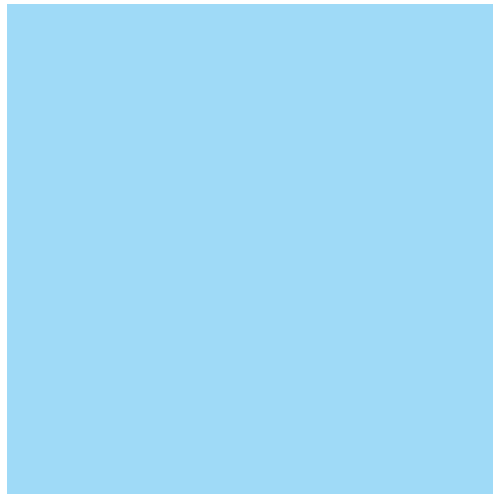




Vehicle Crossover Policy

Traffic & Highways



Vehicle Crossover Policy

Version	Date	Author	Rationale
v.1	December 20	James Leggett	First draft
v.2	9 April 21	Alistair Turk	Working draft – for review/comment
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v.7	23 June	Alistair Turk	Councillor comments added

Authorised by:			
Name	Title	Signature	Date
Sharron Harrington	Head of Traffic and Highways		

Next review	Date
1	2022/23

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1. Introduction

Southend-on-Sea Borough Council's shared ambition to transform the borough by 2050 is aligned to five themes, with related desired outcomes: -

- **Pride & joy** - By 2050 Southenders are fiercely proud of, and go out of their way, to champion what our city has to offer;
- **Safe & well** - By 2050 people in Southend-on-Sea feel safe in all aspects of their lives and are well enough to live fulfilling lives;
- **Active & involved** - By 2050 we have a thriving, active, and involved community that feel invested in our city;
- **Opportunity & prosperity** - By 2050 Southend-on-Sea is a successful city and we share our prosperity amongst all of our people;
- **Connected & smart** - By 2050 people can easily get in, out, and around our city and we have world class digital infrastructure.

This vehicle crossover policy supports the more specific desired outcomes for each theme, including: -

- Our streets and public spaces are valued and support the mental and physical wellbeing of residents and visitors.
- People in all parts of the borough feel safe and secure at all times.
- A range of initiatives help increase the capacity for communities to come together to enhance their neighbourhood and environment.
- We are leading the way in making public and private travel smart, clean and green.

2. Executive Summary

This policy sets out the requirements for new vehicle crossings or an extension to an existing vehicle crossing also known as vehicle crossovers, how we will process the application and the circumstances when enforcement action may be considered.

When considering applications, the Council must also balance the consequences, particularly the safety of other road users, the impact on kerbside parking capacity and the increased risk of flooding due to paving over front gardens.

The presence of unauthorised or badly constructed vehicle crossings is a common issue in Southend. These can cause damage to the footway surface or grass verge, increasing the risks to pedestrians and cyclists. They can also result in the damage to underground public utility infrastructure (which can be costly to repair and cause disruption for service users), Undersized hardstandings can result in vehicles overhanging footways which are a hazard especially to sight and mobility impaired pedestrians.

Where possible we will take action against property owners who do not have a dropped kerb and are driving over the highway / footpath to reach their properties; there are various measures that can be considered which may include the reinstatement of a boundary wall.

3. Criteria which need to be satisfied before making an application

We will not approve an application if:-

- a) The hardstanding is less than the minimum size to park a standard sized vehicle;
- b) There are poor sight lines exiting the property at the proposed access;

Sight lines onto the Carriageway, from edge of the property and at the centre of the proposed crossover, the clear vision required horizontally left and right when exiting the property will vary depending on the speed limit of the road:

20mph speed limit the distance is 25 metres

30mph speed limit the distance is 43 metres

40mph speed limit the distance is 65 metres

Sight lines for Pedestrians on the footway, from edge of the property and at the centre of the proposed crossover, the clear vision required horizontally left and right when exiting the property will be between a height of 0.6m and 2m and 2m to left and right of the property

Please be aware if there is a difference in height between the property and the carriageway and the hardstanding is at an angle it may affect the horizontal sight line, this will be assessed at the point of inspection.

- c) The proposed access is near a road safety feature (road hump, central island, raised table etc.);
- d) The proposed access is within a layby, bus stop, taxi rank, police bay or pedestrian crossing zigzags;
- e) The proposed access is less than 10 metres (32 feet 9 inches) from a minor junction;
- f) The proposed access is less than 15 metres (49 feet 2 inches) from a classified A or B road or busy junction;
- g) It involves the removal of a healthy highway tree;
- h) It is less than 1.2m (4 feet) from a lamp column, street tree or other street furniture;
- i) Boundary gates open outwards across the footway, cycleway or verge.

