

Southend-on-Sea Borough Council

Report of Executive Director
Neighbourhoods and Environment
To

Cabinet

14 January 2021

Report prepared by:
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Domestic Vehicle Crossings Policy

Relevant Scrutiny Committee(s): Place Scrutiny
Cabinet Member: Councillor Ron Woodley
Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 This report sets out the new policy for consideration of applications, implementation and enforcement activity associated with domestic vehicle crossings.

2. Recommendations

- 2.1 That Cabinet resolves to adopt the new policy for Domestic Vehicle Crossings as set out in this report.
- 2.2 That Cabinet notes new enforcement activity will begin once the establishment of the new Highway Enforcement Team is completed.
- 2.3 That Cabinet notes this policy will be utilised by the Traffic Regulations Working Party in its considerations of appeals to rejected applications, as set out in the Council Constitution.

3. Background

- 3.1 The Council is undertaking a review of its policies and procedures within the Traffic & Highways Service. This review includes the redesign of resources structure, and the creation of a new Highways Enforcement Team, a dedicated resource with a focus on ensuring the safe and efficient use of the road network.
- 3.2 The Highways Act 1980 sets out the powers of the Council to construct or require the construction of a domestic vehicle crossing, specifically in Section 184.

- 3.3 Further powers in the 1980 Act enable to Council to use enforcement powers to take enforcement action where there is a demonstrable concern over an illegal or dangerous vehicle crossing already in use.
- 3.4 This policy is anticipated to replace all previous criteria, policies and procedures associated with the administration, implementation, and enforcement of domestic vehicle crossings.

4. Existing Situation

- 4.1 The following table shows the number of applications received each year.

Year	Applications
2017	322
2018	341
2019	362
2020	280

- 4.2 It is known there are many illegally or dangerously constructed domestic vehicle crossings which have been in place for some time, without an expensive borough wide survey, it is not possible to quantify the extent of the issue for the purpose of this report, however, Elected Members have indicated the issue is a priority area for Officers to dedicate resources to, given their experiences of complaints and concerns raised within their Wards.
- 4.3 There is no clear policy on domestic vehicle crossings and has never been any consistent approach to enforcement. A particular concern has been raised about the damage caused to footways and verges, and the utilities infrastructure which is at much higher risk of damage where a crossing point is not properly constructed to carry the weight of a vehicle.

5. Proposed Domestic Vehicle Crossings Policy

- 5.1 The new policy as set out in the appendix to this report provides robust criteria and processes required to achieve the following key objectives; -
- Ensure the criteria are clear and transparent, enabling potential applicants to make an early judgement on whether their application is likely to be approved.
 - Consider the impact on the road network, environment and wider Council priorities and strategies, particularly the response to the Climate Emergency.
 - Understand the emerging challenges from the increase in use of electric vehicles and the requirement to facilitate charging points.
- 5.2 Once the new Highways Enforcement Team is established, a review of existing crossing points will be undertaken. Where illegal or dangerous domestic vehicle crossing points are found, the Council will work in line with the new Highway Enforcement Policy, if approved, to ensure in the first instance residents are

advised of the requirements before moving through to possible enforcement action.

- 5.3 If an application is rejected by Officers, the appeals process set out in the Council constitution allows for an appeal to be heard by the Traffic Regulations Working Party, which can overrule a decision based on evidence presented by Officers, and verbal or written evidence submitted by the applicant.
- 5.4 There are no proposals to amend the rights to appeal, however, it is anticipated this policy will help Working Party members to consider appeals against an adopted policy.

6. Other Options

- 6.1 The Council could decide on an alternative approach, which would require further consideration of this report, or to do nothing.

7. Reasons for Recommendations

- 7.1 This policy will ensure the Council acts properly in its consideration of application, and provide a clear, robust set of criteria for potential applicants to consider before submitting an application which will likely require early investment in design and consents.

8. Corporate Implications

8.1 Contribution to the Southend 2050 Road Map.

8.2 Opportunity & Prosperity:

- 8.2.1 This policy aims to set out how the Council will support residents who wish to enhance their property, whilst also taking into account wider considerations on the use of the road network and impact on the environment.

8.3 Safe & Well:

- 8.3.1 The ability to park your vehicle on your own property reduces the stresses of returning home and not finding a place to park, improving the wellbeing of those concerned.

8.4 Connected & Smart:

- 8.4.1 The policy will be published on the Council website, with copies and further information available from Council Customer Contact Centres.

