



## Highways Committee

**Tuesday 10 December 2013 at 7.00 pm**

Board Room 7&8 - Brent Civic Centre, Engineers Way,  
Wembley HA9 0FJ

### Membership:

#### Members

Councillors:

J Moher (Chair)  
Mashari (Vice-Chair)  
A Choudry  
Denselow  
McLennan

#### alternates

Councillors:

Butt  
Crane  
Hirani  
R Moher  
Pavey

**For further information contact:** Joe Kwateng, Democratic Services Officer  
020 8937 1354, [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

**Item** **Page**

**1 Declarations of personal and prejudicial interests**

Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

**2 Minutes of the previous meeting - 10 October 2013** 1 - 6

**3 Matters arising (if any)**

**4 Deputations (if any)**

**5 Petitions**

**6 Ealing Road - CPZ Zone E review** 7 - 12

This report advises the committee of the outcomes of a review of the Zone E Controlled Parking Zone (CPZ), covering Ealing Road, Wembley following consideration of a petition that was presented to the Highway Committee on 17 July 2012. The petition raised concerns about the level of pay & display charges in the Borough along with parking restrictions imposed by the Council in and around the Ealing Road area. It requested more free parking; reduced parking charges; parking restriction times to be reduced and; parking fees to be reduced.

**Ward Affected:** Alperton;  
Wembley  
Central

**Contact Officer:** Paul Chandler, Head  
of Transportation

Tel: 020 8937 5151

paul.chandler@brent.gov.uk

**7 Ealing Road - Speed Camera Petition** 13 - 18

This report informs the Committee of a petition requesting the installation of speed cameras on Ealing Road between Hanger Lane and Carlyon Road, Alperton. It advises members that it is the responsibility of Transport for London to work with Boroughs to identify locations for speed cameras in the capital through application of agreed prioritisation criteria. The report also informs the committee of measures that will be taken to investigate accidents along this section of Ealing Road with the London Borough of Ealing and assess future measures to improve safety.

**Ward Affected:** Alperton      **Contact Officer:** Paul Chandler, Head of Transportation  
Tel: 020 8937 5151  
paul.chandler@brent.gov.uk

**8 Crossover Policy - Ombudsman's Report outcomes and policy change** 19 - 62

This report informs the Committee of the findings of a Local Government Ombudsman investigation into a complaint about an application for a vehicle crossover. It outlines the complaint, details the findings by the Ombudsman and notes how the Council has responded to those findings, including the recommendation that the Council adopts a revised vehicle crossover policy.

**Ward Affected:** All Wards      **Contact Officer:** Paul Chandler, Head of Transportation  
Tel: 020 8937 5151  
paul.chandler@brent.gov.uk

**9 Brent Cycle Vision - Ways to Wembley** 63 - 82

This report informs the Committee about Brent's "Ways to Wembley" cycle funding bid, which was submitted to the GLA and TfL at the beginning of July 2013. This was in response to outer London boroughs which were invited to submit expressions of interest to become "cycle mini-Hollands" and receive funding for cycle improvements that will make a step change in infrastructure development and encourage cycling in their boroughs. The report outlines the content of the bid submitted, the response received from the Mayor's office and the next stages of the process as agreed with the Mayor's cycling commissioner. It also highlights concerns regarding the way in which cycle route improvements will be selected and delivered, and how and when the funding for these improvements will be released

**Ward Affected:** All Wards      **Contact Officer:** Paul Chandler, Head of Transportation  
Tel: 020 8937 5151  
paul.chandler@brent.gov.uk

**10 Any Other Urgent Business**

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

## 11 Date of Next Meeting

The next meeting of the Highways Committee is scheduled for Thursday, 13 February 2014



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.



## LONDON BOROUGH OF BRENT

### MINUTES OF THE HIGHWAYS COMMITTEE Thursday 10 October 2013 at 7.00 pm

PRESENT: Councillor J Moher (Chair), Councillor Mashari (Vice-Chair) and Councillors Hirani (alternate for Choudry), McLennan and R Moher (alternate for Denselow)

Also present: Councillors Cheese and Lorber

Apologies for absence were received from: Councillors A Choudry and Denselow

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 16 July 2013 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Deputations**

None.

5. **Petitions**

The Committee received a petition from the residents and businesses in the Sudbury controlled parking zone SH (CPZ SH) which stated as follows;

*"In view of the recent increases in Residents Parking Permit Charges and reductions in number and increased charges for visitor permits we call on Brent Council to undertake an early review of the controlled parking zone operating in Fernbank, Maybank and Rosebank Avenues, Sudbury."*

Mr Yasir Hai, a local resident spoke to the petition. Mr Hai stated that he had conducted a survey among residents on the review of the hours of operation of the CPZ for the Sudbury area, copies of which results he had sent to all members of the Committee. In addition, he had collected in excess of one hundred signatures of local residents who expressed objection to any proposed review and requested that

the current hours of operation remain unchanged. He continued that if the hours of operation were reduced from 08:00 – 18:30 to 08:00 – 15:30, residents would find themselves competing for parking spaces with commuters, restaurant diners and visitors whilst still having to pay the same charge for permits. Mr Hai also informed the Committee that residents had requested the retention of the scratch card for visitor permits and to revert to the previous system instead of the on-line system which they did not find it to be user friendly.

Mr Yasir Hai was thanked for his address.

## 6. **Sudbury CPZ review petition**

Members considered a report that responded to a petition requesting a review of the controlled parking zone in Fernbank, Maybank and Rosebank Avenues in the Sudbury area. In setting the background, Paul Chandler, Head of Transportation stated that the controlled parking zone SH (CPZ SH) was introduced principally to remove commuter and long term non-residential parking, improve road safety by removing obstructive parking at junctions, regulate on-street parking and by allowing greater turnover in parking spaces, attract more customers to local businesses. He continued that the operational times of 8:00am to 6:30pm Monday to Saturday excluding bank holidays were agreed with residents and local businesses. Members heard that the request for review had been assessed and considered to meet the criteria explained in the report.

Paul Chandler informed members that the cost of undertaking the review would include resources involved in undertaking a consultation as well as amending traffic orders and implementing signing changes if residents desire a change. Total costs could be up to £10,000. As there was no budget provision for this review, it was proposed to use funding available via the Local Implementation Plan (LIP during 2014/15 to review CPZ SH.

In response to other parts of the petition, Paul Chandler stated that the prices of resident and visitor permits were consistent across all parking zones and that the request to re-introduce scratch cards would have Brent-wide cost implications that could not be considered as part of a local CPZ review.

Councillor Lorber stated that majority of the residents endorsed the current operational hours from 08:00am-6:30pm which had deterred commuter parking, non-residential long term parking and improved road safety. Councillor Lorber added that residents had however expressed genuine concerns about the charges for permits.

Councillor Daly stated that whilst there was an urgent need for a review, any review should be tailored to the needs of individual roads and should also take into consideration the needs of particular groups especially disabled persons. Councillor Daly also expressed concerns about the telephony system which she added made it more difficult for residents to use the on-line parking system.

Whilst members agreed that there could be potential for a separation of operational hours tailored to suit individual roads, they felt that in addition to the cost implications there were practical difficulties involved in that approach.

RESOLVED:

- (i) that the contents of the petition and the issues raised be noted;
- (ii) that the allocation of £10,000 of LIP capital funding to undertake a review of the operational times of CPZ SH in Sudbury during the 2014/15 financial year be approved, subject to approval of the 2014/15 LIP programme;
- (iii) that the Head of Transportation be instructed to proceed with a review of the operational hours of controlled parking zone SH during the 2014/15 financial year, subject to the outcome of the Local Implementation Plan capital funding submission;
- (iv) that, subject to the outcomes of a review of operational hours of CPZ SH during 2014-15, authorise the Head of Transportation to undertake any necessary non-statutory and statutory consultation, to consider any objections or representations and to implement the necessary Traffic Management Orders and associated signing and road marking works required to implement the changes;
- (v) that the main petitioner be informed of the outcome of the Highways Committee decision in regard to this matter.

**7. 20 mph zone on Kilburn High Road**

The Committee received a report from the Head of Transportation that sought approval to implement a traffic management and road safety scheme with an associated 20 mph speed limit on the section of the A5 Kilburn High Road between Willesden Lane and Kilburn Station. Paul Chandler, Head of Transportation clarified that this was a concept scheme developed jointly with Camden to improve public realm and safety along the corridor. Members heard that Camden was looking to implement a borough wide 20 mph limit, of which the Kilburn High Road was a part.

Paul Chandler continued that as the joint concept was subject to committee approval, officers were proposing to prioritise Local Implementation Plan (LIP) funding in 2104/15 and 2015/16 so that further detailed design and development work could be undertaken prior to consultation and implementation. He updated members that Camden already had funding agreed for their part and were looking to develop parts of the scheme on their section of the High Road by 2014/15. In order not to heighten residents' expectations ahead of funding, he cautioned that the scheme was only a concept at this stage. Once a more formal scheme had been developed, a comprehensive local consultation would be undertaken.

Paul Chandler clarified that Brent currently adopted a case by case approach to the use of 20mph speed limits, concentrating investment in streets and areas which had a history of accidents. He added that the approach had been very successful in reducing the number of accidents and casualties on our roads. He continued that Brent's current policy was to only introduce 20mph speed limits on residential and

where benefits in terms of addressing a poor collision record and where the reduced limit would be largely self-enforcing, through the introduction of traffic management or calming measures that change the nature of the road and create an environment where a lowered speed limit can be demonstrated.

In welcoming the concept scheme, the Chair added that Brent's approach had been very successful to date, with numbers of persons being killed or receiving serious injuries (KSI) collisions in Brent reducing from 350 in 1991 to 72 in 2011, beating both national and Greater London reduction targets by a significant margin. Councillor Cheese suggested that in order to educate children about road safety and to keep up with the reducing trend, members should be encouraged to accompany the road safety team to schools.

**RESOLVED:**

- (i) that conceptual designs jointly developed by Brent and Camden for a proposed urban realm improvement and traffic safety scheme for A5 Kilburn High Road, including a reduced 20mph speed limit between Willesden Lane and Kilburn Station be noted;
- (ii) that subject to agreement to LIP funding requirements, further preliminary and detailed design work be undertaken in collaboration with London Borough of Camden leading to a full public consultation over the proposals in 2014/15.

**8. Proposed LIP programme bid for 2014-15**

The Committee considered a report from the Head of Transportation that sought approval to submit the 2014/15 capital programme to Transport for London (TfL) and following the approval of that body, to implement the schemes and initiatives within the submitted/approved programme. Paul Chandler, Head of Transportation clarified that the primary source of funding for schemes and initiatives to improve transport infrastructure and travel behaviour in Brent was Local Implementation Plan (LIP) funding, which was allocated through TfL.

With reference to the report, Paul Chandler explained the bidding process and prioritisation metrics. He continued that over the course of any financial year, officers received a significant number of requests for infrastructure improvements and given budget restrictions, it was not always possible to satisfy all of the requests received. Consequently, a prioritisation model had been developed that assisted with the ranking of infrastructure improvement requests received and a draft programme based on provisional funding allocation. He explained that potential schemes were assessed by scoring each against the likely benefits that it would deliver, reflecting the priorities stated within regional and sub-regional transport policies, plans and strategies along with Brent's corporate strategic objectives and growth plans.

Members heard that Brent's provisional LIP funding allocation would allow officers to take forward all schemes put forward during the current financial year for further detailed study and/or scheme development. However, if the final LIP allocation was less than the provisional value of £2,480,000 the size of the programme would need to be reduced accordingly and allocated priority scores would be employed to determine which projects could be taken forward during 2014/15.

The Head of Transportation continued that the 2014/15 Spending Submission which must be submitted to TfL no later than 17 October 2013 had been developed and presented in two parts: Corridor and neighbourhood schemes and supporting measures; and Principal road asset renewals and strengthening works for bridges and other structures in the Borough. He added that the Council was on target to deliver a wide range of infrastructure and initiatives in line with TfL expectations.

In the ensuing debate, it was remarked that whilst major roads were sometimes resurfaced several times within a period, the side roads were often neglected and requested the Head of Transportation to ensure that TfL considered improving side roads also. With reference to the 6% of the budget allocated to cycling, the Head of Transportation was asked to indicate the spending priorities.

Members heard that TfL would only invest in class A roads with the remainder of the road repair programme left to Brent Council and which was dealt with under the Highway Asset Plan. He indicated the key priorities which included the following; cycle lanes, cycle stands, electric vehicle charging points, car clubs, travel awareness, street trees, business travel planning and air quality monitoring to feed into the Council's programme of work. In welcoming the report, the Chair emphasised the need to encourage and publicise wider use of car clubs around the Borough if a significant progress was to be made in CO2 emissions.

RESOLVED:

- (i) that the indicative 2014/15 TfL LIP allocation of £3,711,000, comprising of the following be noted:
  - £2,480,000 for 'Corridors, Neighbourhoods & Supporting Measures';
  - £1,131,000 for 'Principal Road Maintenance; and;
  - £100,000 of 'Local Transport Funding';
- (ii) that the selection of LIP schemes through application of a priority assessment model be approved;
- (iii) that the programme of prioritised schemes and initiatives described in this report be approved and, subject to TfL approval in autumn 2013 and confirmation of the total LIP allocation, instruct the Head of Transportation to deliver these schemes using the allocated budget and resources available;
- (iv) that the Head of Transportation be authorised to undertake any necessary non-statutory and statutory consultation, to consider any objections or representations and to implement the necessary Traffic Management Orders if there are no objections or representations or; if the Head of Transportation considers the objections or representations are groundless or insignificant. Otherwise, to refer objections or representations to the Committee for further consideration.

9. **Any Other Urgent Business**

None.

10. **Date of Next Meeting**

RESOLVED:

0

to note that the next meeting would be held on 10 December 2013.

The meeting closed at 8.05 pm

J MOHER  
Chair

 <b>Brent</b>	<p style="text-align: center;"><b>Highways Committee</b> 10 December 2013</p> <p style="text-align: center;"><b>Report from the Head of Transportation</b></p>
<p>For Action <span style="float: right;">Wards Affected: Wembley Central, Alperton</span></p>	
<p><b>Ealing Road CPZ - Zone E review</b></p>	

## 1.0 Summary

- 1.1 This report advises the committee of the outcomes of a review of the Zone E Controlled Parking Zone (CPZ), covering Ealing Road, Wembley following consideration of a petition that was presented to the Highway Committee on 17 July 2012.
- 1.2 The petition raised concerns about the level of pay & display charges in the Borough along with parking restrictions imposed by the Council in and around the Ealing Road area. It requested more free parking; reduced parking charges; parking restriction times to be reduced and; parking fees to be reduced.

## 2.0 Recommendations

- 2.0 That the Committee notes that the Council has listened to trader's concerns and has approved a new tariff structure to support traders and their customers. The new tariff structure was introduced on 14<sup>th</sup> October 13. As a result, the first 15 minutes parking has been reduced to 20p; pay and display tariffs have been reduced by up to 50% and; customers are now able to pay for parking in smaller time blocks. This tariff structure is now fully operational.
- 2.1 That the Committee notes that the outcomes of the consultation carried out in Zone E were not conclusive and, given the recent introduction of the new tariff structure for pay and display parking to support trader's and their customers, that no changes are made to the days or hours of operation of Zone E CPZ.
- 2.2 That the Committee notes that a £250k traffic safety scheme has been developed for Ealing Road as part of this year's Local Implementation Plan programme, and

that this scheme has been consulted over and will be implemented during the current financial year.

### **3.0 Background**

- 3.1 The Ealing Road Controlled Parking Zone E (CPZ) was implemented in September 1999 after extensive consultation with local residents and businesses (the extent of E CPZ is shown in Appendix A). The parking controls of the Zone currently operate on Monday to Sunday, 8am to 9pm including bank holidays. The scheme is also located within the Wembley Protected Parking Scheme (WPPS) and the restrictions are extended to apply until midnight when there is an event at the stadium.
- 3.2 The scheme was implemented to protect local residents from commuter parking and long and short term parking generated by people using shops on Ealing Road.
- 3.3 In May 2012, a petition containing 5,381 signatures was received from Traders and local residents requesting that the Council re-consider the parking restrictions in zone E CPZ.
- 3.4 The petition raised concerns about the level of pay & display charges in the Borough. Petitioners also objected to the parking restrictions imposed by Council in and around the Ealing Road area and requested more free parking; reduced parking charges; parking restriction times to be reduced and; parking fees to be reduced
- 3.5 The petition was presented to the council's Highways Committee on 17th July 2012 and member's resolved that officers should undertake a review of the CPZ.
- 3.6 Officers consulted with local residents and businesses, who were invited to provide their suggestions on any alterations that could improve the operation of the CPZ and road safety in the area.
- 3.7 In addition to the CPZ review, member's will recall approving a two year funding package through the LIP programme to develop a safety scheme to address a poor accident record along Ealing Road (35 personal injury accidents over a three year period). £250k was allocated during 2013/14 to further develop and implement this safety scheme.
- 3.8 The proposed improvements include:
- a) Construction of raised speed tables to provide safer crossing points.
  - b) Entry treatments at all side road junctions to create a level place for pedestrians to cross.
  - c) A new pedestrian refuge south of Montrose Crescent
  - d) Road markings to narrow the northern section of Ealing Road to help reduce traffic speeds and improve lane discipline.
  - e) Making the slip road outside Ealing Road library and the parade of shops one-way with new disabled parking bays.
  - f) Advance cycle stop lines at traffic signals.
  - g) Provision of cycle parking facilities; and

h) A general package of 'de-cluttering' to improve the streetscape.

3.9 This safety scheme will be implemented by April 2014 and will deliver a significant investment in the Ealing Road area.

#### **4.0 CPZ Consultation**

4.1 1,628 consultation packages were delivered by hand to residents and businesses of the zone during 2013. The consultation document was also sent to local Ward Councillors, residents' groups, organisation/interest groups, school and statutory authorities including the emergency services. A total of 607 questionnaires were returned.

4.2 The consultation results did not demonstrate a significant majority in favour of one specific option. For example:

- 32% wanted hours of control to be changed to 8.30-6.30
- 56% wanted the days of restriction to change to Monday to Friday.
- 19% didn't want change

Although there were slight majorities in favour of certain options, there was no clear majority.

4.3 In addition to the differing opinions on preferred options, there was a disparity in requirements between different streets and "areas" within the zone, for example:

- The area to the south-west and south-east of Ealing Road wanted reduced operating hours;
- The area to the east of Ealing Road wanted the times and days of operation to stay the same;
- The area to the north-east of the zone had mixed results but generally showed more support for less reduction in operating hours and days.

When analysing the zone by area, majority support for options therefore varied significantly, with some residents wanting major change, others wanting none and some preferring less radical changes to times and days.

4.4 One of the key elements of the petition was local trader's wish to reduce the cost of parking and provide more free parking for customers.

4.5 The Council takes trader's concerns very seriously and has been actively looking at ways in which parking charges can be reduced and simplified for users. As a result on 14<sup>th</sup> October 13 (after the original petition was considered and following completion of the CPZ consultation), the Council implemented a radical change to its parking tariffs and methods of charging. This change has resulted in significant reductions in parking charges, for example:

- Shoppers wishing to park for up to 15 minutes will only need to pay 20p;
- Costs for 1hour parking have reduced from £2.40 to £2;
- Costs for 2 hours parking have reduced from £6 to £4; and
- Charges are now applied for smaller time periods, so that customers can buy more time with every 20p they pay.