We will refuse an application if your property is within an existing controlled parking zone (CPZ) or in an area that has been approved by the Council's committee to become a CPZ if the proposed access/crossover would take up more than one average parking space taken to be 5 metres (16 feet 5 inches). We will also refuse an access if the total length of existing accesses is more than 50% of the available kerbside space.

4. When Is Planning Permission Required?

You may need planning permission if your property:-

- is accessed on a classified A or B road;
- is a flat, maisonette, a house of multiple occupation or a business;
- forms part of a large development that requires planning permission;
- is in a conservation area;
- is in an 'Article 4 Direction Area';
- is a listed building;
- has a boundary wall over 1 metre (3 feet 3 inches) high which is proposed to be altered;
- has a tree protected by a Tree Preservation Order that is to be removed. A felling licence may be required.

If you believe, based on the criteria above that your crossover application may be lawful you can apply for a Lawful Development Certificate. Further information and forms regarding Planning Permission can be found here: <https://www.planningportal.co.uk>

5. 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 a hard standing or in a garage.

Application

- a) If you are not the freeholder you must provide their written consent with your application;
- b) The permission of the Housing Manager is needed if it is a council property or the vehicle crossover is within housing maintained land;
- c) All applications must be submitted online at: <https://www.southend.gov.uk/vehicle-crossings-driveway-markings-disabled-parking-bays-0/vehicle-crossings/1>;
- d) 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 (and may involve added expense for repairs to the footway if the crossover application is refused);
- e) Under no circumstances should a person use an off-street parking place before the domestic vehicle crossing is completed; doing so is illegal and may result in enforcement action even if an application is subsequently approved;
- f) Up to two openings to the same property will be considered on a single application. In such circumstances, further consideration will be required on traffic safety and the impact on parking capacity (see Dimensions below);
- g) 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;
- h) If you have additional information or mitigating circumstances you wish us to take into consideration, please include them in your application.

6. Dimensions

For the parking area you are proposing there must be no obstructions (e.g. a bay window or tree). ***The absolute minimum dimensions:-***

- a) When parking at a right angle to the footway, there must be an unobstructed off- street parking place of not less than 2.44 metres (8 feet) wide, and 4.8 metres (15 feet 9 inches) deep; (see diagram Appendix 1)
- b) For parking parallel to the footway, there must be an unobstructed off-street parking place of not less than 2.6 metres (8 feet 6 inches) deep, and 6.5 metres (21 feet 3 inches) wide; (see diagram Appendix 2)

- c) The presence of a vehicle on the off-street parking place must not obstruct the main door of the property.

In all cases, the off-street parking space must be:-

- a) Sufficient to accommodate the entire vehicle, with no part overhanging the footway, cycleway or verge;
- b) level, or close to level, so as to prevent surface water run off; where this is not possible suitable drainage must be installed or it must be made of a porous material;
- c) Where the hardstanding exceeds 5 square metres (53.8 Sq.feet) it must be made of porous material or direct water run-off to a permeable or porous area within the property;

In cases of in/out drives, we take account the loss of kerbside parking and the vision splay at the proposed access points in determining the application. There must be:-

- d) 1.2m on each side of the entrance width as a vision splay. Kerbside parking spaces are measured at a minimum of 4.8m long; (see diagram Appendix 3)
- e) The **absolute minimum dimensions** between an in/out drive is 7.2m (1.2m+4.8m+1.2m) for a single kerbside parking space or 12m (1.2m+4.8m+4.8m+1.2m) for 2 vehicle kerbside parking space. (see diagram Appendix 3)

Please note: Consideration will be given for a second vehicle crossover whereby the property is large enough to accommodate two vehicles but not an in/out drive.

Please note: There are no concessions from the absolute minimum dimensions in any circumstances (e.g. for Blue Badge holders or electric vehicles).

Further details on the construction of hard surfaces can be found here:

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

7. Street Trees and Crossovers

All proposed crossovers that could affect a street tree or involve its removal will be assessed and if:

- a) The tree is considered by the Council's arboriculture section to be in a healthy condition for retention in a public area the crossover application will be refused;
- b) Engineering alternatives/site investigation indicates the tree can remain and the crossover installed;
- c) The tree is in poor health and meets the criteria set out in the Council's tree policy, the tree can be removed to allow construction of the crossover and another tree planted. Where possible this will be elsewhere outside the applicant's frontage;
- d) The applicant will be required to pay for the full cost of the removal of a street tree and its replacement.
- e) Any tree removal will follow the process set out in the Council's Tree policy and where required will be subject to a felling licence being issued.

