes**".
5. To increase the maximum number of footpaths that can be crossed from 1 to 2, unless there are overriding safety considerations to the contrary.
6. To include a new requirement for the construction of vehicle crossovers so that the finished surface will avoid the need for weed spraying and the surface will be suitably edged and finish flush with the surrounding ground levels to facilitate mowing.
7. To include a new requirement that any damage to the grassed area caused during construction is to be made good to an acceptable standard at the applicant's expense.

Reasons for decision:

1. To relax the existing criteria to enable more requests to be approved, in order to provide additional off-street parking facilities and so help relieve congestion on estate roads.
2. To enable requests to be met where it is feasible and practical to do so, whilst at the same time preserving much of the character and green space within the local environment.
3. To ensure that requirements are included to support the repair and ongoing maintenance of adjacent landscaped areas.
4. To remove areas of ambiguity and make the criteria clearer for applicants.

Reports considered: (here reference can be made to specific documents)

Officers background report enclosed

Officers/Councillors/Ward Councillors/Stakeholders Consulted:

Colin Farrar – Head of Housing
Steve Bradley – Housing Services Manager
Graham Miles – Repairs and Maintenance Manager
Peter Snow – Senior Manager – Landscape and Recreation
Tenant Services Managers
The Housing Advisory Panel

Monitoring Officer/ Chief Financial Officers Comments:

Monitoring Officer: “I have no comments to add to the report”

Chief Financial Officer: had no comments to add

Options Considered and reasons for rejection:**Not to amend the criteria**

Rejected because this would effectively prevent additional requests from being approved. Ongoing maintenance implications would also not be taken into account.

To relax the criteria still further or remove them altogether

Rejected because of the potential for adverse impact on the local environment, on the character and amenity value of landscaped areas. Also in order to help to maintain public safety.

Portfolio Holders Signature:

Date:

Details of any interests declared and any dispensations given by the Standards Committee:**For Member Support Officer use only**

Date Decision Record Sheet received from portfolio holder: 11/1/2007

Date Decision Published: 12/1/2007 Decision No: PH/005/07

Date of Expiry of Call-In Period: 19/1/07

Date any Call-In received or decision implemented:

BACKGROUND

1. For several years the Council has operated a scheme whereby existing tenants of the Council can apply to have a parking pad installed in their front gardens. This is on the basis that the Council pays for the cost of constructing the parking pad, whilst the tenant pays for the cost of lowering the kerb and for any necessary access arrangements across adjacent amenity greens / footpaths etc.
2. Approval of requests is subject to a number of criteria being met, in order to ensure consistency, transparency and fairness in decision making. The criteria used ensure that factors such as the proposed location, method of construction of the parking pad and access arrangements are appropriate and that safety issues are carefully taken into account.
3. Similar criteria (as appropriate) are used to decide whether or not requests should be approved for vehicular rights of way across land owned and managed by the Housing Service. Generally such requests are made by owner occupiers who wish to negotiate vehicular rights of way across areas of land (usually an amenity green) in order to construct parking facilities in their front gardens. Subject to approval, applicants meet the full cost themselves, together with a fee for the grant of the right of way negotiated by the Valuation and Estates Section and any associated legal costs.
4. A review has recently been carried out of the criteria used as guidelines for reaching decisions on applications, to see if they should be amended and if so how. As part of this review a number of Officers were consulted and also the Housing Advisory Panel.
5. Officers' views have been incorporated (where appropriate) in the proposed amendments to the criteria and relate mainly to issues associated with the construction of the vehicle crossover and the reinstatement and maintenance of adjacent landscaped areas.
6. Whilst the Housing Advisory Panel have consistently shown a keen interest in parking issues and in the need for additional parking facilities, they made no specific recommendations about amendments to the criteria.
7. The criteria currently used to reach decisions on applications from tenants for parking pads to be installed in their front gardens, or from non-Council tenants wishing to negotiate rights to cross Council owned land are as follows and apply as indicated in italics:
 - 1) Parking Pads are only considered for installation within the curtilage of the applicant's property. Parking pads are not installed within the communal areas of blocks of flats etc.

(applies to applications from DBC tenants and leaseholders)

- 2) An application will not be considered if there is already a Parking Pad within the curtilage of the dwelling.

(applies to applications from DBC tenants)

- 3) Parking Pads will not be permitted where the entrance could affect existing off street parking bays or areas.

(applies to applications from DBC tenants and to requests for vehicle crossovers)

- 4) Applications for Parking Pads are considered in date order of receipt.

(applies to applications from DBC tenants only)

- 5) Applications are subject to a satisfactory site survey and the availability of budgets.

(applies to all applications, although the availability of budgets applies only to applications from DBC tenants)

- 6) The Council has the choice of finish for the Parking Pad, although the tenant's preference is taken into account if the costs are similar.

(applies to applications from DBC tenants only)

- 7) Pavement crossovers will be constructed, where possible, in the same material as existing.

(applies to all applications)

- 8) The cost of the lowered kerb and driveway will be paid (to Herts County Council) prior to commencement of the works.

(in practice applies to all applications)

- 9) The terms under which Parking Pads are installed will be subject to periodic review.

- 10) An application will not be considered from a tenant who has applied to purchase under the Right to Buy Scheme, or is in rent arrears.

(applies to applications from DBC tenants only)

- 11) The garden is of a sufficient size to accommodate the proposed parking pad without the need to re-locate existing garden paths or affect areas shared with other residents. Generally, Parking Pads are not constructed within 1 metre of the front of buildings.

(applies to applications from DBC tenants only)

12) Parking Pads do not exceed 6m in length and 3m in width.

(applies to applications from DBC tenants only)

13) Applications will be considered having regard to the requirements of the Party Wall Act.

(in practice applies to all applications)

14) Parking Pads are not constructed where existing ground levels fall or rise by more than 1:6 from the footpath or carriageway.

(in practice applies to all applications)

15) Parking Pads can only be constructed where existing obstructions, such as manhole covers, can easily be adapted to permit the work.

(applies to applications from DBC tenants only)

16) Applications are not approved if they would adversely affect, or require the removal of a mature tree.

(applies to all applications where the tree is owned by the Council, or is subject to a Tree Preservation Order)

17) Tenants are responsible for making good at their own expense any fences, walls or hedges that have to be altered to accommodate the works.

(in practice applies to all applications)

18) Applications are only approved subject to all necessary Planning, Highways, Road Safety and Traffic Management approvals.

(in practice applies to all applications)

19) Crossing a grass verge, amenity green, landscaped area or other feature is only permitted where, in the view of the Council, this can be achieved without affecting the amenity value of the feature. Generally such crossings should not exceed 3 metres in length.

(applies to all applications)

20) Approval is not given if the existence of immovable objects on the carriageway or footpath adjacent to the proposed location of the Parking Pad, such as drainage gullies, trees, telegraph poles, lighting columns etc. will prevent the work being carried out.

(applies to all applications)

In addition, although not originally included in the criteria, in practice approval has only usually been granted if the vehicle crossover has necessitated crossing a maximum of 1 footpath.

(applies to all applications)