

Southend-on-Sea Borough Council

Report of Corporate Director Enterprise, Tourism and the Environment

To

Traffic & Parking Working Party

On

7th March 2013

Agenda
Item No.

Report prepared by **Peter Geraghty**,
Head of Planning & Transport.

Final Approval of Permanent Vehicular Crossing Policy

Executive Councillor: Councillor Cox

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To advise Members of the Traffic & Parking Working Party of the proposed changes to the existing Permanent Vehicular Crossing policy, revised application criteria, procedures and process following the outcome of the Permanent Vehicular Crossing Service review.
- 1.2 To seek the views of Members of the Traffic & Parking Working Party on the proposed changes to the existing Permanent Vehicular Crossing policy.

2. Recommendation

- 2.1 **That the proposed changes to the policy, process, procedures and fee levels as outlined in the report be noted and that Cabinet be recommended to support the proposals, subject to any views, comments or amendments suggested by the Working Party**

3. Background

- 3.1 As part of a commitment to reviewing practice and improving service provision a review has been undertaken of the Council's policy for approving permanent vehicular crossings (PVX) under highways legislation. This is also part of a wider of review of highway enforcement which will be the subject of a future paper to the Working Group. The wider review will deal with damage to kerbs and roadside verges, the formation of illegal PVXs and the means for addressing these issues. One of those means to address this may be by providing a legitimate PVX which is why this policy is being introduced in advance of the wider review.
- 3.2 The current process is inefficient and a backlog had built up arising from the inefficiencies in the process. It places an emphasis on the Council to manage the installation of the PVX which puts pressure on resources. The size criteria used for assessing planning application and the application for highways consent were

different which caused confusion for customers. The whole process as it stood did not provide an overall good customer service.

3.3 This report sets out a new more comprehensive process for dealing with applications for vehicular crossings and updated criteria for assessing applications.

4. Proposed Process

4.1 The process is as follows: an application will be made via an online or paper application form. The application must be accompanied by a scale drawing showing the location and size of the crossing and an appropriate application fee. Applications for works that have already been refused planning permission will not be accepted. Where planning permission is needed applicants will be required to make a planning application under planning legislation and only when planning permission has been granted would a Highways application be accepted. Applications for a PVX will be considered against the following criteria:

- The PVX must not be within 10m (15m in the case of major roads or busy junctions) from a junction with high pedestrian movements.
- The PVX must not be on a bend (with the exception of low usage cul-de-sacs)
- The PVX must not be within 1.5 metres of a lamp column or street furniture.
- The PVX must not result in the need to remove a highway tree.
- Must not result in the need to amend existing TRO (removing lines etc)
- For any other tree in the immediate vicinity of the PVX appropriate root protection must be provided in accordance with British Standards.
- A significant length of highway verge must not be removed to accommodate the PVX.
- Crossovers, parking areas and driveways steeper than 10% gradient will not normally be acceptable.
- The proposed parking area must be constructed so as to ensure water does not drain on to the highway.
- The size of the area available for parking is as set out in the table below:

	Depth	Width	Width Dropped Kerb
Classified Roads*	8m	8m	Variable
Unclassified Roads - Right Angle Parking	4.8m	2.4m	2.44m
Unclassified Roads - Parallel Parking	2.6m	6.5m	3.66m

* a vehicle must be able to turn in a space equal to or greater than 8m by 8m and in no more than a 'three point turn' i.e. forwards/backwards/forwards should be necessary.

4.2 The main difference between the existing scheme and the current proposal relate to the criteria being applied for sizes of parking areas (see below) which have increased for unclassified roads. The existing scheme also allowed street trees to be removed or existing TROs to be amended (removing lines etc). The other

difference relates to the proposed option to select a contractor rather than use a single contractor appointed by the Council.