Root Protection Area (RPA)

Any work near a highway tree, requires an assessment to ascertain whether the work is feasible without having a detrimental effect of the health or life of the street tree. The assessment is made in line with British Standard BS 5837:2012. This provides a calculation for root protection areas to assess if works can be safely carried out or where further investigation is required by means of local trial holes.

Additional to this, no construction is permitted to be carried out within 1m of an existing tree within the highway. This is especially important for newly planted trees to ensure they have the best chance of establishing themselves.

Green infrastructure other than trees and crossovers

Where a crossover will result in the loss of shrubs, grass or other vegetation an assessment will be undertaken to assess the impact and if a crossover is permitted any mitigation that is required. If a crossover agreed as a minimum the applicant will be required to meet the cost of planting a standard tree within the borough.

Further Information

Information about tree preservation orders (TPO) in Southend-on-Sea can be found here:-

<https://www.southend.gov.uk/trees/tree-preservation-orders/1>

Information about conservation areas in Southend-on-Sea can be found here:-

https://www.southend.gov.uk/info/200422/conservation_areas

8. Costs

Application cost

Before we commence looking at an application, we require payment in advance of the administrative costs for processing the application. The current cost (which is reviewed annually can be found in the Council's fees and charges here <https://www.southend.gov.uk/>

Additional costs will be incurred in the following circumstances:-

- a) If a public utility company considers it necessary to move or protect its underground cables or pipes;
- b) If street furniture such as traffic signs and lamp columns need to be moved;
- c) If the excavation of a trial hole(s) is required to determine if tree roots or public utility apparatus is in the vicinity of the proposed access;
- d) If a Traffic Order (the legal document which defines the operation of yellow lines and parking places) needs amending to take into account the construction of the vehicle crossover. The legal procedure to amend a Traffic Order takes around 3 months to complete and the current charge can be found here <https://www.southend.gov.uk/downloads/download/380/council-fees-and-charges>
- e) The cost for altering yellow lines/white parking place markings associated with the Traffic Order can be found here <https://www.southend.gov.uk/downloads/download/380/council-fees-and-charges>
- f) We also offer a service where there are no yellow line restrictions where a white 'H' bar marking is placed in front of an access. It is an **advisory marking only** designed to inform motorists where not to park and has no legal standing. The cost of installing an 'H' bar marking can be found here <https://www.southend.gov.uk/vehicle-crossings-driveway-markings-disabled-parking-bays-0/driveway-markings-h-bar/1>.

9. Cost Reduction

Co-ordination with the footway renewal programme

If we are planning to carry out footway reconstruction works in your road there may be a discount on the crossover construction price if the works can be co-ordinated with the footway reconstruction. Information on the footway reconstruction programme can be found here:- <https://www.southend.gov.uk/resurfacing>

10. Decision Making

Before we commence looking at your application we require payment of the administration charge in full. Any incomplete applications will be automatically rejected by the Council.

Once a completed application is received, we 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.

We will liaise with the public utility companies who own underground pipes and cables about every application as it will potentially affect their equipment. They may want to move some of their equipment such as underground boxes, lamp columns, traffic signs or telegraph poles and this can be expensive. Even if there is nothing visible on the verge or footway there may be cables or pipes underneath that are not deep enough to take the weight of a vehicle. If this is the case, you will have to pay for the work which could take 3 months to complete.

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 changes have been implemented.

Where an application affects street furniture or street trees we will need to carry out further investigative work in accordance with our street tree policy and street furniture policy which can be seen here:-

Applicants will be informed of the decision, usually within 28 days which will be; -

- a) **Application Approved**, the applicant may complete the legal process to obtain a legal agreement and licence for the crossover;
- b) **Application Deferred**, the applicant 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.