- 4.6 This change has been delivered through a £500k investment by the Council and is a direct result of customers telling us that they wanted lower cost and better value parking charges.
- 4.7 In light of these recent positive changes to make parking more affordable, and given that the consultation has shown no clear consensus over the times and periods of operation of parking restrictions in E CPZ, it is proposed to make no changes to existing hours or days of operation at the present time.
- 4.8 Implementation of the £250k safety scheme designed for the Ealing Road corridor will proceed before April 2014.

## **6.0 Financial Implications**

- 6.1 Up to £20k of capital funding was identified to review the CPZ and make amendments if found necessary. Costs for consultation have been recovered from capital funds and any savings against this budget will be utilised to deliver other approved LIP capital schemes within the Borough.
- 6.2 All associated funding is provided by Transport for London through the Local Implementation Plan settlement. Staff time and costs are recovered through LIP and there are no direct revenue implications for Brent.

## **7.0 Legal Implications**

- 7.1 There are no legal implications arising from this report and its recommendations at this time.

## **8.0 Diversity Implications**

- 8.1 There are no equality and diversity implications arising from this report at this time.

## **Background Papers**

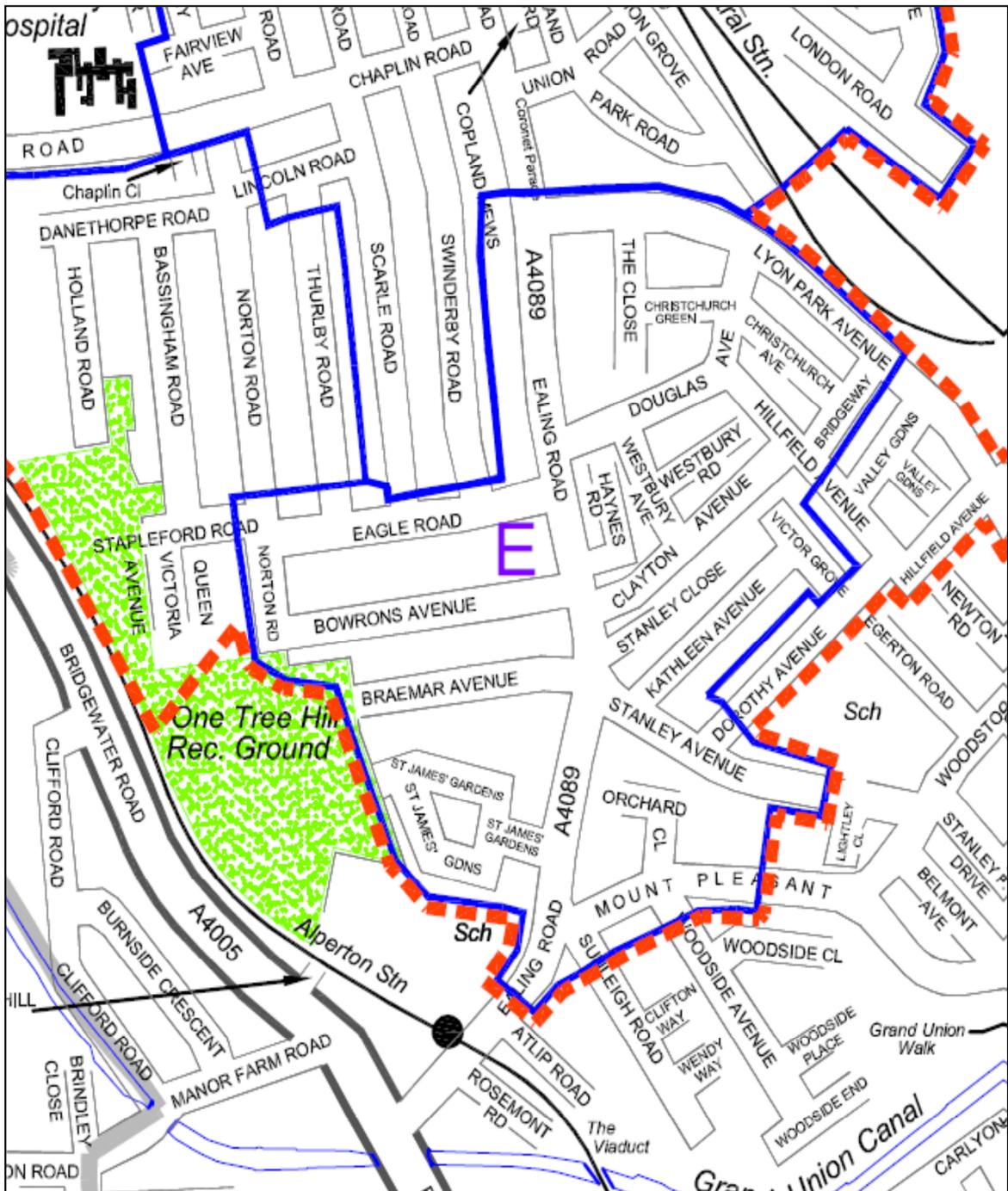
Highway Committee Report of 17 July 2012

## **Contact Officers**

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**APPENDIX A**





 <b>Brent</b>	<b>Highways Committee</b> 10 December 2013  <b>Report from the Head of Transportation</b>
For Action	Wards Affected: Alperton
<b>Petition requesting the installation of speed cameras in Ealing Road, Alperton</b>	

## 1.0 Summary

- 1.1 This report informs the Committee of a petition requesting the installation of speed cameras on Ealing Road between Hanger Lane and Carlyon Road, Alperton.
- 1.2 It advises members that it is the responsibility of Transport for London to work with Boroughs to identify locations for speed cameras in the capital through application of agreed prioritisation criteria.
- 1.3 The report informs the committee of measures that will be taken to investigate accidents along this section of Ealing Road with the London Borough of Ealing and assess future measures to improve safety.

## 2.0 Recommendations

- 2.1 That the Committee notes the contents of the petition and the issues that were raised.
- 2.2 That the Committee notes the outcomes of preliminary investigations, which indicate that, on review of TfL's criteria for provision of safety cameras, there would be insufficient justification for a speed camera to be considered within Brent.
- 2.3 That discussions be held with Ealing Council to consider whether there could be justification for a speed camera within Ealing, and to investigate whether a local or

joint road safety scheme could be prioritised for a possible funding bid during 2014-15.

- 2.4 That the main petitioner be informed of the outcome of the Highways Committee decision in regard to this matter.

### **3.0 Details of Petition**

- 3.1 A petition has been received by the Council from the Cromwell and Burns Residents Association in Alperton. The petition has 83 signatories and has been verified in accordance with the council's procedures.

- 3.2 The full wording of the petition is:

*"We the undersigned are increasingly concerned by the number of accidents on the stretch of Ealing Road between Hanger Lane roundabout and the traffic lights at the junction of Carlyon Road and Ealing Road.*

*We are also worried about the blatant disregard, for the 30mph speed limit, by many motorists and, in particular, motorcyclists, along this section of road and the obvious danger this causes for the people who use the zebra crossing close to the junction between Alperton Lane and Ealing Road.*

*We therefore call upon Brent Council to enter into discussions with Ealing Council about the placement of SPEED CAMERAS along this section of Ealing Road in order to ensure the safety of their constituents."*

Copies of the petition are available for inspection by Members of the Highways Committee.

### **4.0 Background**

- 4.1 The A4005 Ealing Road is part of the borough's Principal Classified (A Road) network and as such is an important route through the borough. The section between Hanger Lane roundabout and Carlyon Road is shown in **Appendix A**. It is fronted by a mixture of residential and retail properties on both sides of the road. Hanger Lane roundabout is a busy gyratory where high volumes of traffic from the A406 North Circular Road and A40 Western Avenue merge.
- 4.2 The petitioner's concerns relate to their perception that high speed traffic passing along the Ealing Road creates a safety hazard for pedestrians. They have requested speed cameras to enforce lower speeds on this section of road.
- 4.3 Transport for London (TfL) are responsible for London's safety camera programme. Their Surface Planning Team liaise with representatives from the boroughs on improvements to existing sites, identification of new sites and decommissioning sites where it is agreed that cameras are no longer required.
- 4.4 TFL apply stringent prioritisation criteria to determine which sites will have speed cameras installed. There must have been a minimum of 4 killed or seriously

injured (KSI) collisions in a three year period, and at least 2 of these must have been identified in accident reports as being a result of speeding.

- 4.5 There have been 15 personal injury accidents recorded along this section of the Ealing Road between September 2010 and June 2013, resulting in 21 casualties (19 slight and 2 serious injuries).
- 4.6 Of the 15 accidents recorded, nine involved vehicles colliding with each other, three involved motorcycles being hit by vehicles and three were as the result of pedestrians stepping in front of vehicles. Six incidents occurred near the Carlyon Road junction, but there were no common factors involved in these incidents.
- 4.7 Although there have been 21 casualties in the last 3 years, none of the related incidents were reported by attending Police officers as being speed related. Accident data within Brent would not therefore meet the TFL criteria for a speed camera to be installed.
- 4.8 There is no clear justification to apply for a speed camera within Brent, however, the road safety concerns of this resident group have been noted. It is therefore proposed to take the following actions;
- a) Liaise with LB Ealing to review accident data along Ealing Road up to the boundary with Brent to see if there might be justification for a speed camera within LB Ealing;
  - b) Consider whether alternative road safety measures could help to reduce the number of personal injury accidents along this section of Ealing Road within Brent; and
  - c) Determine whether a joint safety scheme could be developed in conjunction with LB Ealing.
- 4.9 If there is considered to be sufficient justification and potential remedial benefits to be gained from delivering a safety scheme, this will be assessed and prioritised during 2014-15 as part of the Local Implementation Plan development process. Data on speed and traffic volumes will be collected to assist in determining whether a viable and effective safety scheme could be delivered.

## **5.0 Financial Implications**

- 5.1 There are no financial implications as a result of this report; further assessments will be carried out using existing resources, with surveys funded from revenue set aside for investigations of this nature.
- 5.2 Any future scheme identified, whether the installation of a speed camera or alternative safety improvements, would be subject to prioritisation against other local safety scheme projects identified within the Borough, and the availability of funding through the Local Implementation Plan.

## **6.0 Legal Implications**

- 6.1 There are no legal implications arising from this report and its recommendations at this time.

## **7.0 Diversity Implications**

7.1 There are no equality and diversity implications arising from this report at this time.

### **Background Papers**

None

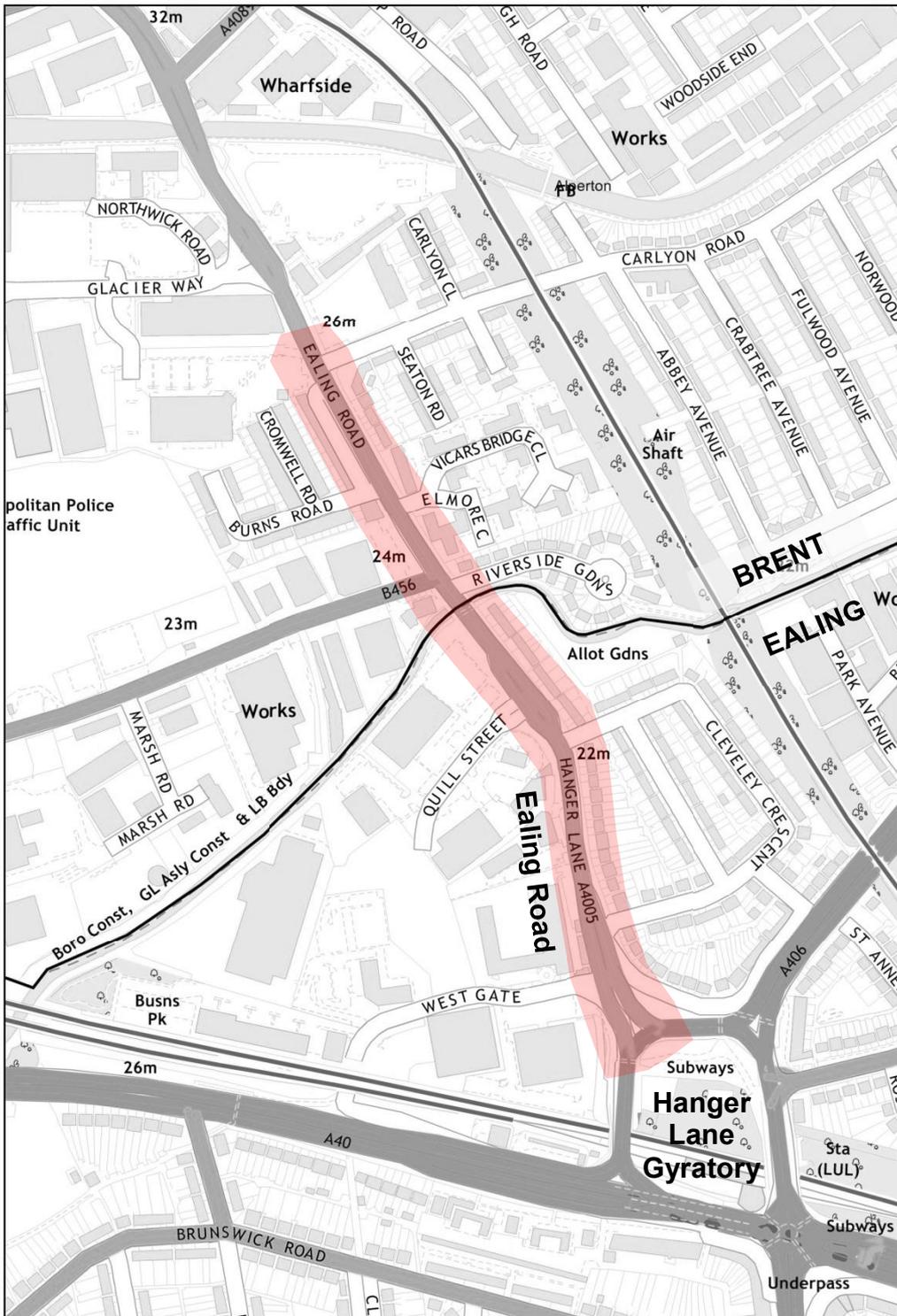
### **Contact Officers**

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Debbie Huckle Team Leader Safety and Travel Planning (x5570)

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# Appendix A

## Ealing Road - Hanger Lane to Carlyon Road



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 <b>Brent</b>	<p style="text-align: center;"><b>Highways Committee</b> 10 December 2013</p> <p style="text-align: center;"><b>Report from the Head of Transportation</b></p>
<p>For Information <span style="float: right;">Wards Affected: All</span></p>	
<p><b>Crossover Policy - Ombudsman's Report outcomes and policy change</b></p>	

## 1.0 Summary

- 1.1 This report informs the Committee of the findings of a Local Government Ombudsman investigation into a complaint about an application for a vehicle crossover. It outlines the complaint and details the findings by the Ombudsman. It notes how the Council has responded to those findings, including the recommendation that the Council adopts a revised vehicle crossover policy.

## 2.0 Recommendations

- 2.1 That the Committee notes the recommendations by the Local Government Ombudsman as a result of an investigation into a complaint against The London Borough of Brent in respect of a vehicle crossover application.
- 2.2 That the Committee adopts the revised Vehicle Crossover Policy presented in Appendix A, along with the revised Guidance Notes for Footway Crossovers in Appendix B

## 3.0 Background to the Complaint

- 3.1 The Council has received a Local Government Ombudsman's report dated 12<sup>th</sup> September regarding complaint no 12 014 714, which is about an application for a vehicle crossover from the highway.
- 3.2 The Complainant had planning permission granted on appeal by a Planning Inspector for a crossover to his driveway. The Planning Inspector concluded that *"because of the appeal dwelling's unique location, the adverse effects normally associated with vehicular crossovers traversing grass verges would not occur in this case"*, and *"to allow the appeal does not undermine the Council's ability to apply its policies effectively"*.

- 3.3 The Council then refused an application to construct the crossover under its powers as the Highway Authority, because *“Where an application for a crossover is proposed across a highway verge that is greater than 3 metres in width or any other grassed highway amenity area, it will be refused because of the adverse effect this can have on the appearance of the street”*.
- 3.4 The Council refused the complainant’s appeal against the highways decision.
- 3.5 The Council’s crossover policy only allows for an appeal on the grounds the application has not been processed in accordance with the policy.

#### **4.0 The Ombudsman’s Investigation**

- 4.1 As part of the investigation, the Ombudsman considered the complaint, the copy correspondence provided by the complainant, and the comments and documents the Council provided; and discussed the issues with the complainant.
- 4.3 The Ombudsman discusses whether the Council as the Highway Authority determining a crossover application can come to a different conclusion to a separate decision taken as the Planning Authority. The Ombudsman allows there must be the possibility of different decisions; however it would be reasonable to expect some coordination between the two roles. The Ombudsman says

*“In an extreme case a Highways Authority might ignore the planning consultation entirely and then use its objections to refuse an application for a crossover later. I think this cannot be right, but whether it would be lawful is a matter the courts would have to decide.”*

In any case, the Ombudsman’s finding is that the grounds on which the Council refused the highway crossover application in this case were actually the same grounds that the Planning Inspector had rejected.

In terms of communication

- The Ombudsman discusses the decision to refuse the Highways application, and whether the Planning Inspector’s decision was taken into account. Although Officers remember taking the decision into account, there is no documentary evidence of this and it was not communicated to the complainant
- During the investigation the Council raised the need to consider is “the need to prevent damage to a footway or verge” under Highways Act; this had not previously been communicated to the Complainant.

#### **5.0 The Ombudsman’s Findings**

- 5.1 The Ombudsman found *“maladministration causing injustice”* because the Council:
- a) **Fettered its discretion:** The Ombudsman’s view was that *“the Council’s policy allowed no decision other than refusal, about a request for a crossover across a grass verge wider than 3 metres. There was no provision to exercise discretion or consider an appeal on grounds of exceptional circumstances of the case”*; and

b) **Failed to communicate its decision properly:** during the Ombudsman's investigation "*the Council gave new reasons for refusing the Complainant's request that it had not previously given to him in its decision*".

5.2 The Ombudsman found that this caused injustice because "*...these faults caused Mr X [ the complainant] justifiable annoyance and uncertainty and caused him to take time and trouble to try to get a proper decision with reasons. That difficulty should have been avoided*"

## 6.0 The Ombudsman's Recommended Remedy

6.1 Having found "maladministration causing injustice", Ombudsman's recommended remedies are:

a) "*The Council has agreed to review its Domestic Vehicle Footway Crossover Policy to provide a right of appeal on the grounds of the exceptional circumstances and facts of a case; and not only procedural irregularity*"

and recommends that the Council should also:

b) "*set aside its decision on Mr X's application for a crossover and make a fresh decision considering all the facts and arguments (including the Planning Inspector's decision) that have been set out in his complaint and my report. The Council should give full reasons in writing for how and why it reaches the decision it does; and,*

c) *pay Mr X £300 to recognise the injustice caused to him through the faults I [the Ombudsman] have identified in this report*

## 7.0 The Council's response

7.1 **Review the Domestic Vehicle Footway Crossover Policy** - Officers do not entirely concur with the Ombudsman's conclusion that the Council's policy "*allowed no decision other than refusal about a request for a crossover across a grass verge wider than 3 metres*", because even though discretion was not stated in the policy, in practice officers do exercise discretion. The Council sent the Ombudsman examples of recent decisions where discretion was exercised to allow exceptions to the policy where there were justifying circumstances, which was acknowledged in the report by the Ombudsman. The Council's reply to the LGO is attached as **Appendix C**. Nevertheless, officers agree that for the sake of transparency and consistency that the wording of the Domestic Vehicle Footway Crossover Policy should be changed. A proposed revised policy forms **Appendix A** of this report.