	Depth	Width
Classified Roads*	8m	8m
Unclassified Roads - Right Angle Parking	4.57m	2.44m
Unclassified Roads - Parallel Parking	2.6m	5.5m

- 4.3 If the application meets the criteria and Highways consent is granted the customer chooses a contractor from an approved list (which is maintained by the Council) and negotiates a price and work schedule to carry out the work.
- 4.4 If the application fails to meet the criteria then Highways consent is refused against which there is no right of appeal.
- 4.5 When the work is complete the Council will inspect it and if acceptable will issue a completion certificate.
- 4.6 The customer will be able to select a contractor from an approved list. In order to make it on to the list the contractor will have to meet the selection criteria and the procurement conditions for the selection process. As part of the selection process contractors will be made aware that failure to meet selection criteria or poor workmanship will mean that they potentially will be removed from the approved list. The procurement details for contractors will set out clearly the responsibilities and liabilities in respect of the works to the highway. The responsibility for managing the highway will remain with the Council and will not fall to the applicant under the process. Where work is not to the appropriate standard it will not be granted a completion certificate.
- 4.7 The new process will streamline the procedure for making PVX applications and set out clear criteria. It will benefit both the Council by reducing costs (activities previously carried out by the Council will be undertaken by the applicant) and will be beneficial to the applicant through greater choice and flexibility (by being able to choose from approved contractors to carry out the work and negotiate on price). There will be other advantages including:
- Improved safety by increasing the size of parking area and preventing PVXs being located in dangerous locations.
 - Preventing the loss of street trees.
 - More consistency in decision-making which will also assist in the application of the future enforcement policy preventing the damage to grass verges and highways.
 - Reduce the requirement to move or relocate street furniture which is a costly and involved process.
- 4.8 Appendix 1 sets out the policy.

5. Other Options

- 5.1 Should the Council fail to approve the revised Policy the only option is to continue with the system that currently exists whilst trying to overcome the issues identified in this review.
- 5.2 Enforcement procedures in relation to unauthorised vehicular crossings are subject to a separate review. This will be undertaken in the context of the Environmental Enforcement Strategy and the overall service wide approach to environmental enforcement. It may be that amendments to the strategy are required as a result of that separate review.

6. Reasons for Recommendation

- 6.1 The benefits that will arise from the proposed process will include the ability for the Council to deliver a more informative, streamlined and effective service. It will also lead to increased efficiency and be more cost effective. The processing of an application under the new process will also be quicker than the existing procedures. It also enables increased involvement of the applicant in the process following authorisation.
- 6.2 The application criterion by which a request is assessed will be clear which will ensure a consistent judgement is applied at all times and in line with statutory requirements.
- 6.3 Customer expectations will be better managed through clearly presented information thus reducing the need for additional contact.
- 6.4 The new service also aims to increase both customer choice via the introduction of an approved list of contractors and customer control in relation to direct negotiations with their chosen contractor regarding price, the scheduling of works and payment.
- 6.5 Contractual obligations between all contractors and the Council are revised to clarify new roles and responsibilities and to ensure the quality of build and level of service delivered.

7. Corporate Implications

- 7.1 The revised policy and procedures will be instrumental in a more efficient and effective assessment of applications and therefore meets the aims of the Council's vision including:
- Clean, ensuring a well maintained and attractive street scene, parks and open spaces
 - Prosperous, enable well planned quality developments that meet the needs of the Southend residents and businesses
 - Excellent, deliver cost effective, targeted services that meet the identified needs of our community

7.2 Financial Implications

- The Highways resource is discussed in people implications below

- Customer Payment & Invoice management by the Council are no longer necessary
- PVX Application Fee is set at £200.00 (this will be subject to review annually as with all fees and charges)
- Contractor Application Fee is proposed as £95.00 (this is the administration fee applied to those who apply to be added to the approved list of contractors.)

7.3 Legal Implications

The proposed policy and approach enable the Council to comply with its statutory duty under Section 184 of the Highways Act 1980 (11) in a more effective and efficient manner. There are no other significant legal implications.