11. Appeals

If an application for a vehicle crossover is refused and you feel there are **relevant exceptional circumstances** which might justify a departure from the Council's policy, you have the right to one appeal. The process for these appeals is as follows:

1. The applicant receives their refusal stating why the application has been refused. The applicant is advised that if they believe that there are exceptional circumstances relating to their personal situation or their property that has not been taken into account by the first application process, they can contact Southend-on-Sea Council – Traffic and Highways for one appeal.
2. This appeal can be by via e-mail or letter and should include any information that the applicant wishes to be taken into consideration.
3. The appeal is acknowledged by the Traffic and Highways Team within 10 working days and assurance given that the appeal will be complete within a further 20 working days.
4. The appeal process will be carried out by officers from Traffic and Highways and will consist of a desk-top mapping exercise assessing the property and information provided in the original application with the context of the crossover policy, a site visit if necessary, with prior agreement from the applicant and a review of any additional information provided.
5. A report containing the results of the review and a recommendation to approve, approve with modifications or to reject the appeal will be submitted to the Head of Traffic and Highways or their delegated representative for review and final sign-off.
6. After sign-off the applicant will be contacted; if the appeal report is approved, the applicant will be referred to the highway maintenance contractor for Southend-on-Sea Borough Council to make the necessary arrangements for construction of the vehicle crossover. If the appeal report is rejected, then the applicant will be informed, and the matter will be considered closed by the Traffic and Highway Service.
7. The applicant can follow the Southend-on-Sea Council Corporate Complaints procedure only if they believe the appeals process and policy were not implemented appropriately.

12. Enforcement

We will normally only take enforcement action when one or more of the following apply: -

- Informal approaches have failed
- Immediate action is required due to such seriousness that informal action is inappropriate
- To protect or remedy conditions relating to public safety
- To protect or remedy damage to public/public utility infrastructure above or below ground
- There is a requirement to ensure a decision/policy of the Council is enforced
- Vehicles are seen to be illegally crossing over the footpaths

Types of action taken in cases of non-compliance

Action	Explanation
1. General, education advice and guidance	Any material provided by us to support an individual in complying with their responsibilities.
2. Verbal Warning	Warnings are appropriate for advising offenders about contraventions that are easily remedied. Officers will issue suitable advice and guidance and set an appropriate timescale for remedial action. A verbal warning will be recorded by Officers and may be used in evidence.
3. Written Warning	Officers have the option to serve the offender with a written warning regarding the offence stating the necessary future conduct required. The warning will note that no formal action will be taken if the activity ceases but can be used in evidence in any future assessment where a similar offence occurs
4. Caution	A 'simple caution' is a non-statutory disposal for adult offenders. It may be used for cases involving first time, low-level offences where a simple caution can meet the public interest. An admission to committing the offence is needed from an offender and should be recorded by the Council Officer. A simple caution forms part of an offender's criminal record and may influence how they are dealt with, should they come to the notice of the Council again. The simple caution may also be cited in Court in any subsequent court proceedings. Simple Cautions are not covered under the Rehabilitation of Offenders Act 1974 and never become spent.
5. Formal Notice	The Council has a wide range of powers to require compliance for a person or business. We have the power to execute work in default. Failure to comply with a notice can result in prosecution.
6. Surveillance	The Council operates a number of closed-circuit television cameras (CCTV) for the detection and prevention of crime. Video recordings may be used in evidence. At all times, the Council will have the appropriate authorisation when using this type of surveillance.
7. Fixed penalty notice (FPN)	Authorised Officers of the Council can issue FPNs for various offences.
8. Public Space Protection Order (PSPO)	Issued under the Anti-Social Behaviour, Crime and Policing Act 2014, Authorised Officers can issue a FPN if certain conditions are breached.

Action	Explanation
9. Works in default	Following a formal notice or when delay is unacceptable, the Council may carry out those works and recover the cost from the responsible parties.
10. Prosecution	Prosecution in a Magistrates or Crown Court. We will endeavour to ensure this happens only when other approaches have failed, or it is in relation to serious cases. We do not always warn or issue a statutory notice before taking prosecutions. We will seek to recover the costs that we have incurred in bringing the prosecution.

