

PETITION REPORT: WESTWOOD CLOSE: PERIMETER FENCING AND PARKING

Cabinet Member	Councillor Keith Burrows
Cabinet Portfolio	Planning, Transportation and Recycling
Officer Contact	Rod Smith, Residents' Services
Papers with report	Location plan

HEADLINE INFORMATION

Purpose of report	<p>This report seeks to respond jointly to a petition received by the Council requesting the reinstatement of the perimeter fence to the estate at Westwood Close and to enforce residents' only parking.</p> <p>The petition was received at Democratic Services on 15th August 2014.</p>
Financial Cost	Potential total cost £5,055 to be funded from the existing 2014/15 HRA budgets.
Contribution to our plans and strategies	The request can be considered as part of the Council's strategy for residents parking schemes.
Relevant Policy Overview Committee	Residents' & Environmental Services Policy Overview Committee
Ward affected	West Ruislip

RECOMMENDATION

That the Cabinet Members:

1. Note the views and concerns of the petitioners,
2. Note the action which is being taken,
3. Discuss with petitioners the options which are open to the Council regarding parking and access into Westwood Close,
4. Subject to the outcome of the above, decide if Westwood Close should be added to the Council's future parking scheme programme for further investigation.

INFORMATION

Background information

A petition with 23 signatures from residents of Westwood Close, Ruislip has been submitted to the Council raising the following concerns:

Cabinet Member Report - 17 December 2014

Part 1 - Members, Public and Press

"Please find attached a petition from residents of Westwood Close regarding the parking and access issues that we have concerns about.

Several residents of the Close have contacted departments at the Civic Centre individually in regards to problems experienced with parking at school times, and non-residents of the Close parking here, sometimes for a week or more, despite notices currently displayed. Several approaches have also been made regarding the perimeter fence, particularly as pedestrians access through the close has been refused in the past.

A replacement "No Parking" sign was promised in March, but so far has not materialised.

We hope that by jointly petitioning the authority we may prompt a response and action from the relevant offices"

The issues raised by the petitioners fall within the remit of two Cabinet Members. Parking issues are considered by the Cabinet Member for Planning, Transportation and Recycling, whilst the issues regarding the perimeter fence and signage would fall under the Cabinet Member for Social Services, Health and Housing. As the main issue of concern raised by residents relates to parking, the Cabinet Member for Planning, Transportation and Recycling will consider this petition, including the issues not directly in his portfolio and if necessary will agree any actions with the Cabinet Member for Social Services, Health and Housing.

Supporting Information

Origin of the estate

Westwood Close was originally developed as an 'infill' Council housing estate during the mid 1970s. Of the 71 dwellings on the estate, 47 have been sold under the Right to Buy.

The estate is accessed from Ladygate Lane. Westwood Close forms part of the adopted public highway. This includes a number of parking bays and 'lay-bys'. There are three small sections of the roadway which were not originally adopted. These areas include:

- The small number of parking bays to the side of No 66 Westwood Close,
- The area in front of garages located at the rear of 67 - 71 Westwood Close and;
- The area in front of garages located to the rear of 43 and 44 Westwood Close

Following visits to the estate and discussions with several of the petitioners, the issues can be identified as relating to: parking controls, signage, verge protection and the perimeter fence of the estate. Each of these is dealt with separately below.

Car parking issues

Since the estate was first developed it is clear that the level of car ownership on Westwood Close has increased. From discussions with residents it is understood that it is not uncommon for older children to remain living at home and to be vehicle owners themselves. This has added to the overall number of vehicles on the estate.

As the Cabinet Member may recall, residents of Westwood Close petitioned the Council in 2003 asking to be permitted to park with two wheels on the footway around the grass mound in front

of Nos. 18 to 40. As there were exceptional circumstances, this request was subsequently approved in June of 2004.

In an accompanying letter to the latest petition, residents have suggested that *"the volume of parked cars at school time can often block access for residents, and severely restricts access for refuse or emergency services"*. The letter goes on to say that *"cars also park on the footpath at one side of the close which creates a risk to pedestrians"*.