8.5 Financial Implications:

- 8.5.1 The cost of considering applications and undertaking any works will be met by the applicant.

8.5.2 Enforcement activity will be funded through existing resources, particularly the new Highway Enforcement Team. Before any legal action is taken in an individual case, the Council will review the potential costs associated with any advice or action which may be required.

8.6 Legal Implications:

8.8.1 This policy sets out the way the Council will deliver its statutory obligations in respect of regulating the road network, set out in the Highways Act 1980.

8.7 People Implications:

8.7.1 It is anticipated the resources required to administrative and operation of this policy can be delivered using existing resources.

8.8 Property Implications:

8.8.1 There are no property implications associated with this proposed policy.

8.9 Consultation

8.9.1 This policy will be published on the Council website and made available to any person requesting a copy.

8.10 Equalities and Diversity Implications

8.10.1 An equalities impact assessment has been undertaken and found no disproportionate adverse impacts on any protected groups.

8.11 Risk Assessment

8.11.1 In each case, the Council will undertake appropriate assessments to understand and mitigate any risks.

8.12 Value for Money

8.12.1 It is anticipated this policy will help the Council reduce the costs of maintaining footways and verges, following damage caused by vehicles.

8.13 Community Safety Implications

8.13.1 This policy will help to improve the road network and reduce the risk of slips, trips and falls from damaged surfaces. It is further anticipated there will be a benefit to successful applicants who will benefit from the added personal security of being able to park their vehicle on their own property.

8.14 Environmental Impact

8.14.1 This policy will ensure the Council can consider the environmental impact of introducing domestic vehicle crossings and will help to promote sustainable construction methods and surface water management.

9. Background Papers

None

10. Appendices

10.1 Domestic Vehicle Crossing Policy

Southend-On-Sea Domestic Vehicle Crossing Policy

1. INTRODUCTION

A key priority of the Council is ensuring the safe and efficient operation of the road network.

To achieve this, the Council sets out policies on how aspects of the network operates, and the procedures it follows when considering applications to change certain aspects.

When considering applications, the Council must also balance the consequences, particularly on the availability of kerb side parking capacity, increase risk of flooding and the safety of other road users.

A common issue in Southend is the presence of unauthorised or badly constructed crossing points. These can cause damage to the footway surface, increasing the risks to pedestrians and cyclists, damage to utility infrastructure, which can be costly to statutory undertakers and cause disruption for service users, and enable other hazards such as overhanging vehicles.

This Policy sets out how the Council will consider applications for new crossing points, and in what circumstances enforcement action will be considered.

2. DOMESTIC VEHICLE CROSSING APPLICATIONS

A domestic vehicle crossing, is an access across a footway, cycleway or verge, to an off street parking place, either on hard standing or in a garage.

Application

- a. An application must be made by the freehold landowner, or a freeholder or a person acting on their behalf, with the expressed written consent of the freeholder.
- b. All applications must be submitted using the online portal at (www.southend.gov.uk).
- c. No works are to be undertaken before an application, and any associated applications, are approved, this includes removal of a property boundary wall where doing so would damage the integrity of the footway.
- d. Under no circumstances should a person use an off street parking place before the domestic vehicle crossing is completed, doing so may affect the application.

Design Criteria

Off Street Parking Place

The following criteria must be met in all circumstances; -

- a. When parking at a right angle to the footway, there must be an unobstructed off street parking place of not less than 2.4 metres wide, and 4.8 metres long.
- b. For parking parallel to the footway, there must be an unobstructed off street parking place of not less than 2.6 metres wide, and 6.5 metres long.
- c. In all cases, the off street parking place must be sufficient to accommodate the entire vehicle, with no part overhanging the footway, cycleway or verge.
- d. The off street space must be level, or close to level, so as to prevent surface water run off, where this is not possible suitable drainage must be installed.

- e. The presence of a vehicle on the off street parking place must not obstruct the main door of the property.
- f. Consideration must be given in the application to control of surface water run off, proposing measures to prevent ponding on the footway or carriageway.

Property Boundary

The following criteria must be met in all circumstances; -

- a. The opening at the property boundary must be wide enough to allow the safe access and egress of a standard family vehicle, in all cases, not less than 2.4m wide.
- b. The opening at the property boundary must be no less than 10 metres from a junction with another road.
- c. Any gates must only open inwards or along the property boundary, under no circumstances are gates to open outward.
- d. Up to two openings will be considered on a single application, for use in cases where the design includes a separate entrance and exit. In such circumstances, further consideration will be required on the impact on parking capacity.
- e. Joint applications for two properties to use a single footway crossing will be considered, subject to all other criteria in this Policy. Only a single application is required.