13. Policy Review

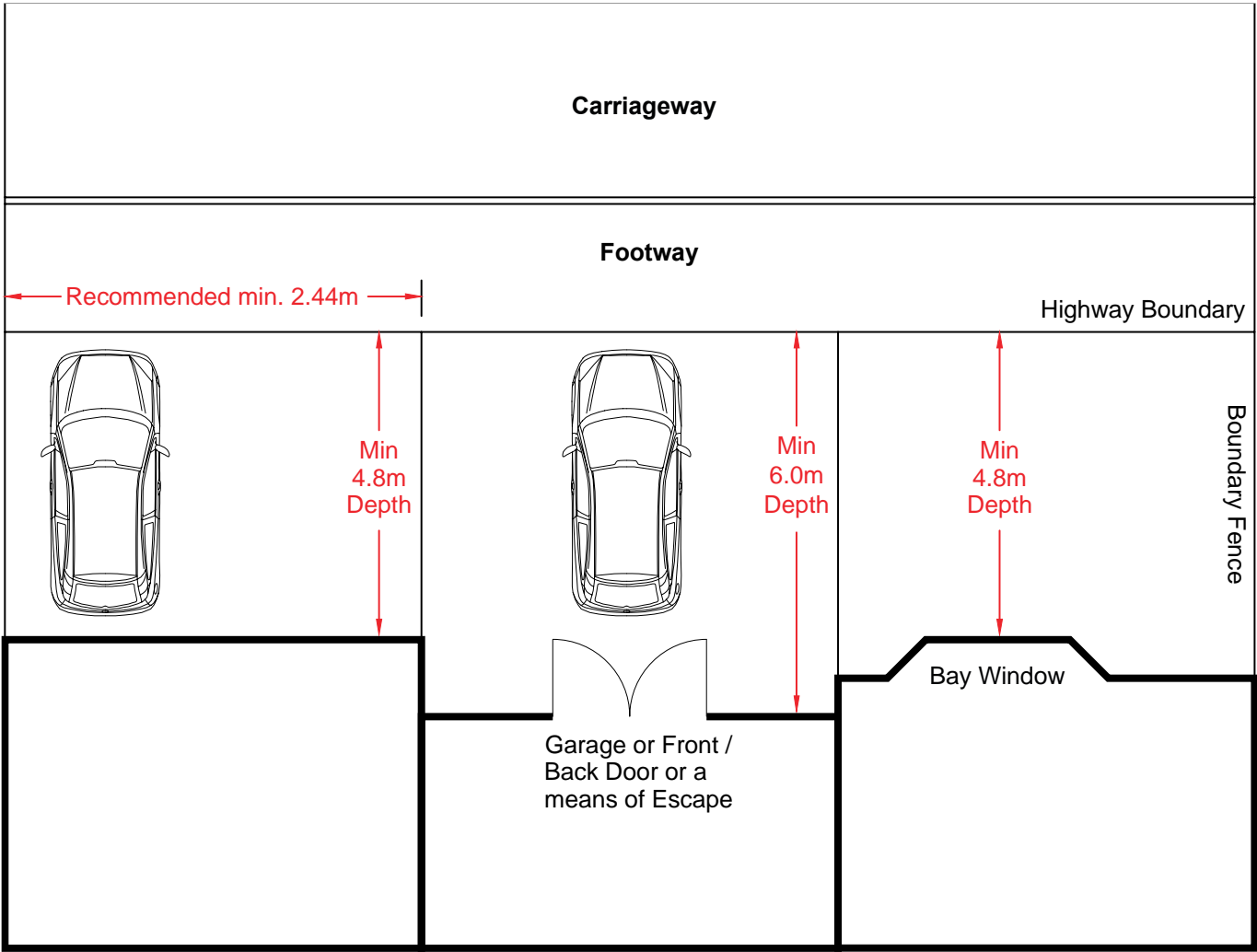
This policy is a living document and will be reviewed and updated if/when statute or national standards or best practice requires it. This policy will be reviewed after 12 months of operation and then every 3 years.

Appendices

- Appendix 1 – Dimensions of a parking area at a right angle to the footway
- Appendix 2 – Dimensions of a parking area parallel to the footway
- Appendix 3 – Dimensions of In/Out vehicle crossings kerbside parking spaces
- Appendix 4 – Dimensions vehicle crossing construction area
- Appendix 5 – FAQs
- Appendix 6 – Examples of illegal vehicle crossovers, damage to the public highway and vehicles overhanging the public highway