It is not clear from the petition whether residents are asking for a Parking Management Scheme, limited time waiting restrictions or some other parking control. It is therefore recommended that the Cabinet Member meets with petitioners to discuss their concerns in greater detail and subject to the outcome, decides if officers should add this to a future parking scheme programme for further investigation.

A request for yellow lines at the entrance to Westwood Close has been received through the Council's Road Safety Suggestion Scheme which is currently under investigation but may resolve some of the road safety concerns raised by petitioners.

Discussion with residents has revealed that parking issues generally only present during the 'school run' and in the evening and weekend periods when most residents are at home. This would suggest that the underlying pressure is one of limited parking provision given the overall levels of vehicle ownership on the estate.

Whitehealth Infant & Nursery School and Whitehealth Junior School are only a short distance away from Westwood Close. The Infant & Nursery School is immediately adjacent to Westwood Close. Residents have reported that parents are parking at the very top end of Westwood Close, at the junction with Ladygate Lane and are then walking their children the short distance to Nursery / School. In relation to this short-term parking, residents are reporting issues with sight-lines being obstructed and difficulties associated with parking on both sides of Westwood Close at the point of entry / exit to the estate.

Signage

Located on housing green space at the entrance to Westwood Close is a sign which states 'Residents Only Parking'. At the western end of the estate there are a further three housing signs; two state 'Parking for Residents only' and one states 'No Commercial Vehicles'. A sign is also located on housing green space at the entrance to the garages to the rear of 43 and 44 Westwood Close which states 'No parking beyond this point'. Arrangements are in hand to improve signage to the second garage area to the rear of 68 - 71 Westwood Close to also deter nuisance parking in front of the garages.

Following erection of a sign to the rear of 68 - 71 Westwood Close it is considered that adequate signage will exist on the estate in the context of parking on the limited areas of 'housing land'. The Housing Repairs Service is working to a target to order, fabricate and erect this signage by the end of this calendar year.

Verge protection

Officer visits to the estate during the weekend and evening periods confirm that vehicles are parking on the grass verge opposite No 10 Westwood Close. This verge is on a corner and parking is not only damaging the verge but is also obscuring the sight line for drivers entering or

leaving the main part of the estate. In response to resident's concerns, arrangements will be made to install suitable edge protection by the end of this financial year.

Perimeter Fence issues

There are a total of 28 properties in Breakspear Road and Ladygate Lane which have a rear boundary backing onto Westwood Close. Of these only 5 remain in Council ownership, the remaining having been sold freehold under the Right to Buy.

A boundary fence was provided around the site when Westwood Close was developed in the 1970s. Much of this fence has deteriorated over time but the majority of a boundary fence still exists, presumably as owners of properties in Ladygate Lane and Breakspear Road have erected new fences.

Legal advice has been sought regarding the boundary fences. They advise that the Council cannot prevent residents accessing the highway via a gate in their rear boundary and it is not considered practical or proportionate to prevent residents from walking over a grass verge onto the estate.

Of the 28 properties with a rear boundary backing onto Westwood Close, a total of 5 have made provision for an opening in their boundary onto Westwood Close. The residents who have made provision for rear access are all private. In each case the opening is to facilitate pedestrian rather than vehicular access. In one example, a garage has been constructed with a garage door that acts as part of the resident's rear boundary. It is clear that this garage is not used to facilitate vehicular access onto Westwood Close given the mature trees located on the grass verge immediately in front of the garage door. An application for a vehicle cross-over was made to the Council but was declined. Three of the established rear access points necessitate pedestrian movement over a grass verge in order to reach Westwood Close. There is no visible damage to the grass verge where these access points meet the verge. Two of the rear access points provide pedestrian access straight onto one of the housing parking bays located to the western corner of the estate.

Reasons for recommendation

- A request for double yellow lines at the entrance to Westwood Close has been received through the Council's Road Safety Suggestion Scheme which is currently under investigation but may resolve some of the road safety concerns raised by petitioners.
- Verge protection will be installed opposite No 10 Westwood Close to prevent damage to the verge and maintain sight-lines. This edge protection is necessary and appropriate to prevent further damage to the verge and to support the safe movement of pedestrians and vehicles.
- Signage will be installed to the rear of 68-71 Westwood Close to deter nuisance parking in front of garages. The provision of this final sign on the estate is necessary and appropriate.
- Based upon legal advice, no action is taken in relation to the access points which have been created in boundary fences adjoining Westwood Close. The Council cannot prevent residents accessing the highway via a gate in their rear boundary and it is not considered practical or proportionate to prevent residents from walking over a grass verge onto the estate.