7.2 **Set aside its decision on Mr X's application for a crossover and make a fresh decision** – A new application was received by the applicant on 25<sup>th</sup> October 2013. This application will be reconsidered as a new application and a decision will be reported in writing to the applicant with full details of the reasons for the decision.

7.3 **Pay the Complainant £300 to recognise the injustice caused to him** – this payment has been made as per the Ombudsman's decision.

7.4 In addition to the above, and in accordance with standard procedure where an Ombudsman finds against a local authority, a notice was placed in the Wembley

Observer and Brent & Kilburn Times on 26<sup>th</sup> September 2013 informing the public of the outcome of the Ombudsman's report.

## **8.0 Financial Implications**

8.1 There are no financial implications to this report, apart from the £300 the Council has paid to the complainant, on the recommendation of the LGO. This cost has been paid through the Transportation Service revenue budget.

## **9.0 Legal Implications**

9.1 The LGO investigates complaints about 'maladministration' and 'service failure'. In the report, the LGO has used the word "fault" to refer to these. If there has been fault, the LGO considers whether it has caused an injustice and if it has, may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)

9.2 The LGO cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. The LGO must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3)*)

9.3 The LGO expects someone to appeal to a court, tribunal or government minister if they have a right to. However, they may decide to investigate a complaint if they consider it would be unreasonable for a person to have to do so. (*Local Government Act 1974, section 26(6)*)

9.4 Where a local planning authority refuses an application for planning permission the applicant may appeal by notice to the Secretary of State. Usually the appeal will be decided by a Planning Inspector acting on behalf of the responsible Government minister. (*Town and Country Planning Act 1990 s. 78*)

9.5 Any person may ask a highway authority to construct a vehicle crossing over a footway or verge in the highway. The highway authority may approve, or reject the application, or propose alternative works. In making this decision the highway authority must have regard to the need to prevent damage to a footway or verge (*Highways Act 1980 s184(11) & s184(5)*)

## **10.0 Diversity Implications**

10.1 The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision. There is no prescribed manner in which the equality duty must be exercised. However, the council must have an adequate evidence base for its decision making.

- 10.2 An Equalities Assessment of the revised Crossover Policy has been prepared. As stated, officers have previously exercised discretion in their application of the policy, most notably where disabled applicants are unable to meet requirements for soft landscaping within their proposed parking areas. In these circumstances officers have previously relaxed the policy requirements to enable a crossover to be provided for disabled applicants.
- 10.3 The amendment of the policy states that discretion will be applied in exceptional circumstances. This will in future inform applicants that have specific needs that discretion will be applied, and could therefore assist disabled applicants to better understand how the Council assesses applications and exercises its discretion.

### **Appendices**

- A- Domestic Vehicle Footway Crossover Policy
- B- Guidance Notes for Footway Crossovers
- C- Council's reply to LGO

### **Background Papers**

- Local Government Ombudsman Report on an investigation into complaint no 12 014 714 against The London Borough of Brent 12 September 2013
- Application Form – Domestic Vehicle Crossover
- Local Government Ombudsman letter to LB Brent dated 12 Sept 2013

### **Contact Officers**

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## **LONDON BOROUGH OF BRENT**

### **DOMESTIC VEHICLE FOOTWAY CROSSOVER POLICY**

**Proposed Revision for December 13 – changes highlighted in grey**

#### **1. Introduction**

If residents wish to drive across the footway to gain access to park on their property, they are required under s184 of the Highways Act 1980 (“the Act”) to have a vehicle crossover constructed. A vehicle crossover is where the footway is strengthened to take the weight of a light goods vehicle and the kerb is dropped to form a ramp.

#### **2. Primary Considerations**

The Council is the Highway Authority for all roads in the borough, with the exception of the A406 North Circular Road which is under the authority of Transport for London. In determining whether to use its powers, the Council, as the Highway Authority, must consider the need to prevent damage to the footway/verge and, in determining the works to be specified, shall also have regard to:

- a) the need to ensure, so far as reasonably practicable, safe entry to and exit from premises;
- b) the need to facilitate, so far as reasonably practicable, the passage of vehicular traffic on the highway network.
- c) the need to maintain safe pedestrian passage

Residents may request the Highway Authority to construct a crossover and the Highway Authority may approve the request with or without modifications, may propose alternative works, or may reject the request. In determining how to use its powers the Highway Authority must consider the need to prevent damage to the footway/verge, as well as taking into account factors a) to c) above. If the Highway Authority agrees to the provision of a crossover, it must provide the occupier with an estimate for the costs of the works, and once this amount has been paid, the crossing must be constructed.

The Highway Authority must have regard to the primary considerations set out in the Act. Consideration should always be given to whether any concerns/problems can be overcome by the Highway Authority exercising its power to modify the request or propose alternative works. Each case must always be considered on its own merits.

The Council’s policy is that when considering the construction of crossovers, a major consideration is the maintenance of on-street parking. Total capacity and the “street scene” should not be compromised.

Inevitably, the adoption of this new policy will result in some future applications being refused which, under previous policies, may have been successful. This will seem inequitable to some unsuccessful applicants, especially when other similar type properties in the immediate vicinity, have crossovers. However no previous policy or policies will take precedent to the current policy.

### **3. Planning Consent**

In addition to needing the Council's permission as the Highway Authority, you may also need planning permission under the Town and Country Planning Act 1990 to create a 'vehicular access' for which a fee is payable, currently set at £150 per household since April 2008. The Government expects most of these planning applications to be decided within 8 weeks.

You will need to apply for planning permission separately if the property is:

- a flat, maisonette or any other building that is not a single-family dwelling
- on a Classified Road
- a "Listed Building"
- in a conservation area (because of additional "Article 4" controls adopted by the Council).

Brent Planning use the Councils Supplementary Planning Guidance (SPG) 3 'Forming and access onto a Road' and 5 'Altering and Extending Your Home' when considering applications. These generally reflect the guidance set out in this policy although SPG3 lists the Boroughs 'Strategic Roads' where permission is not normally given. However, additional restrictions can apply.

Please visit the planning website on [www.brent.gov.uk/planning](http://www.brent.gov.uk/planning) under 'planning policy' for further information on this guidance.

Please note that approval for the construction of the crossover must be granted by Brent Transportation even if planning approval has been given by Brent Planning, or by appeal through the Planning Inspectorate.

Brent Transportation is a consultee to the planning process. Nonetheless where planning permission is required, residents or developers are advised to contact Brent Transportation before applying for planning approval to determine whether there would be any material highway objections to the application.

### **4. Permitted types of vehicles**

A domestic vehicle crossover may only be used by a private light goods or similar vehicle. They are not designed to be driven over by heavy goods vehicles or mechanical equipment. If a delivery, such as a skip, is made into a property, and in doing so the delivery damages the crossover, the full cost of carrying out all essential repairs will be the responsibility of the property owner.

### **5. Road Safety**

Any application for the construction of a domestic crossover may be refused or modified on the grounds of safety. The applicant must ensure that adequate sight lines are maintained to allow safe access to their property.

In many cases there will not be sufficient space within the curtilage of individual residential properties for vehicles to enter/leave in a forward direction. However, as domestic crossovers are not generally intensively used, it may be acceptable for vehicles to reverse either onto or off the highway. Acceptability is likely to depend on the level of visibility along both the carriageway and footway, the volume of traffic, the width of the road and the presence of street furniture, traffic islands etc.

Situations where manoeuvring onto or off the highway may be hazardous include:

- onto a section of road where traffic speeds are high
- on the approach to traffic signal junctions where regular queuing takes place
- onto a roundabout
- within the zig-zag markings of pedestrians crossings
- immediately adjacent to pedestrian refuges, traffic islands which would prevent a vehicle turning in excess of 90 degrees in a single manoeuvre
- at bus stops where use of a crossing could conflict with passengers waiting or make it difficult for disabled passengers to board or alight a bus.
- in the immediate vicinity of a junction.

The above list is indicative, but not exhaustive.

## **6. Visibility**

Sight lines are defined by the visibility setback (the X dimension) and the forward visibility required to enable a vehicle to stop safely (the Y dimension). Where it is in the applicant's control, the following minimum requirements should be satisfied:

### **a) Footway visibility**

x-dimension 2.0m from back of footway  
y-dimension 2.0m

Within these splays, there should be no obstruction to visibility between heights of 0.85m and 2.0m above footway level. If the footway is likely to be used by small children, the height should be reduced to 0.6m. Where all or part of the splay lies across land outside of the applicant's control, a relaxation to this requirement may be considered, taking into account the amount of pedestrian activity along the footway and the width of the footway

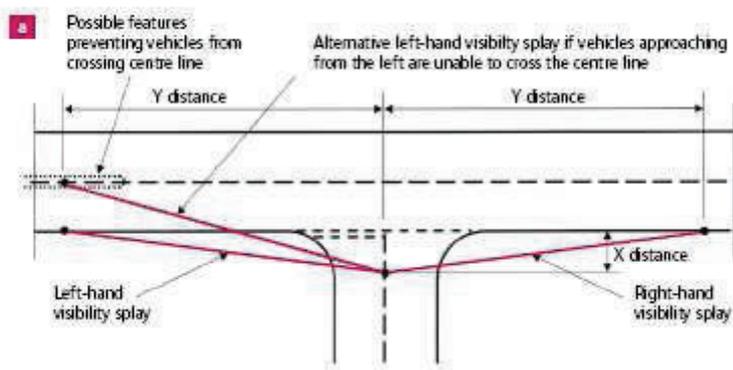
### **b) Carriageway visibility**

x-dimension: 2.0m from the curb line  
y-dimension: based upon the following table:-

<b>Speed Limit</b>	40mph	30mph	30mph	30mph	20mph
<b>Road Classification</b>	'A' Road	'A' or 'B' road	Local access road	Local access road with traffic calming	20mph Zone
<b>y-distance</b>	120m	90m	60m	43m	33m

Together the x- and y-dimensions define an area in which there should be unobstructed visibility between a height of 1.0m and 2.0m above carriageway level. Street furniture and parked cars will often lie within the visibility splay and the impact of such obstacles will be assessed. In general though, obstacles that are not large enough to fully obscure a whole vehicle or pedestrian will be acceptable.

The following diagram may assist when considering carriageway visibility:



## 7. Forecourt Dimensions

There must be sufficient space within the curtilage (enclosed area around front of property) of a site to ensure that a parked vehicle does not overhang the footway and that manoeuvring on and off the highway can be carried out safely. A vehicle hardstanding should therefore normally be at least 4.8 metres deep by 2.4 metres wide, and be set out at 90 degrees to the carriageway.

4.8 metres is a standard bay length that caters for the vast majority of cars currently on the market. However, there are many commonly owned cars that are less than 4.8 metres long. A crossover may be offered where the frontage is less than 4.8 metres deep, but only if the following criteria are met:

- the frontage is an absolute minimum of 3.8 metres deep, and
- the applicant is willing to enter into a legal agreement that restricts the size of vehicle that can be parked on the forecourt to fit within the available space. This agreement will then be sent to local land charges requesting that a note be made so that it binds future occupiers of the property to the same restriction.

Requests for bays to be parallel to the highway will not be accepted. This would require an unacceptable number of vehicle movements over a footway and possibly cause a hazard and nuisance to pedestrians. It will usually be expected that the vehicle will be able to enter and leave a frontage in one manoeuvre.

## 8. Crossover Placement

To minimise any reduction in on-street parking provision, the crossover should generally be sited to the side of the frontage not in the centre. The parking space should not obstruct the main access to the property

## 9. Minimum Crossover Widths

A single width crossover must normally be a minimum of 2.4 metres wide at the back of the footway. Narrower crossovers can be difficult to use and the resultant manoeuvring can disrupt the flow of traffic on the adjoining highway. However, where turning space on the highway is restricted to less than 6 metres, the minimum crossover widths should be increased in line with the following table:

<b>Highway turning space</b>	6.0m	5.5m	5.0m	4.5m
<b>Crossover Width</b>	2.4m	2.7m	3.1m	3.6m

Where a property has a hardstanding that is significantly wider than the width of crossover applied for (e.g. a 2.4 metre crossover serving a hardstanding capable of accommodating two cars) either:

- a) the crossover width may be widened to match the width of the hardstanding, up to a maximum of 4.2 metres, or
- b) the applicant must erect a low (less than 1.0 metre) wall, fence or permanent landscaping to physically prevent vehicles crossing over an area of footway that has not been strengthened (subject to the maximum width of the crossover not normally exceeding 50% of the width of the frontage of the property).

## 10. Maximum Crossover Widths

In order to maintain the safety of pedestrians on the footway and to retain on-street parking provision the maximum crossover width should not normally exceed 4.2 metres at the back of the footway.

The width of the crossover will be measured by the length of kerb flush with the road and will not include “tapers” or “bullnoses”, however, the crossing will be deemed as the total area of work required and include the construction of the tapers or bullnoses and the area of footway behind these.

Where an access is shared between adjoining properties the total crossover width for each property, measured to the centre line of the shared access, should not exceed 4.2 metres.

The total width of crossovers should not normally exceed 50% of the total frontage\*.

\*Special consideration will be given to properties with narrow frontages at the end of cul-de-sacs.

### **11. Distance between Crossovers**

A minimum level platform of 600 mm must be provided between adjacent dropped kerbs.

There may be instances where the above criteria regarding dimensions are not met. In such cases approval may be given, subject to a site inspection by a Highway Engineer. The Engineer's decision as to whether the application will be approved or refused is final, subject to any appeal.

### **12. Second Crossovers**

Normally, to limit any adverse impact on pedestrians using the adjoining footway and to minimise the loss of kerb side parking, only one crossover will be permitted per property. However, a second crossover may be permitted where:

- The property frontage abutting the highway is at least 12 metres wide, and
- The property fronts a classified road where a second crossover would enable the formation of a carriage drive and the garden is deep enough to accommodate this so that vehicles do not have to reverse either onto or off the highway, or
- The property is in a street where the majority of properties have off-street parking and demand for kerb side parking is low.

### **13. Shared access**

Where the occupiers of two adjoining properties share a driveway, and wish to build a double width crossing to serve the two sites, one occupier should act on behalf of both parties although the application must be signed by both parties.

Provided the frontage is of adequate size, separate applications will be considered when an area of the frontage cannot be accessed from the shared crossover.

### **14. Obstacles to construction**

If the proposed position of the crossover is obstructed by a traffic sign or post, lamp column, street tree, street furniture, utility apparatus etc. the location should be altered to avoid the obstacle. If this is not feasible, a decision will have to be made by the relevant Council department to determine whether the item can be removed or relocated, although there may be limited scope to do this. All costs to remove or relocate items to facilitate a crossover is the responsibility of the applicant.

If statutory authority is required to carry out work by relocating a fire hydrant, telegraph pole, or amending traffic orders etc. any charges for such work will be the responsibility of the applicant.

## **15. Overhanging Vehicles and the illegal crossing of the public footway**

It is illegal to drive a vehicle across a public footpath without using a properly constructed footway crossing.<sup>1</sup>

No part of a vehicle parked within a property frontage may project on to or over the highway. The crossover may not be used as a parking area and no part of it is exempted for the purpose of footway parking.

Applicants should construct a wall, fence or plant a hedge within 0.6 metres of the edge of a crossing to prevent vehicles that are entering their frontage overriding the adjacent footway.

The Council will check and monitor any instances of, or complaints about the unauthorised crossing of the public footway or overhanging of vehicles. This will involve an initial warning letter and issuing a penalty notice or fine where appropriate. Unauthorised crossing of the footway or overhanging vehicles can be reported to the Councils Highway Enforcement Team on 020 8937 4995 between 8.00 a.m. and 10.00 p.m. every day, including bank holidays.

If vehicles are persistently crossing or overhanging a footway, the Council may opt to protect the footway with bollards. The cost of removing these bollards to accommodate a future crossing application will be borne by the applicant.

### Unauthorised crossing of a footway

The Council may issue a notice under s16 of the London Local Authorities and Transport for London Act 2003 giving an occupier of premises adjoining or having access to the highway at least 28 days to cease taking a mechanically propelled vehicle(s) across the kerbed footway or verge. If the occupier has failed to do this then the Council may execute such works as may be necessary to prevent mechanically propelled vehicles from being taken across the footway or verge, unless the premises are occupied by an invalid, and may recover the expenses reasonably incurred by them in doing so from the owner or occupier of the premises in question.

## **16. Traffic Flow**

The installation of a crossover will lead to vehicles slowing down and turning off the highway when accessing a property. In some cases this can adversely affect the safety and free flow of traffic, particularly where traffic flows and/or speeds are high. The impact of each application will need to be carefully considered, but this is likely to be a particular issue where access is proposed onto a classified road. The impact of a new access on bus reliability will also need to be considered.

## **17. Impact on Neighbouring Properties**

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<sup>1</sup> S184(17) of the Highways Act 1980

In order to limit the impact on neighbours, a crossover should only normally be provided over the section of footway abutting an applicant's property.

## **18. Grass Verges**

Where an application for a crossover is proposed across a highway verge that is greater than 3 metres in width, or any other grassed highway amenity area, it will be refused because of the adverse effect this can have on highway amenity

## **19. Street Trees**

Crossovers will not normally be allowed where their construction will require either the removal, or cutting of the roots, of a street tree. In all such cases, permission to proceed will be required from the Council's arboriculture team who will refer to the Council's current Tree Policy.

Generally, a street tree will only be removed if it is dead, diseased or dying, considered to be at the end of its useful life expectancy, or in some exceptional circumstances.

In all cases where it is agreed to remove a street tree, the applicant will be required to pay for the cost of its removal and replacement to be located, wherever possible, elsewhere outside their frontage.

## **20. Retaining Front Boundaries**

Where a crossover is proposed, it is essential that an appropriate boundary is provided to the remainder of the frontage. This is required both to prevent illegal use of the pavement by vehicles and to maintain the appearance of the street.

## **21. Alternative Access**

It is desirable to minimise the number of new accesses (and associated stopping and turning manoeuvres) onto main roads in order to maintain their importance as traffic routes in the Borough's road hierarchy. Where a property fronts a Classified Road and has or could have rear or side access, there will be a presumption against providing a crossover directly onto the Classified Road.

Where the property does not front onto a Classified Road a crossover may be permitted, but this should be limited to the minimum width (2.4 metres) where the property has a reasonable alternative means of access and is in an area of on-street parking pressure.

## **22. Surfacing and Drainage of Hardstandings**

Crossovers will not be constructed unless there is a suitable hardstanding in place.

The hardstanding:

- must not be surfaced in loose material, such as unbound gravel (less than 20mm nominal size), that could spill out onto the highway.
- must not drain onto the highway.

The hardstanding should therefore be constructed with a fall back towards the property, ideally draining to a landscaped strip or soak away. Alternatively, if the hardstanding falls towards the highway, a drainage channel connected to a soak away should be provided at the highway threshold.

50% of the front area of the property should have 'soft' landscaping to allow for natural drainage, with a minimum requirement of 30% for properties with narrower, shorter front gardens.