Footway Crossing

The following criteria must be met in all circumstances; -

- a. A vehicle must be able to travel across the footway crossing in a single manoeuvre, a driver must not be required to undertake more than one manoeuvre to reach the off street parking place, or the carriageway.
- b. Where an adjacent footway crossing is located within 1 metre, the design must incorporate the lowering of the kerb and footway to create a single, common footway crossing.
- c. There must be a distance of not less than 1.2 metres of any street furniture, including utilities cabinets.

Planning Permission

A planning permission is required in the following circumstances, this is not an exhaustive list and it remains the applicant responsibility to check and obtain planning permission.

- a. The proposed PVX is accessed via a Classified Road
- b. The property is classified as either a flat, a house of multiple occupation or commercial/business
- c. The PVX is part of a large development that requires Planning Permission
- d. Fall within a Conservation area
- e. The PVX is to serve or otherwise affected a Listed Building

Utility Infrastructure

Where the proposed footway crossing requires the removal, relocation or adaptation of infrastructure owned or maintained by a utility or statutory undertaker, it is the applicant responsibility to apply for

Miscellaneous

An application will not be approved if it requires the removal of a council owned tree, whether or not a Tree Preservation Order is in place.

Applications will be considered if the removal or relocation of any street light, sign or other Council infrastructure is required. However, applications will be rejected if the removal or relocation would create a road safety concern, or interrupt the continuous and consistent street lighting. In all cases, these costs will be met by the applicant.

In some circumstances, it may be necessary to amend parking regulations, by varying a traffic regulation order. The Council will take this forward within the timescales set out in this and related policies. Approval of an application under this policy will be held pending until the TRO has been implemented.

Where an application affects infrastructure owned or maintained by the Environment Agency. The applicant is responsible for obtaining any consents and permissions before submitting an application under this policy.

3. DECISION MAKING

Any incomplete applications will be automatically rejected by the Council.

The Council will consider the impact on other works, including where it is likely works will be undertaken to improve the footway surface, in the near future. If works can be coordinated to reduce impact and cost, the Council will work with applicants to agree a timescale.

Once a completed application is received, it will be considered by the Council. Officers will consider; -

- a. Whether the application meets all criteria as set out in this Policy
- b. Possible impact on parking capacity
- c. Whether any other local conditions could impact the safe and efficient use of the road network.

Applicants will be informed of the decision, which will be; -

- a. Application Approved, the applicant may instruct the works as described in the application.
- b. Application Deferred, the application is required to undertake additional work, for example obtaining planning permission, consider additional costs such as relocation of a traffic sign, before submitting a revised application
- c. Application Rejected, the application has been rejected based on the conditions as set out in this policy.

Once an application has been rejected, the applicant will have the right to seek a review using the established process set out in the Constitution.

4. CONSTRUCTION

Unless otherwise expressly agreed by the Council, through this application process or a planning decision, the following construction standards apply as a minimum.

Domestic Vehicle Crossing Construction Standard; -

- a. Surface - 25mm AC 6 Dense Surf 100/150 Rec to BS EN 13108-1 Asphalt Concrete
- b. Sub-Base - 150mm Class C32 /40 concrete

The applicant may decide to use the Council preferred contractor to construct the vehicle crossing point, or may choose their own contractor. Where using an alternative contractor, the applicant must provide evidence the contractor is approved for undertaking such works by the Council, and that they retain the relevant qualifications and accreditations.

In all cases, the applicant must work with the contractor to ensure the relevant signage and barriers are in place during the works, to the standards set out in Chapter 8 of the Traffic Signs Manual.

During construction, the Council will undertake the following additional functions; -

- a. Site Survey / Trial Hole as may be required
- b. Inspection during works
- c. Post works inspection

Inspections may be undertaken at any time, without notice. Where a defect arises, the Council will engage with the applicant and contractor to ensure it is rectified. Where this is not possible, the Council may take enforcement action against the contractor, or undertake works required to make the road network safe, and seek recovery of the costs.

5. REMOVAL

Where a crossing is no longer required, it will remain in place until such time as the Council or other provider is undertaking maintenance or renewal works, during which it will be removed.