- Estate based improvements could be considered at Westwood Close as part of the 'works to stock' programme. Any work would need to be considered alongside other priorities identified across the managed stock. This work would seek to increase the amount of off-street parking provision by using existing verges and other green spaces on the estate. This approach is not recommended given that it would fundamentally change the character and appearance of this small infill estate.

Financial Implications

Funding for the provision of signage is being met from the existing HRA 'day to day' Repairs budget and edge protection is being met from the HRA 2014/15 Works to Stock - Estates budget.

The potential costs for consideration are:

Signage - £1000.00 (funded from the day to day repairs budget)

Edge Protection - £4,000.00 (funded from the HRA 2014/15 Works to Stock - Estates budget)

Yellow lines - £55.00 (funded from the HRA 2014/15 Works to Stock - Estates budget)

There are no financial implications associated with the other recommendations to this report. If works are subsequently required, suitable funding will be identified from the relevant HRA budget, subject to necessary approvals.

Corporate Finance comments

Corporate Finance has reviewed the report and the financial implications contained therein. There are no cost implications to the Council associated with recommendations 1 and 3. The improvements to signage and verge protection are funded from HRA Works to Stocks Programme and therefore ultimately from rental income.

Should recommendation 4 progress to including Westwood Road under the Council's Parking Management Schemes, it should be noted that the road has been adopted by the Council and therefore any costs associated with the outcome of the recommendation would have to be funded from existing General Fund revenue budgets.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The measures recommended should address residents concerns.

Consultation Carried Out or Required

Consultation has been carried out with the lead petitioner and other residents.

CORPORATE IMPLICATIONS

Legal

All highways are open to access to all members of the public whether or not the road is adopted. The Council cannot prohibit those with land abutting the highway from simply walking onto it. The only potential to stop it would be boundary maintenance provisions.

A sample copy of the transfer document relating to the sale of a former Council owned property in Breakspear Road confirms that there are boundary maintenance provisions. It would appear that the owner is obliged to keep all borders marked with a 'T', which includes the rear fence, maintained and kept in good order to the satisfaction of the Director of Housing. From a review of other sold properties in Breakspear Road and Ladygate Lane, it is reasonable to assume that similar provision applies to all properties which have a border backing onto Westwood Close.

Notwithstanding this the phrasing of this covenant only means that it has to be kept in good order, it does not prevent alterations. So long as the boundary is not in a state of disrepair the Council cannot reasonably object. Where the access points created back onto a highway, which is open to all people, there is no ground on which to object to gates being added into the boundary fence. The position is different however, where the access point created backs onto a verge rather than onto a highway.

In the three cases where pedestrian movement from the access points in rear boundary fences would necessitate walking over a grass verge, the status over rights of way is unclear. As land abutting an adopted highway it can be expected that some access rights apply to it. If there is no right of way over the verge for non-residents the Council could consider preventing the owners from walking across the grass verge, but not from installing a gate. The Council could simply ask that the owner never use the gate. The practical issue then becomes one of enforceability and proportionality. Unless the Council had someone watching the verge it would be unable to enforce its request and if it were to litigate without evidencing damage to the land our response would be disproportionate and an unnecessary drain on Council resources.

Moving forward, the Council could consider changing its standard boundary maintenance provisions in relation to any future sales of Council owned property boarding Westwood Close. Such a change in provision could include the requirement 'not to insert, create or erect any door, gate or other access without the prior written approval of the Director of Housing'. Such a change however would have limited impact given that there are now only three properties in Council ownership which have a rear boundary adjoining the estate at Westwood Close.

Corporate Property and Construction

There are no Corporate Property and Construction implications resulting from the recommendations set out in this report.

BACKGROUND PAPERS

Nil.