

Report to:	CABINET MEMBER FOR TRANSPORTATION & STREET SERVICES
Report of:	ASSISTANT DIRECTOR (DEVELOPMENT STRATEGY)
Date of Decision:	11 th August 2006
SUBJECT:	FOOTWAY CROSSINGS – POLICY AND SPECIFICATIONS
Key Decision: No	Relevant Forward Plan Ref:
Type of decision:	Executive
Relevant Cabinet Member:	Councillor Len Gregory
Relevant O&S Chairman:	Councillor Martin Mullaney
Wards affected:	All

1. Purpose of report:

- 1.1 To recommend a revised policy for the provision of footway crossings.

2. Decision(s) recommended:

- 2.1 That the Cabinet Member for Transportation & Street Services agrees to the revised policy for the provision of footway crossings as set out in Appendix 2.

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3. Brief Summary of Report:

- 3.1 The proposed new policy on the provision of footway crossings is designed to give officers greater flexibility in recommending decisions to Planning Officers whilst retaining the fundamental requirement to protect safety and free flow of traffic on the highway network. These criteria will also be applied in the case of footway crossing applications where planning permission is not required.
- 3.2 The report also proposes the retention of the criteria currently in use for the detailed design of crossings and the size of frontage parking areas.

4. Compliance Issues:

- 4.1 Are Decisions consistent with relevant Council Policies, Plans or Strategies:
The contents of this report are consistent with the Council's policy to improve transport, tackle congestion and to manage resources flexibly and responsively.
- 4.2 Relevant Ward and other Members /Officers etc. consulted on this matter:
Councillor David Roy, Chairman of the Planning Committee, has been consulted on the contents of this report and is in support. The report also responds to numerous historic requests from members to review decisions on the provision of footway crossings where permission has not been granted.
- 4.3 Relevant legal powers, personnel, equalities and other relevant implications (if any):
Alterations to the Highway are carried out under the provisions of the 1980 Highways Act.
- 4.4 Will decision(s) be carried out within existing finances and resources? Yes
Footway Crossings are constructed at a cost that is recharged to the applicant. There are no additional costs to the City Council arising from this change in policy.
- 4.5 Main Risk Management and Equality Impact Assessment Issues (if any):
A significant demand for frontage parking is from Inner City areas where road space is at a premium and frontage space tends to be limited; a large proportion of such properties are likely to be in the ownership of the Black and Minority Ethnic population, who will therefore be most affected by refusal of permission for provision of crossings.

5. Relevant background/chronology of key events:

- 5.1 Over one third of the 300,000 cars in the City are parked on street, which results in increased car crime, neighbour disputes, safety issues and congestion. Insufficient parking for residents is a problem that will continue to grow as car ownership increases, an issue that has been addressed through reports to Scrutiny that recommended a range of options to provide increased off road parking facilities.
- 5.2 In order to park off street within the curtilage of a property, it is necessary to obtain a properly constructed crossing point over the footway. The provision of such a crossing is dependent on location and space available. In some cases receipt of planning permission is needed.