An application for the extension of an existing crossover must comply with the criteria for a new crossover in relation to hardstanding, soft landscaping and drainage.

### **23. Gates across vehicle entrance**

Gates fitted across the vehicle entrance to a property may in no circumstances open outwards across the footpath or carriageway (Highways Act 1980 - Section 153). On safety grounds, gates will not be permitted on crossovers constructed on Principal Roads (i.e. "A" Roads).

### **24. Lay-By Parking and Modern Estates**

Crossovers should not be approved that reduce casual parking in purpose built parking areas in lay-bys etc. Generally, parking provision within modern housing developments will have been determined as part of the planning permission and further parking should be resisted. Planning permission may in any event be required if permitted development rights were removed as part of the planning consent.

### **25. Controlled Parking Zones ("CPZ") and Pay and Display Bays**

The Council may refuse crossover requests where the resulting loss of public on-street parking would adversely affect the operation of a CPZ or other parking scheme. All crossover applications within a CPZ or affecting a designated parking bay will therefore be assessed by the Head of Transportation to determine their impact, and a decision will be made as to whether the application can be allowed.

In particular, crossovers will not be permitted where they would result in the loss of more than one space in residents' parking bays in a CPZ.

Where approved, a crossover that affects a designated on-street parking bay will require changes to the traffic management order (TMO). In the case of domestic applications, the cost of altering the road markings should be met by the applicant. Ideally, the crossover should not be implemented until the TMO process has been completed. However, in view of time taken, the Head of Transportation may agree to the crossover being constructed and the road markings changed in advance of the

TMO being amended. However, the applicant must be made aware that there could be objections to amending the TMO which, if not resolved, could mean that the crossover would have to be removed and the road markings reinstated. This risk must be explicitly accepted by the applicant so that there is no risk that the Council is liable for compensation.

To reduce costs associated with amending a TMO, the Council will wait until a number of applications are received before applying for amendment.

In the case of applications for crossovers to commercial premises, or where access arrangements are changed as part of a redevelopment, the full cost of amending both the TMO and road markings will be charged.

## 26. Crossover Construction

Crossovers will be constructed by the Council's Approved Contractor and construction costs will be based on the contractor's agreed charge rates plus an administration fee in accordance with the Highways Act 1980 and section 4 of the Local Authorities (Transport Charges) Regulations 1998.

The materials used will be chosen by the Council to match the footway and other crossovers adjacent to the property and within the street.

Footway crossovers will be constructed to the nearest whole paving slab 0.6m (2' 0") i.e. paving slabs are not cut.

Footway crossovers should be constructed using the following materials:

<b>Type of Footway Surfacing</b>	<b>Footway Crossover Surfacing</b>
Artificial Stone paving (ASP)	ASP – but only to extend an existing ASP crossover, otherwise block paving
Modular Paving	Block Paving
Concrete	Concrete – 150mm depth
Close Graded Bitumen Macadam	Surface course 25mm on 125mm of concrete base
Within Conservation Area	Match with adjoining surfacing material

On all ASP footways, the slabs either side of the footway crossover itself should also be taken up and laid on 100mm lean-mix concrete and 25 mm cement mortar bed.

The crossover remains part of the public highway and will be maintained by the Council as part of the footway.

## 27. White Access Bars

Residents may apply for a 100mm wide white access bar to be painted on the carriageway to highlight the area of the vehicle crossing and deter inconsiderate parking. The usual length of the white access bar will be the entire width of the

crossing plus approximately 1 metre on each side. These will only be installed in streets where there are no parking bays or restrictions and the cost will be borne by the applicant. The markings are advisory and therefore no enforcement action can be taken other than that for obstructing access. The council will maintain the white access bar line but reserve the right to remove this at a later date without refund to accommodate a parking or other highway improvement scheme.

## **28. Redundant Crossovers**

Any redundant crossover(s) must be removed and the footway reinstated at the applicants expense if a new access is to be created.

## **29. Removal of Crossovers**

Crossings that have been constructed under previous policy and are still in use will only be removed for safety reasons with the decision of the Director of Transportation being final.

## **30. Alterations to a Crossover**

The Council may need to alter the layout or threshold level of a domestic crossover at any time, due to highway modifications and improvements. Every effort will be made to maintain access to the property and the occupier of premises so affected will be given adequate notice of such works. Where threshold levels are altered the Council with approval of the freeholder may undertake minor accommodation works within the curtilage of the affected property.

## **31. Application Arrangements**

A non-refundable administration fee of £25 will be charged for processing each application. This will be set-off against the cost for constructing a crossover.

### Charges

Charges for the processing of crossover applications will be reviewed annually to ensure that costs incurred by the Council are fully recovered. Section 4 of the Local Authorities (Transport Charges) Regulations stipulates that the amount of the charge is to be at the discretion of the local authority and in determining the amount the authority shall have regard to the cost to them of dealing with matters of the description in question.

The estimated cost for the construction of the crossover will be applicable for a period of 12 months.

Construction of a crossover will not commence until payment is received. However, where payments are to be made in instalments, up to 8 post dated cheques will be allowed to be paid on a monthly basis with construction not taking place until the sixth cheque is cleared. If the payment is not made within the agreed time, a crossing may be taken away or posts put up to stop access, with costs being incurred by the applicant.

The Council aims to construct crossovers within 6 weeks of a) payment having been received and b) any highway conditions stated in the approval notification having been completed e.g. provision of soft landscaping or drainage. This is monitored using a local performance indicator.

### **32. Right of Appeal**

Where applications do not conform to the criteria set out in this policy, applicants will be informed in writing and will be provided with details of the reasons for the refusal.

Unsuccessful applicants have the right of appeal where they believe a) that their applications have not been processed in accordance with the criteria set out in this policy, or b) that there are exceptional circumstances that would justify an exception to be made to the policy.

The Council without prejudice may exercise discretion when considering the grounds of any appeal and facts of an application.

All appeals will be considered by the Head of Transportation.

# PROPOSED DOMESTIC VEHICLE FOOTWAY CROSSOVER

## GUIDANCE NOTES AND APPLICATION FORM

Revision Proposed 10.12.13 (see **highlighted** text)

### a) Applying for a Crossover

Application forms can be downloaded from the Council's website [www.brent.gov.uk](http://www.brent.gov.uk) or you can contact the Highways team on 020 8937 5121 (**Monday to Friday 09:00 to 16:30**).

All crossover application forms sent in the post will be given a unique reference number. If you download the application form from our website, you will need to contact the above telephone number for your unique reference number.

The application form should be completed fully in black ink and block capitals together with a sketch.

Completed forms should be sent to:

**Transportation Service  
Brent Civic Centre  
Engineers Way  
Wembley  
HA9 0FJ**

Please note that there is a £25 administration fee for providing each estimate; please make cheques payable to **Transportation Service**. The fee will be deducted from the cost of constructing the crossover.

However the administration fee will not be refunded if the application is refused or, where successful, the applicant decides not to proceed.

The estimate and any application approval will be valid for a period of twelve months after which another application will be required.

Payment can be made by enclosing a cheque for £25 with your application form or by credit/debit card by contacting our card hotline on 020 8937 1830 quoting your unique reference number together with our cost centre code ZZ99, subjective code Z607 and analysis code TK02 when making your payment.

Any telephone enquiries regarding your application should be made to the Highways team on 020 8937 5121 (**Monday to Friday 09:00 to 16:30**)

### b) The Council's Domestic Vehicle Footway Crossover Policy

All applications are processed on their own merits. Approval of an application depends on the property frontage complying with all the requirements set out in the Council's Domestic Footway crossover Policy. No previous policy or policies will take precedent to the current policy.

It is important that you refer to the Council's Crossover Policy (*link to be provided soon on Council's website [www.brent.gov.uk](http://www.brent.gov.uk)*) prior to applying for a crossover. This will give you a good idea of the suitability of your application. In particular:

i) Use of Crossover

Note that the objective of a footway crossing is to provide the resident of the property with an authorised vehicle access across the public footway. Please do not apply for a footway crossover if you have no intention of using it for vehicle access to your property, as a footway crossover with no allocated space provided in the garden i.e. hardstanding or similar, will not be permitted.

Your proposed crossover and hardstanding should never require your car to project beyond the line of your garden wall and obstruct the footway.

Please note that you must retain 50% of soft landscaping (30% for narrower and shorter front gardens) within the frontage of your property to reduce the amount of rainwater that runs on to the road. Sustainable drainage will also be necessary for your hardstanding (where your car will stand), and you **will** need to use permeable materials. The details of your proposed hardstanding construction and the area of soft landscaping **must** be shown on your proposed layout on the application form.

Measures must also be introduced to prevent surface water draining from the front of the property onto the highway and this **must** also be shown on the proposed layout plan. Our team can help to advise over these requirements if required.

ii) Forecourt Dimensions

There must be sufficient space within the frontage of your property to ensure that a parked vehicle does not overhang the footway and that manoeuvring on and off the highway can be carried out safely.

A vehicle hardstanding should therefore normally be at least 4.8 metres deep by 2.4 metres wide, and be set out at 90 degrees to the road.

4.8 metres is a standard bay length that caters for the vast majority of cars currently on the market. However, there are many commonly owned cars that are less than 4.8 metres long. A crossover may be offered where the frontage is less than 4.8 metres deep, but only if the following criteria are met:

- the frontage is an absolute minimum of 3.8 metres deep, **and**
- the applicant is willing to enter into a legal agreement that restricts the size of vehicle that can be parked on the forecourt to fit within the available space. This agreement will then be sent to local land charges requesting that a note be made so that it binds future occupiers of the property to the same restriction.

The dimension of the frontage available **must** be shown on the proposed layout within the application form.

Requests for bays to be parallel to the highway will not be accepted. This would require an unacceptable number of vehicle movements over a footway and possibly cause a hazard and nuisance to pedestrians. It will usually be expected that the vehicle will be able to enter and leave a frontage in one manoeuvre.

iii) Planning Permission?

The Council's Crossover Policy explains whether you need to apply for planning consent. If your property does require planning permission the appropriate forms can be found on the Council's planning web pages <http://www.brent.gov.uk/tps.nsf/Planning%20applications/LBB-12?OpenDocument&pp=200074>

Alternatively please contact the Transportation Unit on the numbers provided above and we will endeavour to send these forms out to you by post.

Where planning permission is required you are advised to apply for this first. Only after your planning permission has been approved should you submit a completed crossover application to the Transportation Service.

Please note that approval for the construction of the crossover must be granted by Brent Transportation even if planning approval has been given by Brent Planning, or by appeal through the Planning Inspectorate.

iv) Charges

The crossover has to be constructed by the Council at your expense.

You will also be responsible for all costs incurred in removing, relocating or strengthening any street furniture, utility apparatus or road markings in order to construct your crossover (e.g. lamp post, utility cover box, parking bay).

Note, the reconfiguration of a parking bay will require amendment of the relevant Traffic Regulatory Order (TRO) for which there will be an additional charge.

**c) Conservation areas / listed buildings**

If your property is situated within a conservation area, consent will be required from the Council for the demolition of any gate, wall, fence or railings over one metre in height if they are adjacent to a highway or public footpath.

If your property is a listed building, consent will also be required from the Council for the conversion of your garden to hardstanding.

The Council's Planning Service can advise you on all matters relating to listed buildings and conservation areas, please phone 020 8937 5210 during office hours.

**d) Council / Housing Association / Leasehold Properties**

Tenants will need to supply written confirmation that Brent Housing Partnership, the relevant housing association, or freeholder have no objection to a crossover being constructed to the property.

**e) Legal Restrictions / Covenants**

In some instances a property may have a clause included in the lease that forbids the parking of a vehicle in the front garden. Applicants should check their lease to ensure that no such clause exists. The Council will not accept any liability for costs arising from its approval of an application where such a clause does exist.

**f) What happens next?**

On receipt of a correctly completed application form, we will aim to process your application and reply to you within 15 working days. Successful applicants will be sent a notification letter, which will provide an estimate for the construction of a crossover, and an agreement form to be signed and returned with the payment required. For non-routine cases (e.g. where a utility company has to be contacted, street tree has to be removed, or lamp column relocated), it may not be possible to provide a decision within this timescale. Applicants will be kept regularly informed of progress regarding their applications. The notification letter will also provide details about the methods by which payment can be made.

If there is any information missing from your application we will contact you to request that you provide this. Your application may be delayed if you do not provide all the necessary information so we ask that you to read the instructions carefully and make sure that your submission is complete and comprehensive.

Upon receiving payment in full, location details will be added to the works programme for the contractor who constructs crossovers on the Council's behalf. The aim is for crossovers to be constructed within 6 weeks of receipt of payment.

**g) Refused Applications**

Where applications do not conform to the eligibility criteria, applicants will be informed in writing of the reasons for refusal.

Unsuccessful applicants who believe their applications have not been processed in accordance with the criteria set out in the Council's Crossover Policy, or that there are exceptional circumstances, have the right of appeal. All appeals will be considered by the Head of Transportation

**h) Soft Landscaping**

In the application form "soft landscaping" refers to trees, plants and grassed areas.

Doug Thorpe  
 Investigator  
 The Commissioner for Local Administration in England  
 10<sup>th</sup> Floor  
 Millbank Tower  
 Millbank  
 London  
 SW1P 4QP

Date: 15 August 2013

Your ref: 12 014 714  
 Complaint reference: CMPT027455/11 IC759093

Dear Mr Thorpe

**Complaint by Mr A Khokhar, 885 Harrow Road, Wembley, Middlesex HA0 2RH**

Thank you for your letter and copy of a draft report dated 26 July 2013.

The Council has one main comment to make in response to the Ombudsman's key concern, outlined for example in sections 28 and 48 of the draft report, that the Council's Domestic Vehicle Footway Crossover Policy endorses a fettering of discretion and does not allow for an appeal on the grounds of exceptional circumstances that would justify an exception to be made to the policy. The Council accepts that the wording of the appeal section of the policy gives the impression that discretion is routinely fettered and that exceptional circumstances are not taken into account. The Council accepts the recommendation in section 52(a) of the draft report that the wording of the appeal section of the policy should be revised.

The Council wishes to emphasise, however, that Transportation officers regularly exercise discretion in relation to the provisions of the crossover policy on the grounds of exceptional circumstances. Typically, this occurs within the context of ongoing discussion and negotiation with applicants. As I mentioned in previous correspondence, this is encompassed by the section of the policy that states 'consideration should always be given to whether any concerns/problems can be overcome by the highway authority exercising its power to modify the request or propose alternative works. Each case must always be considered on its own merits.' I will briefly summarise in tabular form four anonymised recent cases where this has occurred:

Case number	Date of application	Reasons why the application did not conform to the provisions of the crossover policy	Reasons for acceptance
1	25 November 2011	The crossover policy states that 50% of the front area of the property should have 'soft' landscaping to allow for natural	Pea shingle was allowed in lieu of 'soft' landscaping because the applicant was disabled and officers accepted the applicant's argument that pea shingle

		drainage, with a minimum requirement of 30% for properties with narrower, shorter front gardens.	would be easier for her to maintain.
2	12 April 2012	The section of the crossover policy relating to forecourt dimensions stipulates that the depth of the frontage must be an absolute minimum of 3.8 metres.	Discretion was exercised in relation to the positioning of the crossover and therefore the point from which the depth of the frontage should be measured.
3	6 June 2012	The policy stipulation regarding 'soft' landscaping would normally be applied.	An alternative design involving 'floating' steps over soft landscaping was allowed on the basis that it was an acceptable equivalent.
4	20 September 2012	The policy stipulation regarding 'soft' landscaping would normally be applied.	The limited size of the frontage and the need for a disabled applicant to access their vehicle from a wheelchair precluded the minimum requirement for 'soft' landscaping being achieved. Officers agreed a pragmatic compromise with the applicant. The applicant wrote to the Transportation Service on 30 January 2013 to thank the officers involved for considering the application on its own merits.

Contrary to the argument advanced in section 28 of the draft report, these cases all involved exceptional circumstances that justified making exception to the crossover policy. Evidence of the decision-making process in these cases can be supplied if required.

These examples demonstrate that discretion is in fact regularly exercised in practice, even if the crossover policy gives the impression, as section 48 of the draft report states, that 'there is no provision to exercise discretion'. This holds true as a general point, regardless of whether or not one considers that the emails from September 2011<sup>1</sup> previously provided to you constitute sufficient evidence that the particular circumstances of Mr Khokhar's case were properly considered at the time of his application.

The evidence presented here shows that a higher standard of decision-making and responsiveness to exceptional circumstances prevails in practice than the crossover policy alone, and Mr Khokhar's case (where record-keeping and communication was admittedly poor), might suggest. The Council requests that the additional evidence presented here is taken into account when finalising the Ombudsman's view of the type and extent of the maladministration revealed by your investigation. The Council accepts that the wording of the crossover policy needs to be revised to properly reflect the discretion and responsiveness to exceptional circumstances that is, in general, applied in practice to all stages of applications that raise issues relating to specific provisions within the policy.

You said in your letter accompanying the draft report that there may still be a possibility of settling this complaint locally. Bearing in mind what has been said, the Council would like to propose that the complaint is settled locally on the basis of its acceptance of the three elements of remedy outlined in section 52 of the draft report, combined with a recognition of the general points made above. If the Ombudsman nevertheless wishes to proceed with issuing a report, the Council would first appreciate further explanation of the rationale for reporting rather than agreeing a local settlement.

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<sup>1</sup> One minor point of correction is that the draft report refers at section 37 to these emails being dated September 2012.

If you have any further enquiries please do not hesitate to contact me on 020 8937 1041 or by email to: [phillip.mears@brent.gov.uk](mailto:phillip.mears@brent.gov.uk).

Yours sincerely



**Phillip Mears**  
**Complaints Service Manager**

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# Report

on an investigation into  
complaint no 12 014 714 against  
The London Borough of Brent

**12 September 2013**

# Investigation into complaint no 12 014 714 against The London Borough of Brent

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**S30(3) Local Government Act 1974 requires that I report without naming or identifying the complainant or other individuals. The names used in this report are therefore not the real names.**

## **Key to names used**

Mr X - the complainant

## **Report summary**

### **Subject**

#### **Highways**

The complaint is about an application for a vehicle crossover from the highway. Mr X had planning permission granted on appeal by a Planning Inspector for a crossover to his driveway. The Council refused an application to construct the crossover under its powers as the Highways Authority. It then refused Mr X's appeal against the highways decision. The reasons the Council gave for its refusal of Mr X's application were based on the same facts that had already been considered and rejected by the Inspector. The Council's policy about crossovers only allows for an appeal on the grounds the application has not been processed in accordance with the policy. In his decision the appeal officer did not mention whether he had considered the reasons the Planning Inspector gave for granting planning approval for the crossover.

#### **Finding**

The Ombudsman found maladministration causing injustice because the Council fettered its discretion and failed to communicate its decision properly. Its policy allows no decision other than refusal, about a request for a crossover across a grass verge wider than 3 metres. There is no provision to exercise discretion or consider an appeal on grounds of exceptional circumstances of the case.

#### **Recommended remedy**

The Council has agreed to review its Domestic Vehicle Footway Crossover Policy to provide a right of appeal on the grounds of the exceptional circumstances and facts of a case; and not only procedural irregularity. It should set aside its decision on Mr X's application for a crossover and make a fresh decision considering all the facts and arguments (including the Planning Inspector's decision) that have been set out in his complaint and my report. The Council should give full reasons for how and why it reaches the decision it does. The Council should also pay Mr X £300 to recognise the injustice caused to him through the faults identified in this report.