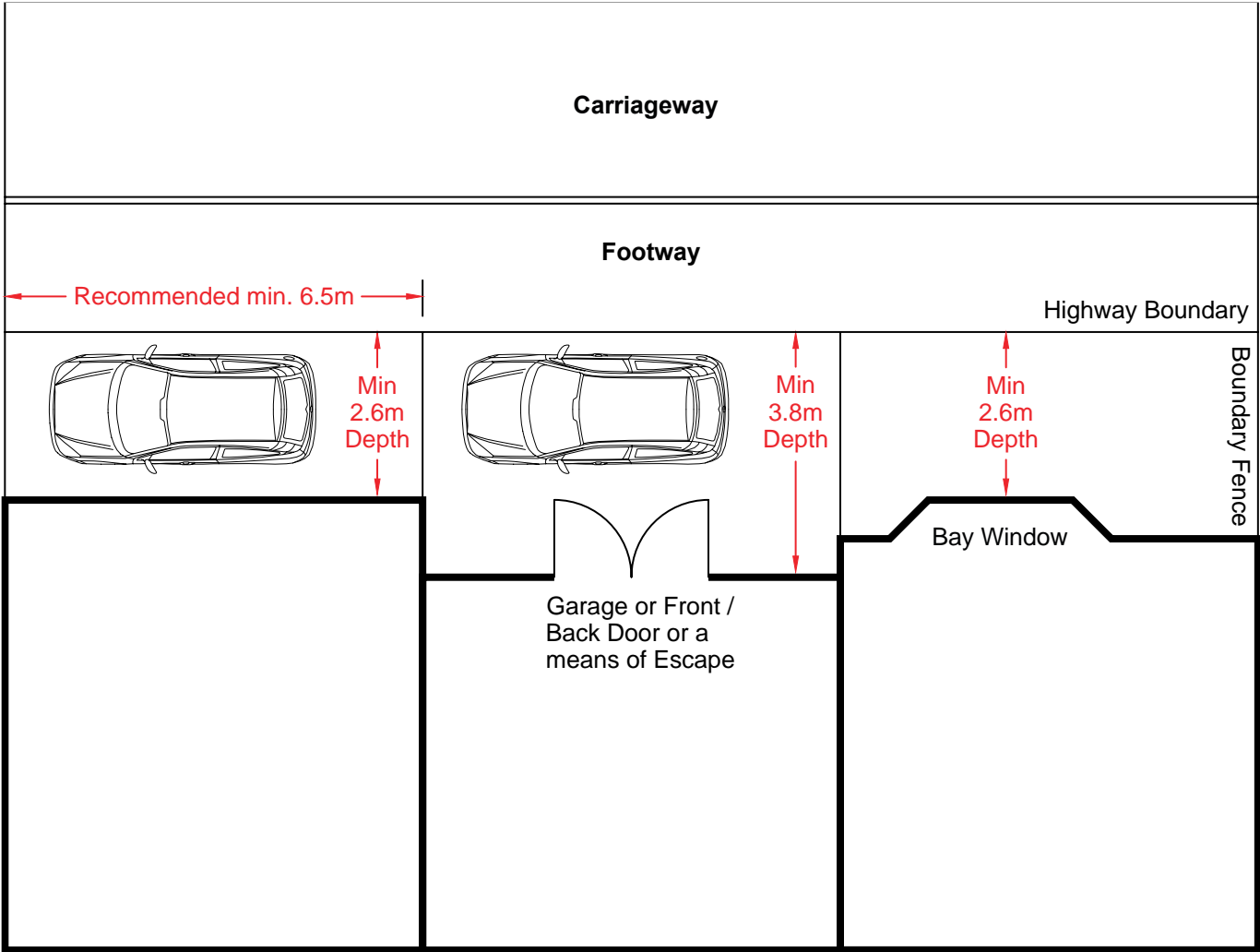
Appendix 1

Parking area at a right angle to the footway



Appendix 2

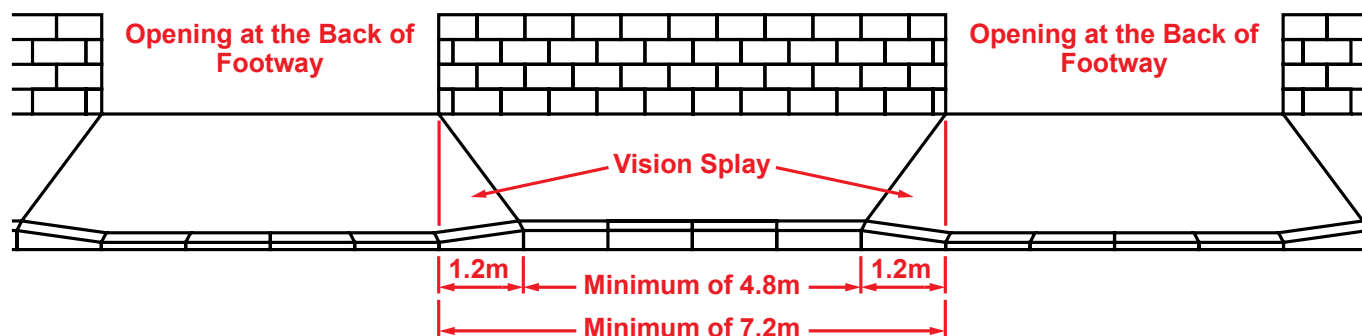
Parking area parallel to the footway



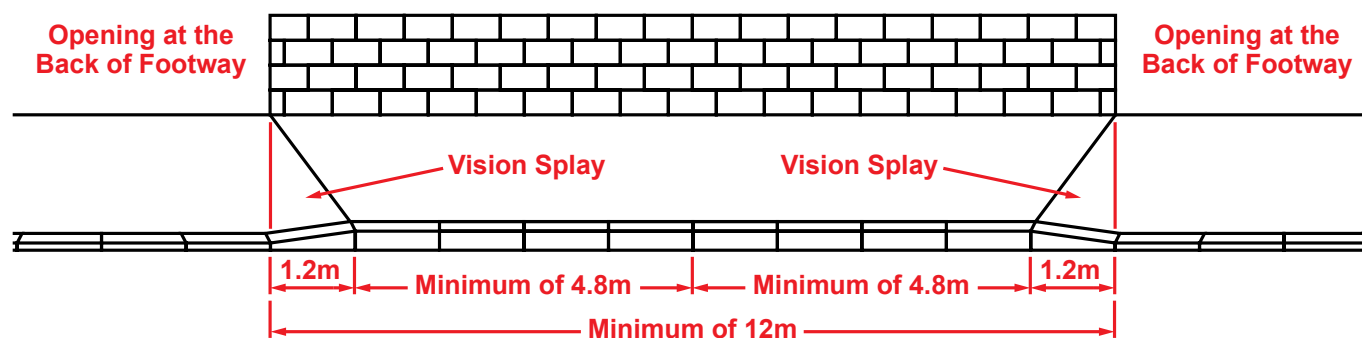
Appendix 3

In/Out vehicle crossings kerbside parking spaces

Single Vehicle Kerbside Parking Space for In & Out Vehicle Crossings

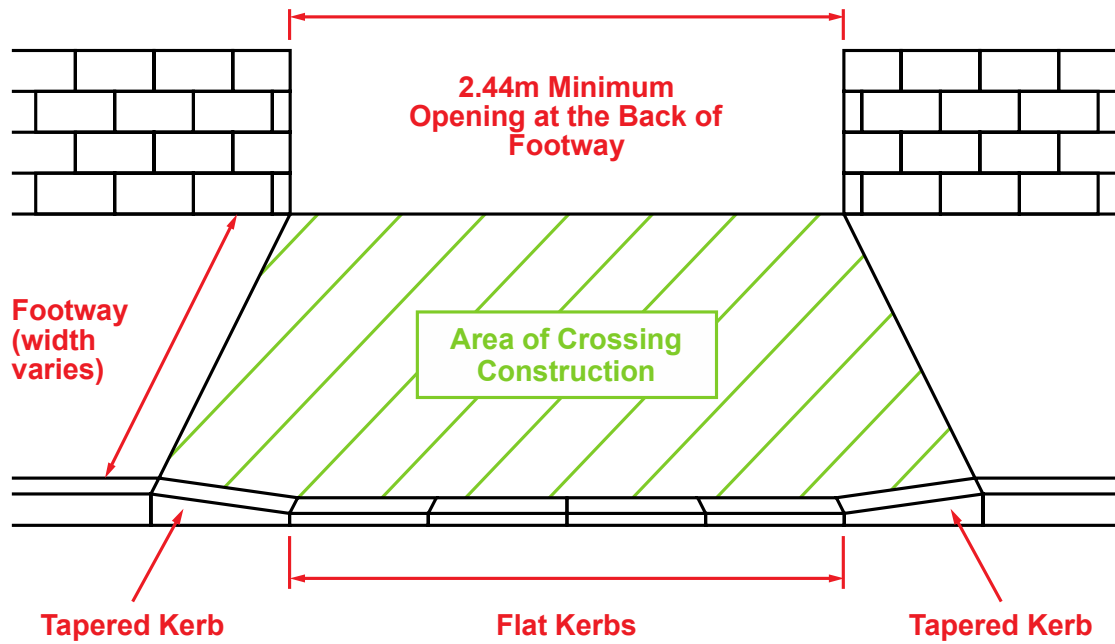


2 Vehicle Kerbside Parking Space for In & Out Vehicle Crossings



Appendix 4

Vehicle Crossing construction area



Appendix 5

General Questions asked regarding Vehicle Crossovers

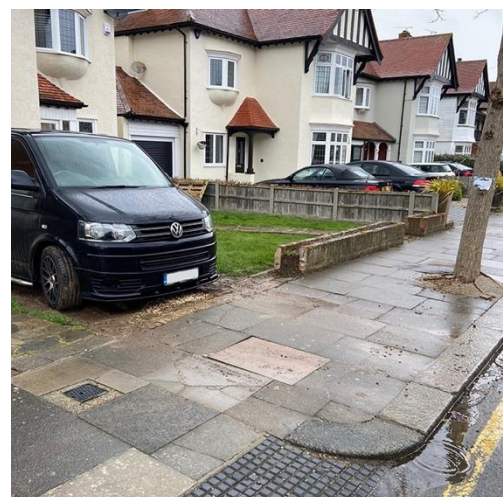
Question	Explanation
1, Do I need a dropped kerb?	If you want to drive a vehicle over the footway or verge into your property you will need a dropped kerb and properly constructed crossover.
2, Why must I have one?	Footways and verges are not normally constructed to cope with the weight of vehicles. You may be liable to damage caused to the footway or verge and/or any services (such as pipes and cables that are buried beneath it.
3, Are there legal powers to insist on a crossover?	Yes. Section 184 of the Highways Act 1980
4, What permissions do I need?	1. You need the permission of the landowner. 2. You need the permission of the highway authority in the form of a licence. 3. You may also need planning permission; see <u>section 4</u> of this policy.
5, Are there size restrictions I need to be aware of?	Yes. 1. There are minimum size requirements for a hardstanding. If you cannot meet these requirements, we will refuse your application. 2. There is a maximum size for a crossover. For more information see the dimension requirements under <u>section 6</u> of this policy
6, I have a Blue Badge – are there any concessions available?	If the crossover is approved, we will prioritise construction usually within 6-10 weeks of approval. You may be eligible for help with the cost. Please see <u>section 9</u> of this policy Please note: There are no concessions from the absolute minimum dimensions in any circumstances