- 5.3 Planning permission is required for the provision of footway crossings on classified roads, in conservation areas, for properties in multiple occupation and for commercial premises. A recommendation is made to the Director of Planning and Regeneration on behalf of the Assistant Director (Development Strategy) and a decision is generally made under delegated powers by the planning officer. In the majority of cases on an unclassified road, planning permission is not required but an application to the Chief Highway Engineer is necessary and provision will only be agreed where certain essential criteria are met.
- 5.4 Where planning permission is required, the recommendation is currently based on criteria set down in guidance produced by the Director of Transportation in 1998 (see Appendix 1). These criteria are complicated and difficult to understand by most applicants and there have been requests from Members to review decisions.
- 5.5 The current criteria include such matters as precise visibility requirements, adequate space to turn a car around, the number of existing crossings in the vicinity and the category of road. This has led to difficulty in cases where permission is refused but where there are neighbours who obtained crossings before the guidance was agreed. This can result in cars being parked in exposed positions close to relatively fast moving traffic. The guidance is based on definitions taken from the 1994 Transport Policy and Programmes (TPP), which has been superseded.
- 5.6 The requirement for turning space within curtilage is also problematic, since there is no guarantee that a driver will turn his car even if space is available and, furthermore, it takes no account of multiple car ownership when a second or third car would prevent such a manoeuvre.
- 5.7 It is therefore recommended that the 1998 guidance be amended in favour of a decision based on professional judgement made in the light of the characteristics of the highway, the traffic speed and volume, the visibility, the number of cars parked on-street already and the number of existing crossings in the vicinity. Visibility will be as defined in PPG13 and Design Bulletin 32. For parking at right angles to the property, the depth of the parking space must not be less at any point than 4.75m measured in a straight line from the property boundary at the crossing point to the nearest building. For "parallel" parking, this dimension may be reduced as explained in paragraphs 5.9, 5.10 and 5.11 below. In order that there can be no doubt about the rationale for a recommendation, it will be fully explained in the consultation response to the planning officer.
- 5.8 Where planning permission is not required the decision made by the Chief Highway Engineer is to be based on similar criteria relating to visibility, safety and dimensions. A particular problem has been the required depth of the parking area on the frontage of the property. The requirement in Birmingham will be 4.75m in order to reduce the likelihood of vehicle overhang onto the footway. In such circumstances intervention by the Police is necessary in order to prevent the obstruction of the footway, unless there is an appropriate Traffic Regulation Order.

- 5.9 There are frequent requests for parallel or angled parking on frontages. This means parking parallel to the footway or at an angle between this and the right angle described in para. 5.7 above. Experiments have demonstrated that these regularly result in obstruction of a footway as well as requiring the driver to drive along the footway in breach of the law. They may also require a much wider footway crossing area or a footway crossing that is not directly outside the property in question. Using tracking software to simulate the path of a car entering and leaving such a bay demonstrates that it could only be accommodated if the frontage width of the property is greater than 6m and, even in these circumstances, the crossing would be located in front of the adjacent property, where it is likely to be blocked by that resident's vehicle.
- 5.10 It is only possible to avoid such a problem where the frontage is greater than 12m in width, in which circumstances the depth is likely to exceed 4.75m in any case and a conventional crossing would be permitted. There would also be a greatly increased effect on trees and street furniture.
- 5.11 Therefore parallel parking will be permitted only where the applicant is able to demonstrate that there is parking space within curtilage and that access is available by crossing the footway directly outside the property in question. In these circumstances, the minimum depth of the space will be 2.5m
- 5.12 All of these circumstances are likely to vary in different locations and it is therefore recommended that each one is considered on its own merits utilising the existing guidance on depth, safety and visibility, alongside any particular imperatives that may arise as a result of local street and traffic conditions.
- 5.13 A further issue relates to the provision of crossings during planned maintenance work, where crossings are provided at reduced cost to the residents. The provision of an upgraded crossing whenever maintenance works are carried out should be encouraged.

6. Evaluation of alternative option(s):

- 6.1 Do nothing: The current complex guidance will remain in place, leading to frequent challenges and appeals against Planning Committee decisions.

7. Reasons for Decision(s):

- 7.1 To clarify existing guidance and permit increased flexibility in the decision-making process, thereby resulting in increased opportunities to remove vehicles from obstructing the free flow of traffic and also increasing security for owners

Signatures (or relevant Cabinet Member(s) approval to adopt the Decisions recommended):

Chief Officer(s):

Cabinet Member(s):

Dated:

List of Background Documents used to compile this Report:

Planning Appeal Decision – 25th July 1990 – Wolverhampton Road South

Planning Appeal Decision – 6th February 1997 - Old Walsall Road

PPG13

Design Bulletin 32

Report of the Director of Transportation to the Transportation and Technical Services Committee – March 1998

List of Appendices accompanying this Report (if any):

Appendix 1 - Footway Crossings – Considerations for Planning Approval

Appendix 2 – Footway Crossings – Policy and Specifications