### **Introduction**

1. The complainant, Mr X, has planning permission for a vehicle crossover from the highway, across a grass verge, to his driveway which was granted by a Planning

Inspector on appeal. When he applied to the Council's Highways Department to have the crossover built, it refused to process his application. Mr X has complained to me because he believes the Council did not approach his application with an open mind. He also complains that it, as the Highways Authority, has failed to accept the independent decision of a Planning Inspector.

## Legal and administrative background

### The Ombudsman's role

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this report, I have used the word fault to refer to these. If there has been fault, I consider whether it has caused an injustice and if it has, I may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
3. The Ombudsman cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. I must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3)*)
4. The Ombudsman expects someone to appeal to a court, tribunal or government minister if they have a right to. However, I may decide to investigate a complaint if I consider it would be unreasonable for a person to have to do so. (*Local Government Act 1974, section 26(6)*)

### Planning Appeals

5. Where a local planning authority refuses an application for planning permission the applicant may appeal by notice to the Secretary of State<sup>1</sup>. Usually the appeal will be decided by a Planning Inspector acting on behalf of the responsible Government minister.

### Highways Authority

6. Any person may ask a highway authority to construct a vehicle crossing over a footway or verge in the highway. The highway authority may approve, or reject the application, or propose alternative works. In making this decision the highway authority must have regard to the need to prevent damage to a footway or verge<sup>2</sup>.

### The Council's Crossover Policy

7. The Council's Domestic Vehicle Crossover Policy says:
  - it must consider the need to prevent damage to the footway/verge (section 2)

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<sup>1</sup> Town and Country Planning Act 1990 s.78

<sup>2</sup> Highways Act 1980 s184(11) & s184(5)

- it will refuse applications for a crossover across a highway verge that is greater than 3 metres wide because of the adverse effect this can have on the appearance of the street (section 18); and,
- unsuccessful applicants who believe their applications have not been processed in accordance with the criteria set out in this policy will have the right of appeal (section 32).

## Investigation

8. As part of the investigation, my investigator has:

- considered the complaint and the copy correspondence provided by the complainant;
- considered the comments and documents the Council provided; and
- discussed the issues with the complainant.

## Planning Appeal

9. Mr X applied for planning permission to make an access from his home to the highway. In May 2010, the Council refused planning permission. The reason it gave was

*“The proposed vehicular crossover, by virtue of the resultant loss of existing highway grass verge which is considered to be an attractive feature forming part of the streetscene along this stretch of [...] Road would result in harm to the visual amenities of the locality, contrary to policies, STR11, BE2 and TRN15 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 3: 'Forming an Access onto a Road' and the 'Domestic Vehicle Footway Crossover Policy'.”*

10. It also said:

*“the Council's Highway Authority will not support applications for vehicle crossovers to domestic properties where the crossover is proposed across a highway verge greater than 3m in width, this is because of the adverse effect this can have on the appearance of the street. This is set out in more detail in the 'Domestic Vehicle Footway Crossover Policy' produced by the Council's Transportation Unit.”*

11. Mr X appealed to the Secretary of State. A Planning Inspector allowed his appeal. She considered the Council's reasons, mainly the effect the proposal would have on the streetscene. She concluded that *“because of the appeal dwelling's unique location, the adverse effects normally associated with vehicular crossovers traversing grass verges would not occur in this case”*, and *“to allow the appeal does not undermine the Council's ability to apply its policies effectively”*.

## Crossover Application

12. Mr X then applied to the Council's Transportation Unit for a footway crossover from the highway to his driveway. The Council said it could not process his application because there was an area of grass verge outside his property. It said its footway crossover policy (section 18) says:

*"Where an application for a crossover is proposed across a highway verge that is greater than 3 metres in width or any other grassed highway amenity area, it will be refused because the adverse effect this can have on the appearance of the street"<sup>3</sup>.*

13. Mr X appealed. In his appeal he referred to the Planning Inspector's decision. He said the reason the Council had given for refusing to process his crossover application was the same reason the Inspector had considered and overruled.
14. On 11 March, the Council responded to his appeal and confirmed its decision not to approve his application. It said *"Although it is a pre-requisite to have obtained planning permission where applicable, this does not override the requirements of the Council's vehicle crossover policy and therefore applications will only be approved when the requirements of this policy are met"*.
15. Neither the decision, nor the appeal decision, gave any other reason for refusing the crossover than it would contravene section 18 of the Council's vehicle crossover policy and the purpose of the policy was to protect the appearance of the street.
16. The Council said the Planning Inspector made her decision purely on planning considerations, but it was now acting as the Highways Authority.
17. Mr X made a complaint through the Council's complaint procedure. The complaint procedure has three stages. Both the first and second stage complaint responses reiterated the Council's decision, and its reasons, for refusing to process Mr X's crossover application. The responses did not give any other reasons why it, as the Highways Authority, refused to process the application. The complaint officers were satisfied with the Transportation Unit's decision.
18. At stage three of the Council's complaint policy the Chief Executive responded to Mr X. He said the Council's Transportation Unit did consider the detail of the Planning Inspector's decision when considering his crossover application. But, he said, officers from the Transportation Unit *did not agree with the view expressed in the Planning Inspector's decision* that the close proximity of the vehicle crossover to neighbouring hardstanding would mean that it would be seen as part of the adjacent landscaping.
19. The Chief Executive's final response added some more detail to the Council's reason for disagreeing with the Planning Inspector's decision. But, he did not say

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3 LB Brent Domestic Vehicle Footway Crossover Policy s.18

the Council had made the decision on any other basis than to prevent an adverse effect on the visual appearance of the street.

### **Mr X's view**

20. Mr X says the Council wanted to refuse his planning application because it would have an adverse effect on the appearance of the street. During the planning consideration, the Highways Department was consulted and objected for this reason, and because it would contravene its crossover policy. But the Council had to accept the proposal had planning consent once the Planning Inspector upheld his appeal. He believes it is wrong for the Council, in its alternative guise as Highways Authority to reconsider the independent decision of the Planning Inspector, made with the authority of the Secretary of State.
21. Mr X wants to have his crossover approved. He is anxious that a proper decision should be made before his planning approval expires.

### **The Council's view**

22. The Council says that, as the Highways Authority, it needed to determine Mr X's crossover application in accordance with the Highways Act 1980 section 184(5). It says this is separate and distinct from its powers under planning legislation. It says there is no requirement in s184(5) to approve a request on the basis planning consent has been granted.
23. It says it is reasonable in law for the Council as highways authority to arrive at a different decision to the Planning Inspector if the circumstances of a particular case warrant this. It says it has taken legal advice that confirms this.
24. The Council says that in considering Mr X's crossover application under the Highways Act it considered matters that were not entirely coterminous with the material planning considerations.
25. The Council says one of the considerations that it has to have regard to under the Highways Act is "*the need to prevent damage to a footway or verge*"<sup>4</sup>. It says that Mr X's proposal, as well as affecting the visual appearance of the verge and street, would increase the potential for damage to the grass verge. This would be because a crossover in this location would provide an opportunity for motorists to drive over the kerb and park on the grass verge. It says that potential damage to a grass verge is an issue specific to transportation, rather than planning considerations.
26. The Council accepts there is no documentary evidence, from when the crossover decision was made, that the Highways Authority took the detail of the Planning Inspector's decision into account. But it says officers involved in the decision

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4 The Highways Act 1980 section 184(5)

remember taking the Planning Inspector's decision into account. It says the failure was in the way the Transportation Unit recorded, and explained, the decision to Mr X in writing; rather than in the way it was considered.

27. The Council has provided me with some emails from September 2011, when it was looking at the complaint at stage three. It says these show evidence of the consideration given by officers to the Planning Inspector's decision.
28. In response to a draft of this report the Council accepted that the wording of the appeal section of its Domestic Vehicle Footway Crossover Policy gives the impression that discretion is routinely fettered and exceptional circumstances are not taken into account. It agrees that the wording of this section of the policy should be changed. But, it says its officers do, in practice, exercise discretion. It has sent me examples of some recent decisions where discretion was exercised to allow exceptions to the policy where there were circumstances to justify this.

## **Conclusion**

### **Fettering discretion**

29. The Council's Domestic Vehicle Footway Crossover Policy section 18 says that where an application for a crossover is proposed across a highway verge that is greater than 3 metres in width ... *it will be refused* (see paragraph 12).
30. The policy provides a right of appeal<sup>5</sup>; but only on the grounds the application has not been processed in accordance with the criteria set out in the policy. It does not allow for an appeal on the grounds of exceptional circumstances that would justify an exception to be made to the policy.
31. The crossover decision and appeal decision only refer to the proposal not meeting the criteria of section 18 of the policy. The appeal officer did not mention whether he had considered the reasons the Planning Inspector gave for her decision that allowing Mr X's planning application in this unique location would not adversely affect the visual appearance of the street, or undermine the Council's ability to apply its policies effectively (see paragraph 11).
32. In Mr X's case the Council applied its policy in a blanket way, and the policy had no provision for considering whether an exception should be made. This was maladministration.

### **Consideration of the Planning Inspector's Decision**

33. Mr X has argued that it was wrong for the Council to refuse his application under highways legislation when a Planning Inspector had considered the facts and decided the application should have planning approval.

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<sup>5</sup> LB Brent Domestic Vehicle Footway Crossover Policy s.32

34. What I must consider is whether I can find it was fault for the Council as Highways Authority to refuse to process Mr X's crossover application on the same grounds that a Planning Inspector had considered, and decided were not sufficient reason to refuse it.

### **Were the grounds the same?**

35. Firstly, were the grounds the Highways Authority used to refuse the crossover facts the Planning Inspector had taken a view about? I am satisfied they were. Both the refusal and the appeal gave section 18 of the Council's crossover policy as the reason for refusal. This is about the adverse effect of the proposal on the appearance of the street. I am clear that this was also the main issue considered by the Planning Inspector.
36. The Council argues that its officers also considered the potential for damage to the grass verge, which was not something the Planning Inspector considered. It says that this is something it must consider under the Highways Act<sup>6</sup> when deciding whether to build a crossover.
37. The Planning Inspector decided "the adverse effects normally associated with crossovers traversing grass verges would not occur in this case" (see paragraph 11). The adverse effects that she refers to may include damage to the verge. However, I cannot know this, because damage to the verge is not mentioned explicitly in her decision.
38. But, neither does the Transportation Unit mention the potential for damage in its crossover decision, or the appeal response. There is no contemporaneous evidence that it was a reason for the Council's refusal. The first time the Council said potential damage to the verge was a reason for refusing Mr X's proposal was in its responses to my investigator's enquiries.
39. Even the emails the Council has provided from September 2011 only mention vehicles using the proposed crossover to drive onto the verge in the context of the effect on visual amenity. There is some discussion in one of these emails (some months after the decision and appeal) about the potential for damage to the verge if an *alternative* proposal to construct narrow tracks, rather than a full hard crossover was adopted. But this was not raised as an objection to Mr X's original proposal.
40. The same email also mentioned consideration of potential damage to tree roots. But it says the Council's engineers said the crossover could be constructed without damage to the roots. So this was not part of the reason for refusal.
41. Moreover, the Highways Authority must notify an applicant of their decision<sup>7</sup>.  
Where the decision is to refuse I would expect the Authority to give its reasons for

<sup>6</sup> The Highways Act 1980 s. 184(5)

refusal. The only reason given to Mr X was that the proposal contravened section 18 of the Council's policy, because it would have an adverse effect on the streetscene. On balance of probabilities, I conclude the reasons the Council refused Mr X's crossover were on the same facts already considered by the Inspector.

### **Different powers**

42. The Council's duties and powers as Planning Authority and Highways Authority are separate. They are governed by different legislation. There must be the possibility the Planning Authority and the Highways Authority might take different decisions, when exercising their distinct powers, about whether to allow the same crossover proposal. However, it would be reasonable to expect some coordination between the different roles in these circumstances.
43. The Council says it is right for it as Highways Authority to refuse a crossover on the same grounds that a planning inspector has considered when allowing an appeal to the Secretary of State because the role and powers of the Planning Authority and the Highways Authority are distinct.
44. The Court of Appeal considered a similar case in *R v Warwickshire County Council Ex parte Powergen plc*.<sup>8</sup> In this case the court said:

*"Is it reasonable for a highway authority, whose road safety objections have been fully heard and rejected on appeal, then quite inconsistently with the Inspector's independent factual judgment on this issue, nevertheless maintain its own original view? To my mind there can be but one answer to that question: a categoric no."*

45. The facts of that case are different in that the Court was considering a decision of that highways authority under another provision of the Highways Act, section 278, and the objections were about safety, not visual amenity. But it is arguable that the logic is transferable.
46. The Court's conclusion was in the light that:
  - a. the site was central to the planning application and considered in detail;
  - b. the planning permission was granted following an appeal to the Secretary of State and not merely the Local Planning Authority itself; and
  - c. there were no new facts or changed circumstances whatever following the Inspector's determination of the appeal.
47. These considerations also apply in Mr X's case, so it is difficult not to draw the same conclusion that the Highway Authority should not maintain its original view.

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<sup>7</sup> The Highways Act 1980 s. 184(12)

<sup>8</sup> QBCOF 97/0607/D

## **Fresh objections**

48. Even if the original Transportation Unit decision to refuse to construct a crossover were to be set aside, it might be open to the Council to make a new decision to refuse on fresh or additional grounds. It might consider matters not fully considered by the Planning Inspector. These could include potential damage to the verge.
49. There are dangers in this approach. The Highways Authority was invited to make its objections to the planning process and have them considered. It would be reasonable to expect it to engage in this process and not hold back objections “in reserve” for it to use as reasons to make a different decision under the Highways Act. In an extreme case a Highways Authority might ignore the planning consultation entirely and then use its objections to refuse an application for a crossover later. I think this cannot be right, but whether it would be lawful is a matter the courts would have to decide.

## **Summary**

### **Maladministration**

50. There was maladministration in the way the Council dealt with Mr X’s application for it to construct a crossover.
  - a. It fettered its discretion. Its Domestic Vehicle Footway Crossover Policy allows no decision other than refusal, about a request for a crossover across a grass verge wider than 3 metres. There is no provision in the policy to exercise discretion or consider an appeal on grounds of exceptional circumstances of the case.
  - b. It failed to communicate its decision properly to Mr X. During my investigation the Council gave new reasons for refusing Mr X’s request that it had not previously given to him in its decision.

### **Injustice**

51. These faults caused Mr X justifiable annoyance and uncertainty and caused him to take time and trouble to try to get a proper decision with reasons. That difficulty should have been avoided. This was an injustice to him.

### **Outside jurisdiction**

52. I think it is arguable the principles set out by the Court in the R v Warwickshire County Council ex p Powergen case should also apply here. However:
  - i. the facts in Mr X’s complaint are not exactly the same;

- ii. the Council has taken legal advice that its actions were correct in law; and,
- iii. I am aware that some other local authorities share the Council's view on this.

53. So, whether it is lawful for the Council, in the specific circumstances of this case, to refuse to construct a crossover on grounds of visual amenity that have already been considered by a Planning Inspector, when deciding to give planning consent, is a matter that only the courts can decide. The same applies to the question of what fresh objections the Council may rely on after an appeal where the facts and circumstances have not changed in any material way. If Mr X wants a decision that the Council's refusal to construct his crossover is unlawful, he will have to apply to the courts for a decision. I cannot help him with this (see paragraph 4).

### **Recommended remedy**

54. The Council has agreed to review its Domestic Vehicle Footway Crossover Policy to provide a right of appeal on the grounds of the exceptional circumstances and facts of a case; and not only procedural irregularity.

55. I recommend that the Council should also:

- a. set aside its decision on Mr X's application for a crossover and make a fresh decision considering all the facts and arguments (including the Planning Inspector's decision) that have been set out in his complaint and my report. The Council should give full reasons in writing for how and why it reaches the decision it does; and,
- b. pay Mr X £300 to recognise the injustice caused to him through the faults I have identified in this report (see paragraphs 50 and 51).



**Dr Jane Martin**  
**2013**  
**Local Government Ombudsman**  
**The Oaks No 2**  
**Westwood Way**  
**Westwood Business Park**  
**Coventry**

**12 September**

**CV4 8JB**

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## APPLICATION FORM – DOMESTIC VEHICLE CROSSOVER

Before submitting an application for a vehicle crossover, please ensure that you have carefully read the guidance notes.

### Applicant Details

Title:	
--------	--

### Property type please tick

House	Flat
-------	------

### Unique Reference Number

--

First Name:		Surname:	
-------------	--	----------	--

### Address

### Telephone Number.

--	--

### Your address & Tel No. if different from where crossover is required:

--

### Application Checklist

1	The forecourt area must be of permeable construction, if not, planning permission will be required for non permeable areas greater than 5 square metres under the Town and Country Planning (General Permitted Development) (amendment) (no.2) (England) Order 2008. For more details visit <a href="http://www.planningportal.gov.uk">www.planningportal.gov.uk</a> .	
2	The application must comply with the soft landscaping requirements – see item b) i) of the Guidance notes.	
3	Adequate drainage must be provided to prevent surface water from spilling from the frontage onto the highway. Please show this on your sketch, if drainage is required.	
4	A wall, fence, hedge or permanent landscaping must be provided along the frontage not served by the crossing to within 600mm from the edge of the crossover which includes the taper length. Please illustrate on sketch.	
5	There is a non-refundable £25.00 administration fee required with each application; please make cheques payable to London Borough of Brent. The fee will be deducted from the cost of constructing the crossover. Other payment options are shown in item a) of the Guidance notes. The approval and estimate will remain valid for a period of 12 months.	
6	The crossover width should meet the requirements for permitted crossover widths (50% of width of frontage with a minimum 2.4 metres and a maximum 4.2 metres). Please show desired width of the crossover on your sketch.	
7	All council tenants must submit written confirmation from Brent Housing Partnership for the formation of the crossover.	
8	Do you require planning consent? If so, have you applied for and received planning consent? Please note that you will need approval from Brent Transportation as well as planning permission for the crossover application to be approved.	
9	Does your application result in the loss of more than one parking space in a Controlled Parking Zone (CPZ)?	
10	The crossover must not cross a grass verge greater than 3 metres.	
11	Vehicles parked on your frontage must not overhang the footway.	
12	Have you provided the proposed layout? (see next page)	
13	Your hardstanding works should not be carried out until written approval of your domestic vehicle crossover application has been received. Please note that the construction of the crossover will not commence until the forecourt has been installed as per your approved sketch.	

I have read and will abide by the guidance notes and Council's policy and I wish to apply for a vehicle crossover.