7, Is there a cost for an application?	Yes. There is a non-refundable administration cost for the application. This must be paid before the application will be processed. The current cost can be found here:- https://www.southend.gov.uk/

Question	Explanation
8, How long does it take to process an application?	<p>Allow 21 days for the application to be registered. We aim to reach a decision within 28 days although complex locations may take longer.</p> <p>Where a licence is granted, it is valid for 12 months and enforcement will still be in place until the crossover has been constructed.</p>
9, How much do vehicle crossovers cost?	<p>It depends on the size of the crossing and whether street furniture, trees or any statutory undertakers' equipment is affected. More information and an indicative price guide can be seen here:- https://www.southend.gov.uk/</p>
10, Who can carry out the work?	<p>Only the Council's approved highway contractor will construct the vehicle crossover within the public highway. You can use your own contractor to construct your hardstanding. The crossover will only be constructed once the hardstanding and opening are in place.</p>
11, What if there is a street tree near the proposed crossover?	<p>We generally will not remove a healthy tree. Each site will need to be assessed. Further information can be found under section 7 of this policy</p>
12, What if there is street furniture in the way of the proposed crossover?	<p>Generally street furniture can be relocated but is done so at the applicant's expense and only after consulting with and getting agreement from neighbouring properties that may be affected.</p>