7.4. People Implications

There are no additional staffing implications however in order to deliver the proposed service the following resource requirement has been identified:

- 7.4.1 Highways – a suitably qualified officer, required to undertake all site suitability assessments and subsequent post inspections with suitable cover for annual leave and sickness.
- 7.4.2 It is proposed that the same resource is responsible for not only PVX inspections but all other Highway Permit applications where site suitability assessments and subsequent post inspections are also required.
- 7.4.3 Business Support Administration - required to undertake all application and file management support. This resource currently exists.
- 7.4.4 Procurement – required to undertake the initial tender process. On-going assessment of suitability of contractors to be added to the approved list will be managed within Highways.

7.5 Property Implications

None

7.6 Consultation

- 7.6.1 During the review close consultation has taken place with Development Control and other sections including the Council's Permit team, to ensure consistency across departments and customer facing information in relation to application criterion with specific reference to the size of parking area required.
- 7.6.2 The contractor on behalf of the applicant will be required to obtain a permit for works on the highway.

7.7 Equalities and Diversity Implications

- 7.7.1 During the re-design both equality and diversity issues were considered and the proposed service is believed to accommodate both.

7.7.2 Everyone is provided with equal access and opportunity to make an application. The service is primarily available via the council website, an online application can be made or relevant paper copies are available to download and or print. Where access to our online service is unavailable, paper copies can be posted upon request.

7.7.3 Where an application is to create access for a disabled person living or intending to live in the premises it is proposed that the application fee is exempt (all other costs relating to construction will remain the responsibility of the applicant). This is to ensure consistency with planning.

7.7.4 The revised criterion also aims to ensure both the planning and highways assessment are consistent specifically in respect of the minimum parking area required (see section 4.1).

7.8 Risk Assessment

There is a risk if the current procedure continues that an opportunity to make service efficiencies and potential cost savings will be missed.

7.9 Value for Money

The proposed new process will improve value for money.

7.10 Community Safety Implications

It is important that any procedure provides an outcome that does not lend to situations detrimental to pedestrians or highway safety. The new process will lend to better outcomes and decisions.

7.11 Environmental Impact

The proposed process and criteria aim to strike a balance between a request for a permanent vehicular crossing and the need to clearly and decisively protect the environment. Specifically, having regard to the protection of all existing highway trees and shrubs as well as the general street scene and amenity.

8. Background Papers

8.1 Design & Townscape Guide

8.2 Highways Act 1980

9. Appendices

9.1 Appendix 1: PVX Policy

Policy for PVX Applications

1. Proposals that require planning permission and have not received it will not be considered for a PVX under this policy.
2. Those proposals that have either received planning permission or do not require it must follow the procedures set out in this policy.
3. An application will be made via an online or paper application form. The application must be accompanied by a scale drawing showing the location and size of the crossing and an appropriate application fee. The application must be accompanied by the appropriate fee.
4. Applications without the appropriate information, documentation and fee will not be considered and will be returned to the applicant.
5. The application will be considered against the following criteria
 - The PVX must not be within 10m (15m in the case of major roads or busy junctions) from a junction with high pedestrian movements.
 - The PVX must not be on a bend (with the exception of low usage cul-de-sacs)
 - The PVX must not be within 1.5 metres of a lamp column or street furniture.
 - The PVX must not result in the need to remove a highway tree.
 - Must not result in the need to amend existing TRO (removing lines etc)
 - For any other tree in the immediate vicinity of the PVX appropriate root protection must be provided in accordance with British Standards.
 - A significant length of highway verge must not be removed to accommodate the PVX.
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6. If the application meets the criteria and Highways consent is granted the customer chooses a contractor from an approved list (which is maintained by the Council) and negotiates a price and work schedule to carry out the work.
7. The Council will make some preliminary checks in respect of utilities.
8. If the application fails to meet the criteria then Highways consent is refused against which there is no right of appeal.
9. The applicant will be responsible for liaising with the contractor and negotiating the contract.
10. When the work is complete the Council will inspect it and if acceptable will issue a completion certificate.