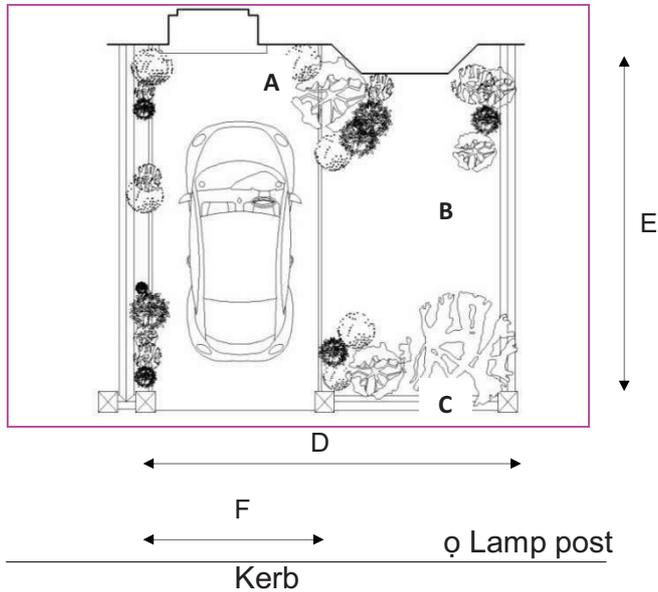
Date:

Signature of Applicant:

**Please provide your proposed layout below**

Your proposed layout must include the distance between any street furniture (trees, lamp columns, telegraph poles, etc) on or adjacent to the proposed vehicle crossover. A hardstanding or similar, and a front wall, fence or hedge must be provided before the crossing is constructed. You will need to work to the nearest paving slab as these will not be cut.

Example of typical layout below (plan for illustrative purposes only): -



- A - Hardstanding Area
- B - Soft Landscaping Area
- C - Boundary wall/fence
- D - Width of frontage
- E - Depth of frontage
- F - Width of dropped kerb

N.B: The dropped kerb must be positioned 0.6 metres from the left or right of the boundary wall

**PROPOSED HARDSTANDING CONSTRUCTION**

	Type	Depth
Surface material		
Bed/Base material		

**N.B: THE ABOVE BOX MUST BE COMPLETED BY APPLICANT**

**Proposed Layout:**

- Please include details and dimensions of your hardstanding, soft landscaping, the boundary wall/fence and drainage details, where required in your sketch.

12 September 2013

Ms Christine Gilbert  
Interim Chief Executive  
London Borough of Brent  
Town Hall  
Forty Lane  
Wembley  
HA9 9HX

Your ref: CMPT027455/11 IC7590

Our ref: 12 014 714

(Please quote our reference when contacting us and, if using email, please put the reference number in the email subject header)

**If telephoning please contact: 020 7217 4646**  
**email address: D.Connolly@coinweb.lgo.org.uk**

Dear Ms Gilbert

**Complaint by Mr A Khokhar**

I have now completed my investigation of the complaint by and I enclose a copy of my report. I am also sending a copy to the complainant. You will see that I have found maladministration. I have found that this caused the complainant injustice.

Please note that Section 30 of the Local Government Act 1974 requires your Council to make a press announcement in more than one newspaper within two weeks of receiving the report, and to make it available at one or more of the Council's offices for a period of three weeks. I enclose a specimen press advertisement which you may find helpful.

Section 30(3) requires me to report without naming or identifying the complainant or other individuals. The names used in this report are therefore not the real names of the people and places involved.

Since I have found that there was maladministration/service failure, your Council is also required, under Section 31(2) of the Act, to consider the report and tell me, within three months of receiving it (or such longer period as I may agree in writing), the action it has taken or proposes to take.

/...

Page 2.

Please would you confirm that you have made the appropriate press announcement, and let me know within the next two weeks when the Council will consider the report and when I may expect to receive a response.

We will send copies of the report and a press release to the media under embargo until the sixth working day after the issue of the report (and the date of this letter).

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Martin', with a horizontal line underneath it.

Dr Jane Martin

Enc: copy of report  
Specimen press advertisement

*The Commission will include this complaint in the published figures for the year ending 31 March 2014. We will record the category as: Highways and Transport, and the decision as: Investigation complete – report issued.*

 <b>Brent</b>	<p style="text-align: center;"><b>Highways Committee</b> 10 December 2013</p> <p style="text-align: center;"><b>Report from the Head of Transportation</b></p>
<p>For Information <span style="float: right;">Wards Affected: All</span></p>	
<p style="text-align: center;"><b>Brent Cycle Vision - Ways to Wembley</b></p>	

Forward Plan Ref:

## **1.0 Summary**

- 1.1 This report informs the Committee about Brent's "Ways to Wembley" cycle funding bid, which was submitted to the GLA and TfL at the beginning of July 2013.
- 1.2 Outer London boroughs were invited to submit expressions of interest to become "cycle mini-Hollands" and receive funding for cycle improvements that will make a step change in infrastructure development and encourage cycling in their boroughs.
- 1.3 This report outlines the content of the bid submitted, the response received from the Mayor's office and the next stages of the process as agreed with the Mayor's cycling commissioner.
- 1.4 The report also highlights concerns regarding the way in which cycle route improvements will be selected and delivered, and how and when the funding for these improvements will be released.

## **2.0 Recommendations**

- 2.1 That the Committee notes that Brent has been very successful in reducing numbers of serious and fatal collisions but is keen to improve cycle safety further by securing investment in infrastructure and training.
- 2.2 That the Committee supports the proposed TfL investment in cycle infrastructure and approves Brent's approach and priorities for enhancing cycling infrastructure through our "Ways to Wembley" document.
- 2.2 That the Committee notes initial reservations set out in Section 6.2 regarding the method by which cycle infrastructure funding will be allocated, and by which priority routes and infrastructure will be identified and delivered.

- 2.3 That the committee approves limited further investigative study work into cycle routes and bridge locations, focussed on both strategic and local cycle routes.

### **3.0 Background**

- 3.1 The Mayor described in his Vision for Cycling how he will spend more than £900 million to promote and improve cycling in London. GLA is looking to identify three, possibly four outer London boroughs to make into “mini-Hollands” for the bicycle, with very high spending concentrated on relatively small areas for the greatest possible impact. There will be £100 million available for the programme.
- 3.2 The Cycling Commissioner for London, Andrew Gilligan, wrote to all outer London boroughs, inviting them to bid for these funds. Boroughs were encouraged to use international best practice to help them shape their proposals.
- 3.3 Successful boroughs needed to demonstrate significant political and officer commitment to genuinely significant change. GLA were looking for radicalism and imagination within the proposals.

### **4.0 Brent’s Cycle Submission**

- 4.1 Brent is committed to increasing use of cycling as a preferred mode of transport, and in making cycling safer through infrastructure investment. Brent has been very successful in reducing numbers of serious and fatal collisions from 350 per year in 1991 to 86 in 2012, beating both national and Greater London reduction targets by a significant margin.
- 4.2 Brent’s highways services contractor also takes cycle safety seriously. Every lorry over 7.5 tonnes that they use on Brent’s streets has been fitted with safety features such as side guards; near-side blind-spot cameras and; reversing cameras. Their vehicles are also fitted with sensors to detect nearby objects, as well as an audible ‘turn left’ warning. All highway contractor HGV drivers have also undergone cycle safety training, which allows them to experience the vulnerability a cyclist can experience.
- 4.3 There have been no fatal cycle accidents in Brent since 2009/10. However, the numbers of serious injuries to cyclists has increased in the past few years and we are keen to ensure that this problem is addressed through investment in cycle infrastructure and training. Following the Mayor’s request for Boroughs to set out their plans for cycle improvements, Brent’s approach and priorities were described within our “Ways to Wembley” Mini-Hollands Cycle submission, which is attached.
- 4.4 The Brent Mini-Holland Cycle submission discussed why Brent would be a good candidate for cycle investment, with low modal share when compared to other Boroughs and some key barriers to cycling formed by numerous underground and overground rail lines, waterways and the North Circular route.

- 4.5 Wembley was put forward as the geographic and economic centre of Brent, and it was explained that the benefits of unlocking this part of the borough will ensure that the regeneration benefits are wider than just Wembley.
- 4.6 In total, four Underground lines (Bakerloo, Jubilee, Metropolitan and Piccadilly) and four rail lines (London Overground North London Line, Chiltern Railways, West Coast Mainline and the Dudding Hill freight line) pass through the Borough. In addition, the North Circular passes through the centre of the borough, and there are a number of waterways causing additional severance including the Grand Union Canal and River Brent, and its tributaries which connect to the Brent reservoir. These features combine to create significant barriers for cyclists.
- 4.7 Our bid discussed how we would look to increase cycling participation amongst Black and Minority Ethnic (BME) groups, where cycling is substantially lower than among other groups.
- 4.8 Our cycle vision included a network of new routes, these include:
- The Jubilee/Metropolitan Superhighway - a direct route between Wembley and Willesden to include a “green bridge” crossing over the North Circular.
  - The Jubilee/Metropolitan Quietway - to run parallel to the Jubilee line between Northwick Park and Wembley Park, and again between Dollis Hill station and Kilburn station.
  - The Bakerloo Superhighway - along the Harrow Road between Wembley and Kensal Green towards central London; and
  - An Orbital Quietway - to run along the canal between Alperton and Stonebridge Park, and also along the River Brent.
- 4.6 In preparing the bid, meetings were held with GLA and senior officers met with the Cycling Commissioner on a number of occasions to discuss the proposals. The Leader of the Council also attended a meeting of Brent Cyclists at which the Mayor’s Vision for Cycling was presented. GLA gave very positive feedback about the level of both officer and Member support for the proposals in Brent.
- 5.0 **Outcomes of GLA’s Review of Bids**
- 5.1 The Mayor’s Office reviewed all of the funding bids received from Boroughs. Brent’s bid was not successful in being shortlisted for mini-Hollands funding, but GLA wrote to Brent to state that they were minded to award substantial amounts of funding anyway to take forward the objectives within the bid.
- 5.2 Officers met with Andrew Gilligan on 21<sup>st</sup> October to discuss how the bid would be taken forward. There was support from Andrew Gilligan for two routes:
- A route following the Jubilee Line linking Wembley with Neasden, Willesden and Kilburn; and
  - An orbital route paralleling the North Circular linking to Brent Cross.
- Both of these routes are important strategic corridors, but we identified a number of alternative corridors within the Borough that are equally important as local connectors. There was no indication that any of these routes would be supported or attract funding through the Mayor’s cycle initiative.

5.3 The Cycling Commissioner wanted to see more detail on where the cycle bridges across the North Circular would be and what they can do for cycling. Two options are being considered as locations for bridges across the North Circular:

- At Neasden close to the Jubilee Line; and
- Further south, linking to the Shri Swaminaryan Mandir temple.

The latter, which is known as the Green Bridge, is a priority for Brent due to the strong links it would create between Brent growth areas and employment centres. It would provide excellent links between Stonebridge and St Raphaels and onwards to the Old Oak Common opportunity area, as well as enabling walking and cycling trips to the Shri Swaminaryan Mandir temple and providing a more direct “quiet” route to Wembley via the Brent River park.

5.4 The Cycle Commissioner expressed a preference for the route via Neasden, which effectively forms a cycle corridor between Central London and Brent. The Cycle Commissioner felt that strategic cycle routes to and from Central London were key and that a bridge further north bridging across the North Circular at Neasden would be preferred as it would be on a more direct line to Central London. Although a better cycle and pedestrian connection at Neasden would be desirable and supported by Brent, a Green Bridge further south of this location fits better with local priorities.

5.5 In considering the options for bridging the North Circular, officers have reiterated in subsequent correspondence with GLA that our local priorities are for a Green bridge crossing to link to the Shri Swaminaryan Mandir temple. It was emphasised that the local cycle connections and employment links that this structure would deliver are very important to the Borough’s growth aspirations and would encourage local cycle trips. It was stressed that we are keen to keep this plan on the agenda and look to see how it might be better linked to more strategic long-distance routes to central London.

## 6.0 **Next Steps**

6.1 GLA are holding discussions with all Boroughs during autumn 2013, and funding will be awarded at three levels:

1. Boroughs not shortlisted for mini-Hollands, but would be awarded funding anyway to take forward their objectives (Brent falls into this category)
2. Boroughs shortlisted for mini-Hollands but not successful in being part of the final selection
3. Boroughs which are one of the 3-4 boroughs finally selected for mini-Hollands funding

6.2 Brent officers are very supportive of the Mayor’s cycle initiative. It complements sustainable transport, employment opportunities, public health and regeneration objectives for the Borough as well as contributing to improving cycle safety. At the same time we have some concerns about its delivery. These concerns are as follows:

- a) Officers are concerned that there is a focus on strategic routes into central London rather than more local cycle routes, which is where the greatest growth in cycling is likely to be achieved – only a certain population of our residents work in central London and we believe that the proportion that could be persuaded to cycle to central London would not be as great as the number of local cycle trips that we could encourage through local infrastructure investment;

- b) Selection of routes and local priorities does not appear to be as collaborative as expected, with priorities being set and defined by the Mayor's office rather than being discussed and agreed in partnership with Brent;
- c) TfL have appointed consultants to develop the feasibility and design of local cycle routes, which intimates that Boroughs will not have the freedom and flexibility to commission and develop cycle projects on Borough roads – Brent has recently entered into the London Highways Alliance contract, which has the flexibility to enable delivery of consultancy services and we are concerned as to why alternate consultants are being used outside of the LoHAC framework;
- d) We are also concerned about decision making powers and processes by which local councillors and communities will be engaged given that design consultants are being employed by TfL to develop schemes on local roads; and
- e) At present, none of the boroughs have received any of the published funding and there is no indication of how and when any funding will be made available and what the role of Boroughs will be in utilising and receiving this funding. To date all development costs have been borne by the Boroughs and we have been given no indication as to when funding will be made available.

## **7.0 Financial Implications**

- 7.1 There will be further staff time, and hence costs, required to develop the proposals in more detail. These costs will be met from existing resources. These additional costs may be reimbursed by the funding being made available, but as yet, the process for this re-imburement is unclear.

## **9.0 Legal Implications**

- 9.1 There are no legal implications arising from this information report.

## **10.0 Diversity Implications**

- 10.1 The public sector duty set out at Section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not share that protected characteristic. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision. There is no prescribed manner in which the equality duty must be exercised. However, the council must have an adequate evidence base for its decision making.
- 10.2 The cycle vision document contains information on a vision for how Brent would look to increase cycling participation amongst Black and Minority Ethnic (BME) groups, where cycling is substantially lower than among other groups. This is considered to be a positive benefit for BME groups, who would directly benefit from targeted training and would therefore be encouraged to participate in healthier travel modes.
- 10.3 There is potentially positive benefit across many of the protected characteristic groups from enhancement of cycle infrastructure in the Borough, however for the sake of this assessment the benefit has been considered to be at worst neutral.

## **Background Papers**

Ways to Wembley – Brent Council's submission for a mini Holland, July 2013.

**Contact Officers**

Steve Salter – Transport Strategy Manager, Planning & Development, 5th Floor,  
Brent Civic Centre, Wembley, Middlesex. HA9 0FJ. Telephone: 020 8937 5310.  
Email: [steven.salter@brent.gov.uk](mailto:steven.salter@brent.gov.uk)



# Ways to Wembley

Brent Council's submission for a mini-Holland

July 2013



**Brent**

[www.brent.gov.uk/cycling](http://www.brent.gov.uk/cycling)



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# Foreword

by the Leader of Brent Council

I am delighted that Transport for London (TfL) is making available an additional £913 million for cycling, and that Brent Council is bidding for a share of £100 million to create a mini-Holland. Brent has the potential to create an area as bike friendly as any town or city in Holland and the scale of TfL funding on offer would enable Brent to make significant improvements it needs to its cycling infrastructure to achieve that aim.

We are encouraging more people in Brent to cycle but across Wembley and the centre of the borough there are major physical barriers which sever journeys by bike into those areas. The barriers are considerable. Among the biggest obstacles are the North Circular Road, River Brent, freight, rail and Tube lines. Our submission sets out how we would build infrastructure across these barriers at suitable points to improve access from Wembley and central Brent to other parts of the borough and central London. The submission also discusses a substantial redesign of Wembley town centre to make it an excellent environment for cycling. The focus of our proposal for a mini-Holland is the two town centres of Wembley and Neasden, and how we would create better cycling links between them. The creation of a mini-Holland in the Wembley and Neasden area would be a first step in further improvements across Brent.

This is an excellent opportunity to invest in cycling in Wembley and Brent. The area's leading visitor destinations such as Wembley Stadium and the regeneration area will attract many more visitors and residents in the future. We want as many of them to cycle as possible.

We also recognise there are social barriers to cycling. Too few people from some communities cycle. We would increase participation by engaging with communities and promoting cycling as well as building and improving cycling infrastructure where many of these groups live.

I am pleased that we have been able to write this submission by working closely with Brent Cyclists. There are a number of aspirations held by Brent Cyclists and others which could make a significant impact on the levels of cycling in the borough. As council leader I have attended meetings with officers at TfL and I was pleased to join Brent Cyclists on 1 May this year when we heard Cycling Commissioner Andrew Gilligan's summary of the TfL project.

I believe that Brent has the combination of innovation and initiative, political commitment and support, and ongoing capability to deliver the submission we are proposing. It will contribute to a step change in cycling across the borough. I look forward to working with TfL and other key stakeholders to deliver our vision for cycling in Brent.



**Councillor Muhammed Butt**  
Leader of Brent Council and Cycling Champion



## Executive Summary

To date, investment in cycling in Brent has been limited and cycling levels are low. Growth in cycling has largely been in the south-east of the borough. However, there is huge potential for cycling in the borough, and this funding provides the opportunity to develop a variety of measures to increase cycling.

The focus of the mini-Holland will be Wembley and Neasden. Wembley is a major town centre in London, and is the geographic and economic regeneration centre of Brent. Since the development of Wembley City is still being completed, we have the opportunity to shape the new Wembley City with cycle improvements.

The Vision for Ways to Wembley will be “a cycle network connecting the borough to its heart at Wembley and onwards to central London, inspiring more communities and visitors to cycle because of its imaginative architecture, safe cycling environment and unhindered cycle routes.”

People travelling to Wembley for work, sporting events, entertainment and shopping will arrive by bike. Segregated cycle paths, secure cycle parking and a bike hub will be created.

The considerable road and rail barriers to journeys by bike will be overcome to encourage greater levels of cycling in the borough. At present, physical barriers include the North Circular Road, River Brent and Dudding Hill freight line, which all run parallel to each other, as well as rail and Tube lines across Brent. A combination of measures for providing the new infrastructure to break down these barriers will include bridges, subways and new links between crossing points and key destinations.

We will be looking to break down some of the social barriers to cycling. Wembley has high proportions of groups who do not strongly participate in cycling. We will develop education and awareness building initiatives with these groups to encourage a greater take up of cycling in those communities.

We will develop a number of routes which will be clear, direct and well connected. The routes will include:

- **The Jubilee / Metropolitan Superhighway** – providing a direct route between Wembley Park and Willesden (via Neasden) and including a new “green bridge” crossing the North Circular
- **The Jubilee / Metropolitan Quietway** – will run parallel to the Jubilee Line between Northwick Park and Wembley Park and again between Dollis Hill station and Kilburn station
- Less direct routes between **Wembley and Willesden** will be explored and could be provided as an alternative to the Jubilee Quietway between Wembley Park and Dollis Hill
- **The Bakerloo Superhighway** will run along the Harrow Road between Wembley and Kensal Green towards central London
- **The Orbital Quietway** will run along the Grand Union Canal and the River Brent

To facilitate an increase in cycling, additional infrastructure and support will be required. We fully recognise that implementing a series of cycle routes does not automatically mean that cycling will suddenly increase without the softer measures to accompany them. Additional initiatives focussed on marketing and awareness building will be required. We will set up a cycle hub in Wembley which will include a cycle hire and cycle repair shop with shower and changing facilities as part of the Jubilee Quietway. We have support from developers for this, and have already set up a successful cycle repair shop in partnership with them.