13, Can I have 2 crossovers to allow an in and out access?	<p>We normally try to limit the number of accesses as they can have an adverse impact on pedestrians and highway users, and it can reduce the amount of available on-street parking. A second crossover may be allowed if it can be demonstrated that it would eliminate reversing on or off the highway and was not going to adversely affect demand for kerb-side parking.</p>
14, Can I have a shared crossover with my neighbour?	<p>Yes.</p> <p>Where adjacent properties require a crossing to serve both sites (shared driveway), one occupier should act on behalf of both parties and submit a single application, provided there is the required room for a shared crossover For more information see here:- https://www.southend.gov.uk/</p>
15, I drive a goods vehicle over 3.5 tonnes. Can I still get a crossover?	<p>You will need a stronger crossover that can take the increased weight of your vehicle. You will need to note this on your application. We will advise you on the required dimensions and cost of construction.</p>

Question	Explanation
16, Who is responsible for maintaining the crossover?	The crossover forms part of the public highway and we will maintain it once built.
17, What if someone parks in front of my crossover?	If there are yellow lines in front of the crossover these can be enforced during operational hours if a civil enforcement officer is patrolling your street. If motorists do park over your crossover you can apply for an advisory 'H' bar marking to be painted in front of the crossover. This can be applied for this at the same time as applying for a crossover. For more information see here:- https://www.southend.gov.uk/

Appendix 6

Examples of illegal vehicle crossovers



Examples of verge parking



Examples of verge over running



Examples of damage to the public highway from vehicles crossing the pavement



Examples of vehicles overhanging the public highway



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