# 1 Introduction

There are a number of good reasons why Brent should be chosen for investment in cycling. Brent's geography is a microcosm of London with the south-east of the borough reflecting inner London characteristics, and the north-west of the borough displaying more outer London characteristics. There is strong political and officer support for the bid and a lot of work has already been done to promote cycling in Brent, such as the Biking Borough and Bike It programmes, which support the infrastructure plans described in this proposal.

To date investment in cycling in Brent has been limited and cycling levels are low. Growth has largely been in the south-east of the borough. However, there is huge potential for cycling in the borough, and this funding provides the opportunity to develop a variety of measures to increase cycling. When Brent Council targets investment it is successful. For example, the Transportation Service has focused on road casualty reduction with a lot of success.

The focus of the mini-Holland will be Wembley and Neasden. Wembley is a major town centre in London and is the geographic and economic regeneration centre of Brent. Since the development of Wembley City is still being completed, we have the opportunity to shape the new Wembley City with cycle improvements. Indeed, many of the plans for the Wembley Area Action Plan include highway improvements which cover cycling. These can be built on and developed as part of the mini-Holland project. Developments will be cycle friendly to support the 11,500 homes and 10,000 new jobs anticipated within the Wembley area. The development of the Wembley City cycle hub will assist with establishing Wembley as a focus for cycling. As part of the development of the Jubilee QuietWay, we are looking to set up a cycle hub in Wembley which will include a cycle hire and cycle repair shop with shower and changing facilities. We have support from developers for this. Residential areas and new schools will have cycle parking and there will be a greater potential for cycling amongst new residents and we wish to provide for this.

**Ways to Wembley** complements the Mayor's Vision for Cycling in London and its outcomes. As Crossrail has been developed for the rail passenger, the Mayor's vision is to select a route which provides a 'Crossrail for the bike' through the heart of London. Extensive connecting routes will be opened to link the new route to nearby town centres, including Wembley. The vision includes delivering future Barclays Superhighways to much higher standards, closer to international best practice. Among the new Barclays Superhighways will be the Bakerloo Cycle Superhighway linking Wembley with the heart of London along the Harrow Road.

## The vision for Ways to Wembley

A cycle network connecting the borough to its heart at Wembley and onwards to central London, inspiring more communities and visitors to cycle because of its imaginative architecture, safe cycling environment and unimpeded cycle routes.



### Overcoming physical barriers

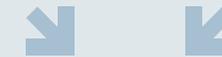
- Reduce severance
- New bridges
- New subways
- Facilitate new links

Making Wembley a mini-Holland



### Overcoming social barriers

- Perceived barriers
- Cultural barriers
- Focus on Black and Ethnic Minority (BME)



### Cycle network

- To central London
- To neighbouring centres
- To green spaces
- To growth areas



### More people cycling

- Wembley cycle hub
- Cycle parking
- Cycle hire scheme





We will be looking to break down some of the social barriers to cycling

## 2 Ways to Wembley: Key Outcomes

### 1 Wembley will be a fully accessible cycle destination and cycling hub for Brent

People travelling to Wembley for work, sporting events, entertainment and shopping will arrive by bike. Segregated cycle paths, secure cycle parking and a bike hub will be created.

### 2 Breaking down the physical barriers to cycling

The considerable road and rail barriers to journeys by bike will be overcome to encourage greater levels of cycling in the borough.

At present physical barriers include the North Circular Road, River Brent and Dudding Hill freight line, which all run in parallel to each other, as well as rail and Tube lines across Brent.

### 3 Social barriers to cycling will be removed

We will be looking to break down some of the social barriers to cycling. Wembley has high proportions of groups who do not strongly participate in cycling.

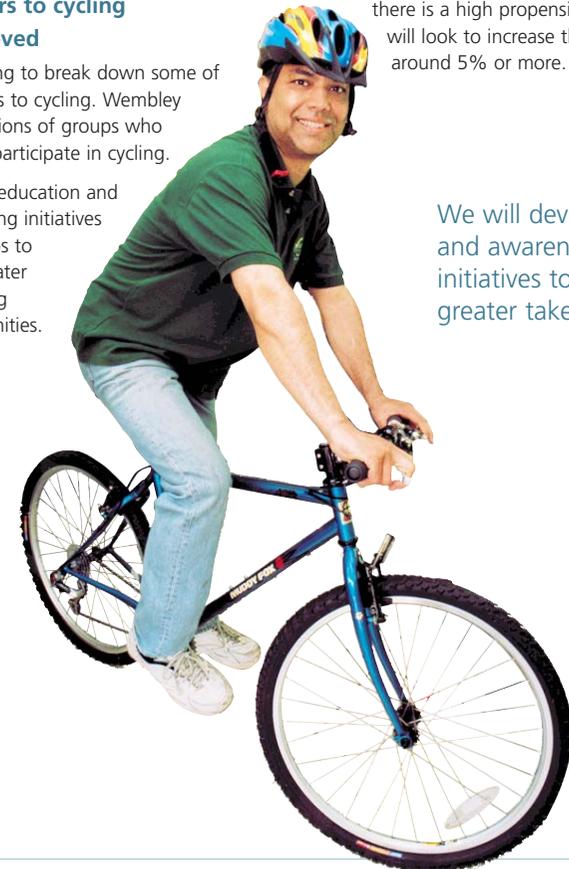
We will develop education and awareness building initiatives with these groups to encourage a greater take up of cycling in those communities.

### 4 Develop a Brent Cycle Route Network

We will look to develop a clear, direct and well connected network. The network will focus on the Wembley to Neasden route through the Jubilee and Metropolitan Superhighway and the Jubilee and Orbital Quietways, but there will also be routes from other parts of the borough which link into this network and to Wembley.

### 5 More people travelling by bike in Brent

We recognise that distances may be too great for many to commute from Brent to central London by bike, so we will particularly target shorter journeys now made by car, along with journeys to railway stations. Although cycling levels in Brent are low, with around 1% mode share, historically there is a high propensity to cycle, and we will look to increase this mode share to around 5% or more.



We will develop education and awareness building initiatives to encourage a greater take up of cycling

### 3 Why Brent?

There are a number of reasons why Brent should be considered to host a mini-Holland. Firstly, the geography of Brent lends itself very much to the criteria for a mini-Holland. The Dudding Hill freight line separates the south-east from the north-west of the borough and it has a mixture of both inner and outer London characteristics, thus providing a microcosm of London.

Secondly, the political leadership of Brent Council strongly supports developing part of Brent as a mini-Holland. The council leader has been Brent's Cycling Champion since 2011 and has personally attended meetings with TfL and Brent Cyclists throughout the development of this proposal. Officers have also attended a number of meetings to scope how a mini-Holland might be developed within Brent. This officer and political commitment would continue through the delivery of a mini-Holland. Brent Council is committed to sustainable development in all of its major projects, this year we will have completed BREEAM excellent public buildings and housing projects and the new Brent Civic Centre is BREEAM outstanding, the first in the country.

Another reason is that since the current levels of cycling are relatively low, there is potential for growth. There was a 1.2% average mode share as measured by the census in 2001, but there has been an increase in the level of cycling between 2001 and 2011. The 1.7% of trips to work being made by cycle in the borough in 2011 is slightly lower than the average mode share for west London as a whole, but slightly higher than the outer London borough average of 1.4%. Any growth there has been, particularly in the south of the borough, has been a result of limited investment. TfL identified that 38% of trips currently made by motorised modes are potentially cycleable, this is joint highest (along with Ealing and Enfield) of any outer London borough and is also higher than a number of inner London boroughs. (Source: Analysis of Cycling Potential, TfL 2010).

Funding constraints up to now have meant that not as much has been done with cycling as potentially could have been done.

TfL identified that 38% of trips made in Brent by motorised modes are cycleable – joint highest of any outer London borough



The leader of Brent, Cllr Muhammed Butt is an avid cyclist, pictured here with Metropolitan Police cyclists

### 4 Why Wembley?

Wembley City will be part of a mini-Holland. A completely cycle friendly district that is accessible and easy to use, the district will be completely permeable allowing easy movement from one side of the borough to the other. Wembley is the geographic and economic centre of Brent and the benefits of unlocking this part of the borough will ensure that the regeneration benefits are wider than just Wembley.

Wembley is the heart of Brent and is identified as a major town centre in London. Wembley Stadium and Wembley Arena are international hubs. The new Brent Civic Centre, which opened in June 2013, is one of London's newest, and greenest, public buildings and is expected to attract over 1 million visitors a year when it opens in the Wembley area. The Wembley Growth Area is the biggest of the borough's five growth areas and will deliver 11,500 new homes and 10,000 new jobs over the next 15 years.

Wembley will be a retail town centre, as illustrated by the retail offer provided by the London Designer Outlet, the Anchor Store and the Olympic Way retail strip. This offer makes Wembley a city centre, not just a business/entertainment district with residential.

The masterplan for Wembley City, which is being delivered by Quintain, has the capacity to include a complete cycle network, fully accessible to cyclists through segregated lanes and designated cycle parking. Residential areas and new schools will have cycle parking, and there will be a greater potential for cycling amongst new residents. The development at Wembley is still being built, so we have highway improvements which cover cycling, and which can be developed as part of a mini-Holland project. By making Wembley City a cycle hub we will assist with establishing Wembley as a focus for cycling. We are looking to set up a cycle hub in Wembley which will include a cycle hire and cycle repair shop with shower and changing facilities as part of the development of the Jubilee QuietWay. We have support from developers for this and have already delivered a successful pop up cycle repair shop in partnership with them.

In order to ensure that Wembley is as accessible as it can be, and so that cyclists can travel across Brent, better movement across physical barriers such as the North Circular Road will be essential. The North Circular Road and several rail lines next to or within the Wembley Growth Area present significant issues in terms of severance. As part of the Wembley City mini-Holland phase this vision proposes several options for new crossings across the North Circular Road and Jubilee / Metropolitan Lines, which will be developed.

The focus of the mini-Holland within Brent will be Wembley and Neasden. Wembley is recognised as a major town centre in London. The reasons for selecting Wembley and Neasden are:

- several major developments are already underway including mixed retail, residential and office development in the north-west of the area.
- residential areas and new schools will have secure cycle parking, and there will be a greater potential for cycling amongst new residents.
- the TfL Town Centres study (2011) records mode share by cycle for travel to town centres. Many trips to Wembley and Neasden are short distance. Around 45% of visitors to Wembley town centre live/work within a 10 minute walk while 60% of visitors to Neasden live/work within 10 minutes. However, the walking mode share at Wembley and Neasden is 29% and 43% respectively while cycling makes up 1% or lower of mode share. There is a clear potential to shift some of these short distance journeys onto bike.
- Wembley has a rapidly expanding population but with a generally low take up of cycling
- Wembley has new educational establishments flocking to the area such as the new French academy on the site of Brent's historic town hall.

Wembley is a rapidly growing town centre and could be one of the leading destinations in London for sports, shopping and conferencing

# 5 Breaking down physical barriers to cycling

Brent is in the arguably enviable position of having, after Westminster, the most Underground and rail stations of any borough within London. However, while this benefits many of the borough's residents this results in a number of rail and Underground lines passing through the borough causing high amounts of severance for journeys by bike.

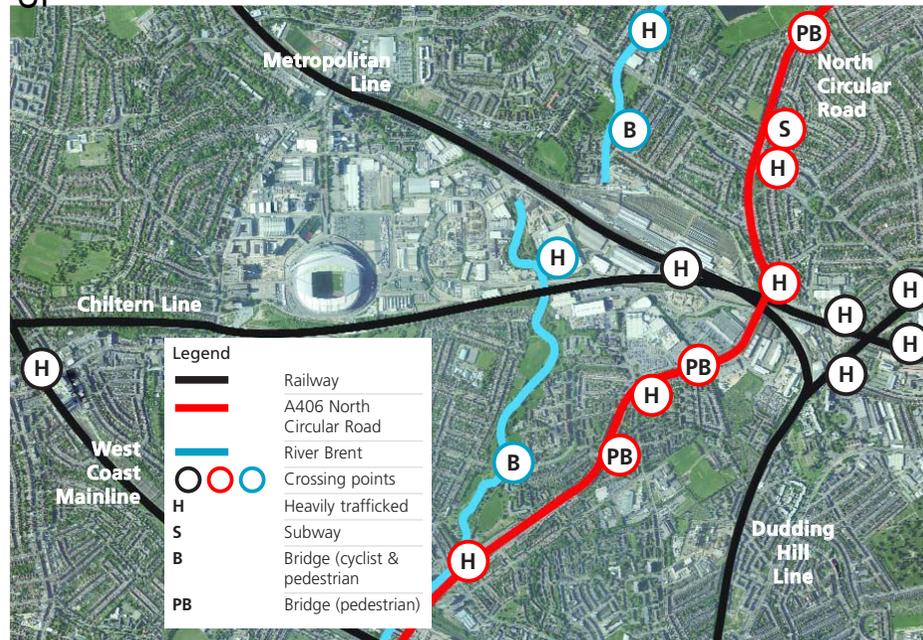
In total four Underground lines (Bakerloo, Jubilee, Metropolitan and Piccadilly) and four rail lines (London Overground (North London Line), Chiltern Railways, West Coast Mainline and the Dudding Hill freight line) pass through the borough. In addition, the North Circular Road passes through the middle of the borough and there are a number of waterways causing additional severance including the Grand Union Canal and River Brent and its tributaries which connect to the Brent Reservoir.

Severance is a major issue for cyclists as it may result in more indirect routing and where roads do cross these barriers they are often highly trafficked and therefore less attractive to cyclists. Roads that cross barriers also tend to be narrower with more limited road space and narrower footways which reduces the number of options to improve cycle facilities. It should also be noted that any reduction in severance will provide benefits to pedestrians too.

Within Brent there is a substantial decline in levels of cycling to the north and west of the North Circular suggesting this is a major barrier to increased cycling. In the Wembley and Neasden area, the focus of our bid, there are a number of physical barriers. *Figure 1* below shows existing barriers in and around Wembley together with pictures of current crossing points.

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Figure 1 Barriers to cycling in Brent



## The A4088 in Neasden

At Neasden there is a subway which includes a shared cycle and footpath. However, there are number of issues that make this extremely unattractive for cyclists. They include:

- staggered barriers
- very narrow and poorly lit subway which becomes extremely slippery when wet
- no dropped kerbs at entrance to subway
- either side of subway there are two large, heavily trafficked with fast moving vehicles, gyratory systems.

## North Circular Road

The North Circular Road (A406) dissects the entire borough and is the most highly trafficked road within Brent. Due to the sheer volume of traffic much of the route is a TfL Air Quality Management Area (AQMA) and means pedestrians and cyclists can only cross using segregated crossings such as subways or footbridges or at controlled pedestrian crossings incorporated into at grade junctions. Although there are some footbridges and roads that cross the North Circular Road, the only location where it is possible to cycle across the North Circular Road without dismounting or performing an illegal manoeuvre is at the intersection with the A4088 in Neasden.

An alternative to these roundabouts is a convoluted route involving an additional subway (requiring cyclists to dismount) and footbridge where cycling is not permitted.

*Clockwise from top left:*  
 Staggered barriers on shared cycle/footpath.  
 Narrow and poorly lit subway.  
 No signage or dropped kerbs at entrances to subway  
 Alternative route to avoid busy gyratory requires cyclists to dismount.





Alternative at grade crossings across the North Circular at the Drury Way junction and Stonebridge.

In addition, there are several footbridges but these are all narrow, include sharp turns on the ramps and require cyclists to dismount.

The lack of suitable crossings points on the North Circular is a major barrier to increasing cycling within Wembley and the rest of Brent.

## The benefits to cycling of reducing severance in and around Wembley

There are a number of benefits of reducing severance in and around Wembley. The benefits include:

- improved links between Neasden and Brent Reservoir – a major recreation space
- encouraging residents north of the North Circular to cycle to destinations in the south of the borough and potentially central London.
- boost cycling by residents south of the North Circular to major new retail, entertainment, leisure and civic destinations in the Wembley development area
- encouraging people to travel sustainably between Brent's two new and largest civic centres; Brent Civic Centre in Wembley and Willesden Cultural Centre.

## Options for breaking down physical barriers

There are a number of options for providing the new infrastructure which will break down the physical barriers. They include:

- bridges
- subways
- new links between crossing points and key destinations.

We would focus investment on several key crossings to maximise results.

### St David's Close bridge

As part of a study providing evidence in support of the Wembley Area Action Plan, four bridges were explored, two over the Metropolitan/Jubilee lines, and two over the Chiltern Line. Of these, the one which offered the best value for money was the St David's Close bridge. This was a bridge over the Metropolitan / Jubilee Line. It offered a link which connected into the wider greenway route along the River Brent, and therefore scored well in terms of providing wider connectivity. The bridge is an extensive structure and would cost between £4m and £5.5million depending on the width of the bridge. A preliminary design has been developed for this bridge.

### Neasden crossing

There are a variety of options for providing a crossing at Neasden. These could be underpasses or a bridge, with a bridge the most likely option, as this provides more scope for a safer crossing which has better levels of personal safety and security. A bridge here would cross the North Circular, reducing the severance within the area.

Providing better access to Neasden could facilitate other objectives including a general improvement in the town centre environment including improved public realm and townscape. Improvements at Neasden are also part of our shortlist for the Roads Taskforce. An example of the kind of bridge that could be considered is shown opposite.



North Bank Bridge, Massachusetts

Developing these crossings will facilitate a number of new links between centres to be developed:

**Wembley – Willesden:** linking different areas, particular importance of linking outer Brent with inner Brent and hence onward to London. This route will provide a link between these two cultural centres in Brent.

**The St David's Close bridge** provides links onto River Brent orbital route which is a recreational route.

These crossings are instrumental in helping to form the Brent cycle network, and more detail in how these come together to create a network are discussed in chapter 7.

## Next Steps

We would use the mini-Holland funding to look in more detail at options for Neasden crossing to develop a preferred option.

There is a need to increase cycling by local residents, a high proportion of which are Black and Minority Ethnic. The next chapter explores how we might increase cycling amongst these groups.

## 6 Breaking down social barriers to cycling



Brent Cyclists take part in an event for Bike Week in Gladstone Park

Cycling participation amongst Black and Minority Ethnic (BME) groups is substantially lower than among other groups. According to the TfL 'Propensity to Cycle' report just 21% and 25% of frequent and infrequent cyclists respectively are male by people from BME communities. This ethnic grouping makes up approximately 55% of London's population. Black and Minority Ethnic form 35% of potential cyclists so to increase levels of cycling overall a particular focus will be required on increasing participation amongst BME groups.

The biggest non-physical barrier to cycling is the fear of cycling. One study produced by the cycling charity CTC based on quantitative and qualitative research, *Barriers to Cycling*<sup>1</sup>, concludes "the most prominent practical barriers perceived to be deterring potential cyclists were danger and safety". The UK Department for Transport (2007)<sup>2</sup> reports that 47 per cent of adults 'strongly agree that "the idea of cycling on busy roads frightens me".

The fears of cycling are socially, geographically and historically variable. Unequally socially distributed, they will tend currently in the UK to be greater among women than men, among those people riding with children than those without, and among ethnic groups with little history and experience of cycling.

1 CTC, C-PAG and Southampton City Council (1997) Barriers to Cycling: Perspectives from Existing and Potential Cyclists (Godalming: C-PAG)

2 Department for Transport (2007), Cycling: Personal Travel Factsheet (London: Department for Transport)

### Why focus on this social group?

Brent is officially been recognised as one of the most ethnically diverse local authority areas in the country. According to the 2011 census, 82% of Brent's residents are Black and Minority Ethnic (BME), meaning Brent has the second highest proportion of BME of any local authority in the country. Figure 2 shows the ethnic breakdown in Brent compared to inner and outer London, major neighbouring boroughs and Newham which has the highest BME proportion.

Within Brent, BME communities are particularly focused on the north and central areas of the borough. The area around Wembley and Neasden, which forms the focus of the mini-Holland bid, is at least 85% BME and in some parts of Wembley BME form 98% of the population. The predominant ethnic minority in Wembley is Asian Indian while in Neasden and Willesden the ethnic minorities are more diverse including a mix of Black African, Black Caribbean, Asian and Irish.

We are also focusing on this group because:

- ethnic minority groups tend to have lower incomes and therefore cycling could be more attractive, if participation could be increased then this would lead to improved access to employment and opportunities.
- Brent has one of the lowest rates of adult physical activity in the country, rate of physical activity are particularly low amongst BME.

Figure 2 Ethnic make-up of Brent residents compared to other boroughs and London. (Source: Census, 2011)

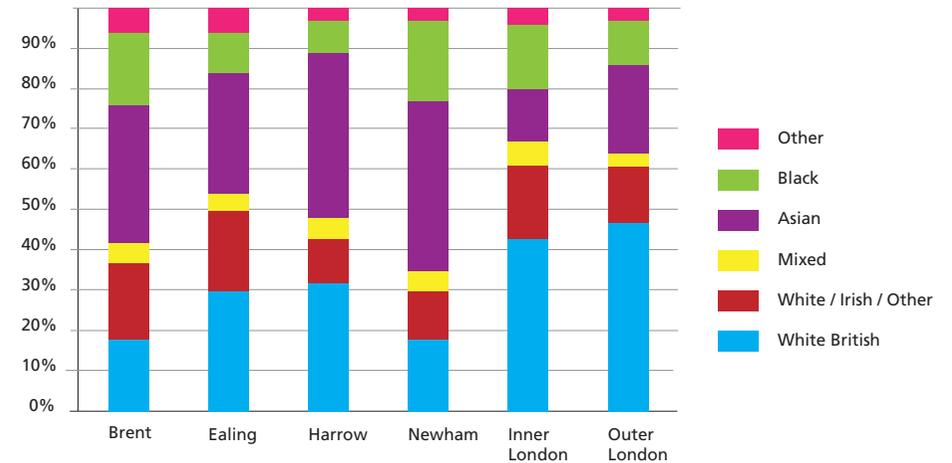
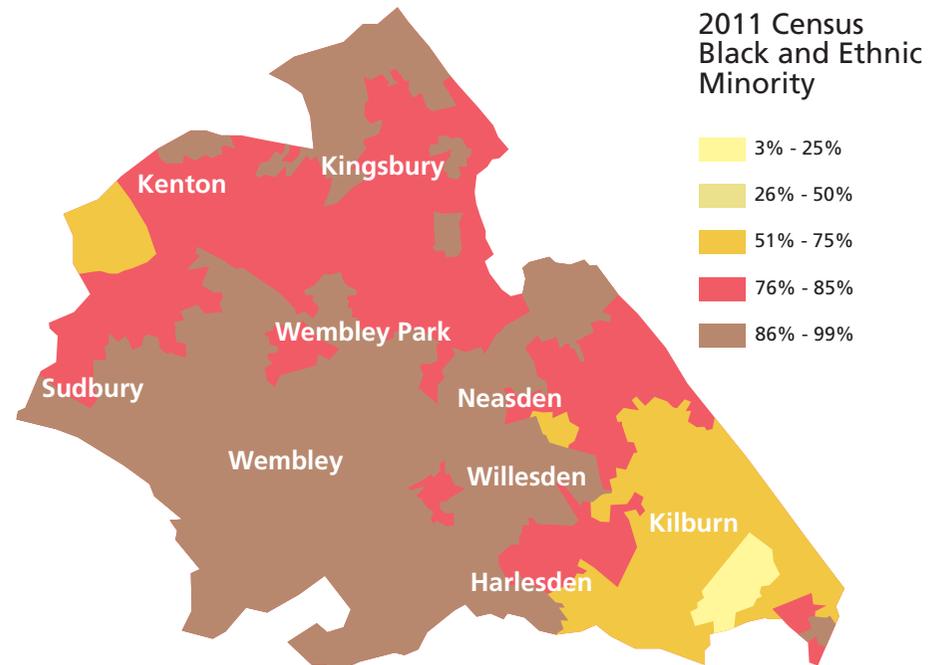


Figure 3 Proportion of BME in Brent. (Source: Census, 2011)



## Options for breaking down social barriers

We would focus on children within these ethnic minority groups, partly because these groups are less susceptible to social barriers, and partly because they can be targeted through the roll-out of existing programmes across Wembley such as Bike It where schools can be added to these programmes, working with parents and pupils.

To date, we have undertaken a variety of activities which can be built on to target these groups. They include:

- strengthening links with the National Health Service
- more effective internal working with other council departments with an interest in cycling. These would include sports and parks departments and health teams.
- more efficient ways to engage with campaigning groups such as Brent Cyclists

In terms of a project already happening in Brent (and has been for the past three years at least) is Cyclotastic's project at Salusbury Road Primary School and Salusbury World in bike training for adults and children (which has a priority for refugee and low-income families).



Cyclotastic bicycle maintenance workshop

There is also a Cycle Green Community Group based in Kenton promoting cycling as a safe mode of transport for whole families, with an emphasis on catering for the Asian population.

We would look to widen the scope of the softer measures which are already in place to target these groups. These would include the Bike It and Biking Borough initiatives. Currently Brent has 18 schools participating in the Bike It project which aims to increase the number of pupils cycling to school and includes parent and family events. Although we do not have extensive data on this yet, we are looking to include some schools with a high Asian population in next year's Bike It programme, with the aim of then extending the activities to the local community.

Under the Biking Borough initiative, we would look to build on the success of the cycle hub at Kensal Rise, and develop a similar hub in Wembley.

We would also look to draw upon experience from other Boroughs elsewhere in London. Ealing have schemes to increase participation amongst the Indian population.

### Next Steps

If successful in attracting funding for a mini-Holland, we would work with TfL to identify target ethnic minority groups, and the optimal methods of engaging with these groups.



Students at Islamia Girls' School in Queens Park taking part in training under the ReCycle scheme, a partnership between Brent Council, Brent Police and Sustrans



## 7 A new cycle network

The Ways to Wembley proposal for a mini-Holland would connect the borough into a broader cycle network. The links include:

- 1 Sub-regional corridors and Brent transport strategy corridors. The cycle networks need to be integrated with the sub-regional corridors (Wembley to Brent Cross, Wembley to Ealing and Ealing to Brent Cross) to provide alternatives to the car for orbital movements. The cycle network also needs to reflect the corridors identified within Brent's longer term transport strategy, currently under development.
- 2 To central London which will provide access to employment opportunities and other cycle routes including the Central London grid and Cycle Superhighways.
- 3 Between Wembley and Willesden to connect these two cultural centres.
- 4 Between Wembley and nearby local centres.

The current network in Brent includes routes within the south-east of the borough and routes towards the north-west of the borough. However, many of these routes are signed only and without segregated cycleways. There is a gap in provision in the central part of the borough within the Wembley area. This is the part of Brent which is badly affected by the severance issues identified in chapter 5.

There are a number of gaps, especially around the Wembley area. These gaps link back into places above that we want to link to.

A number of routes are either in early stages of planning or have been referred to by TfL and Mayor of London. We want to use these as a starting point.

We propose a number of routes which will assist in addressing the severance issues and providing the links described above. These will include new bridges, use of existing bridges, the Brent River Park route, Bakerloo superhighway and Jubilee Quietway from Brondesbury to Dollis Hill and Wembley park to Northwick Park, and the Stanmore to Thames route.

- Known as the **Jubilee / Metropolitan Superhighway**, this route will provide a direct route between Wembley and Willesden (via Neasden). For the regular cyclist, this route will follow the main roads along Wembley Hill Road – Empire Way – Forty Lane – Blackbird Hill – Neasden Lane – Dudden Hill Lane into Willesden. This route will include a “green bridge” crossing over the North Circular Road into Neasden.



The Westgate bridge (above) crosses State Highway 16 and connects the Manutewhau Walk Reserve in Oreil Avenue to the Westgate Shopping Centre.

- A route will follow the Jubilee Line and will be known as the **Jubilee / Metropolitan Quietway**. This will run parallel to the Jubilee line between Northwick Park and Wembley Park, and again between Dollis Hill station and Kilburn Station. Between Wembley Park and Dollis Hill, there are no parallel roads for the cycle route to run along and this is the area affected by the severance issues, so the Quietway would have to join the Jubilee / Metropolitan Superhighway, which would be engineered to a standard that all existing and potential cyclists are happy to use. On a longer timescale, the Wembley City development is likely to enable an alternative route from Wembley Park to Willesden via another upgraded crossing of the North Circular Road at the St Raphael's Estate, linking to Brentfield road, with its famous Neasden Temple.
- The **Bakerloo Superhighway** will run along the Harrow Road between Wembley and Kensal Green towards central London.



Cycleway (Boston)

- The **Orbital Quietway** will run along the canal between Alperton and Stonebridge Park, and also along the River Brent. The route will include a new bridge at St David's Close which will cross the Metropolitan and Jubilee lines. Costing between £4m and £5.5 million, this bridge will provide an important link for orbital (north-south) movements across the Borough.

Having set out a network for the borough, there are a number of further gaps. These include links:

- From Wembley to Stanmore/Thames Greenway
- to Brent Cross (via Brent reservoir)
- to other local centres: Sudbury, North Wembley etc.
- from Wembley to North Brent.

### Ideas to address these gaps

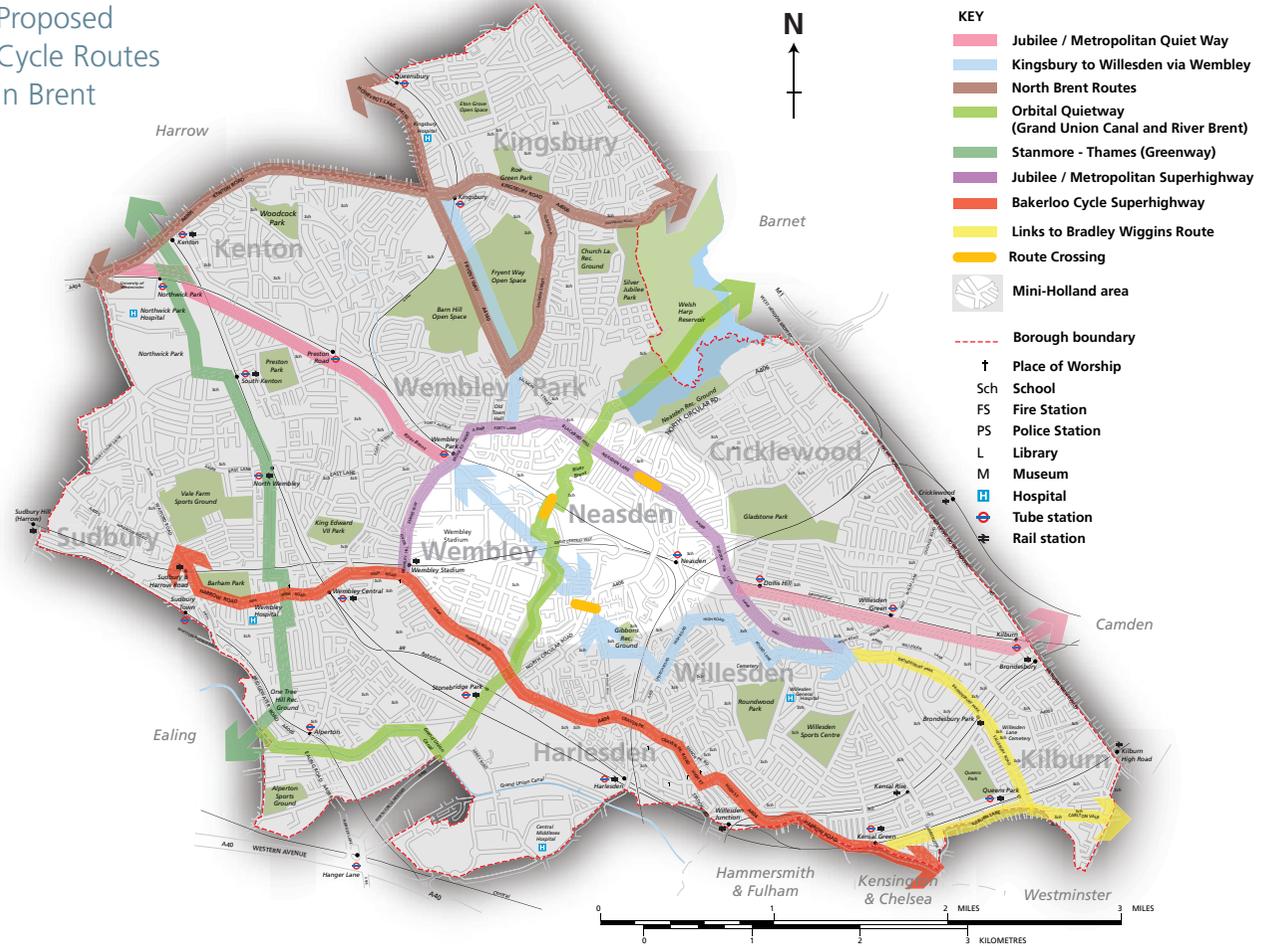
Stanmore to Thames is a route which has provisionally been awarded Greenway funding, so will not be funded from this bid. This route crosses three boroughs from Harrow in the north, through Brent to Ealing in the south at Brentford.

The Bakerloo Superhighway could be extended to serve locations at Sudbury and Harrow.

Barnet Council are currently investigating cycle links from Brent Cross to West Hendon (via Park Road extending on via Cool Oak Lane to Welsh Harp). This would provide a connection into Brent and would need to be investigated to ensure a link to the Orbital Quietway could be provided.

Links to north Brent could be provided via Fryent Way and Salmon Street up onto Kingsbury Road and Kenton Road. There is more carriageway space to be able to provide this improved infrastructure in this part of Brent.

## Proposed Cycle Routes in Brent



The programme is aimed at supporting existing cyclists as well as encouraging new cyclists



## 8 More People Travelling By Bike

To facilitate an increase in cycling additional infrastructure and support will be required. We fully recognise that implementing a series of cycle routes does not automatically mean that cycling will suddenly increase without the softer measures to accompany them.

Whilst our cycle mode share targets are low over the short term, we have set a target to increase cycling to 4.3% by 2026 to support the mayor's target of 5% overall across London as a whole.

In order to achieve this target additional initiatives will be required focused on marketing and awareness building. These will include:

- cycle hub at Wembley City
  - increased cycle parking at Wembley Park and Wembley Stadium, Neasden and Dollis Hill
  - working with the new schools
  - potential for local cycle hire scheme in Wembley and electric bikes.

The Mayor's cycling vision highlights a number of key actions that will help encourage more people to travel by bike. We will ensure that these are incorporated into our programme. They could include:

- helping commuters cycle by delivering 80,000 additional cycle parking spaces across London in residential locations, stations, workplaces and other trip destinations by 2016
- helping children cycle by introducing pilot cycle to school partnerships and cycle training in schools
- expanding and improving cycle hire by working with local business to identify locations within Wembley where we can introduce new cycle hire facilities
- exploring the potential of electric bikes by working with local business to identify opportunities for electric bikes to be given a higher media profile
- communicating our plans and inspiring new cyclists.

We would look to widen the scope of the softer measures which are already in place to target specific groups.

### 1 Bike It

Currently Brent has 18 schools participating in this project which includes a variety of cycling activities aimed at pupils and their parents. Bike It is a three-year programme which aims to increase the number of pupils cycling to school and using cycling as a mode of travel and overcome the barriers to achieving this. Parents often feel that their children are at risk whilst cycling on the road, and so the Bike It project includes activities for parents and family events including bike breakfasts, Dr Bike (maintenance and advice clinics), cycle marking and competitions to increase confidence and help overcome these difficulties. If additional funding was available, we would like to increase the number of schools participating in this project and provide the opportunity for the wider school community to participate in some activities.

### 2 Biking Borough

Brent is one of 12 TfL funded Biking Boroughs. The programme is a three-year (2011-2014) package of measures aimed at increasing cycling levels in Brent, with particular focus on the Kensal Rise area (the cycle hub). The measures are a mix of both infrastructure and smarter travel measures such as cycle promotion and awareness raising events and cycle safety and security initiatives. The programme is aimed at both supporting existing cyclists as well as encouraging new cyclists, with a particular focus on improving the safety of cyclists. If additional funding was available, we would like to explore the possibility of creating additional cycling hubs at prominent places along the proposed new cycle routes.



Children at Kilburn Park School in Brent take part in a Bike It! project

### 3 Cycle Training

This is currently available for anyone living or working in Brent and is available for groups and individuals, adults and children. This is promoted through schools and workplaces via their travel plans with training packages being developed to meet the needs of the cyclists. Training is available for people of all abilities from those learning to ride to experienced cyclists requiring safety awareness training. All schools are encouraged to offer cycle training to their pupils and priority is given to Bike It schools and those with an active travel plan. We would like to increase the number of cycle training courses available and if possible, train parents alongside children to encourage families to cycle together.

### Cycle Hub in Wembley City

We would look to establish a cycle hub in Wembley City which would combine a number of facilities in a single location.

The facility in Wembley would be modelled on the Mud Dock in Bristol, which provides users with cycle parking, showers and changing facilities and a travel information centre. However, it also caters to a lifestyle and culture of cycling, by providing retail of bikes and accessories, a café or restaurant and onsite cycle mechanics. The facility also promotes cycling in the wider community, runs cycle maintenance classes by Dr Bike, cycle breakfasts and other events. The facility is based in a former warehouse providing about 400m<sup>2</sup> floor area. Originally set up by two keen cyclists, the concept has attracted national press interest, has won awards and has garnered support from Bristol City Council and the Department for Transport.

The facility takes a proportion of its running costs from user fees. Cycle parking, a locker for users' cycling clothes and use of the showers costs £5 for a day pass, but an annual subscription costs £500 (£1.37 per day). Partnership with cycle retailers or distributors can be sought to cover the remainder of the running costs.

Wembley City is well-suited as a cycle hub location because of its three Tube and rail stations serving the local area, which provide swift and easy access into and out of central London. A facility of this kind could help to improve interchange between modes, and help to spark the cycle revolution sought by existing cycle schemes.

We firmly believe that if Brent secured the funding for a mini-Holland it would be an unparalleled success and facilitate wholesale improvements to the cycling infrastructure in one of the most challenging and well known areas of any outer-London borough. Married to the iconic backdrop of possibly the most famous sporting arena in the world, a mini-Holland in Brent would attract attention from across Europe, if not the world.

We commend this bid to the TfL/GLA panel that are set to assess it and ask that you contact us for any further information, details or a presentation, if required.



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**Brent**

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