

Thurrock Council

Vehicle Crossover Policy and Application Guidance

May 2018

Please read this information before making an application

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About vehicle crossings

Section 184 of the Highways Act 1980 allows for the construction of a new or extension to an existing vehicle crossing. It is contrary to the Act to drive any mechanically propelled vehicle over the footway without the construction of an authorised footway crossover.

Thurrock Council has an obligation to ensure a suitable balance is maintained between on and off street parking within all areas of the borough.

Anyone can apply for permission to construct of a vehicle crossover and Thurrock Council as the Highway Authority may approve that request with or without modification, or refuse the application.

You do not need to apply for permission from the council if your property is on a private road and the highway or common owned land is unaffected, unless there specific planning conditions relating to your property.

To create a crossover a section of kerb will be lowered and the footway (and verge) strengthened to accommodate vehicles and avoid damage to any pipes and cables buried beneath.

Once constructed the vehicle crossing is not owned by the applicant/freeholder of the address nor does it form part of the property. It simply allows a legal right of vehicular access into your property and forms part of the public highway

The following are unlawful and may lead to us taking enforcement or legal action, if you:

- drive across a footway or verge without an authorised vehicle crossing
- create a new vehicle crossing without approval via the application process
- have an approved crossing but your vehicle overhangs the footway/highway when parked on your property
- have an approved constructed crossing but allow damage to the highway through incorrect use

Other permissions

Apart from the approval of the Highways team you may also need:

- planning permission
- Environment Agency consent for vehicle crossings over main rivers
- written consent from the freeholder/land owner of the premises, if that is not you
- to check the deeds of the property – some may have conditions that restrict parking within the curtilage of the property

It is your responsibility to obtain any other permission that is required.

Planning permission may be needed if the vehicle crossing:

- provides access onto a classified road
- serves a premises classified as either a flat, a house of multiple occupation or business
- forms part of a development that requires planning permission
- falls within a conservation area
- affects the boundaries of a listed building and where listed building consent is required

If you need planning permission, it must be granted before you make an application to the Highways team.

There is no guarantee that if you receive planning permission for a vehicle crossing that you will automatically be granted highways approval and vice versa. Applications for vehicle crossings made under planning legislation will be considered against a broader range of criteria in comparison to applications made under highways legislation. They are separate regimes and different requirements apply to each.

Please ensure you read and understand the Vehicle Crossover Policy and Application Guidance before making an application as the application fee is non-refundable.

Our policy

1.0 Domestic crossovers

This policy is appropriate for householder or domestic vehicle crossing requests.

Small developments – up to 2 dwellings on the same site – will also be considered under this policy.

This policy is not appropriate for commercial premises or medium to large developments.

Developers may be required to enter into a legal agreement to carry out works required on the highway as a result of planning permission being granted and should contact the Highways team to confirm the most appropriate method of application.

2.0 Considerations

(i) Road safety

Most domestic properties will not have sufficient space within the property to enable vehicles to drive in and exit forward, however, as domestic crossovers are generally not intensively used, it may be acceptable for vehicles to reverse onto or off the highway. This will depend on the level of visibility along the carriageway and footway, traffic volumes, the width of the road and the presence of trees, street furniture, traffic islands etc.

There are some situations where vehicle movements onto or off the highway may be hazardous and may not be acceptable and which include:

- on a roundabout
- within zig-zag markings of pedestrian crossings
- on the approach to a traffic signal junction where queuing regularly takes place
- adjacent pedestrian refuges and traffic islands and other street features which will prevent a vehicle turning in a single manoeuvre
- at bus stops where use of a crossover will conflict with waiting passengers
- where visibility is restricted
- in the immediate vicinity of a junction because of conflicting movements and the need to maintain inter-visibility between vehicles emerging from a property and vehicles on the adjoining highway – generally no crossover will be granted within 6m of the tangent point of a radius on an unclassified road, and this distance may be increased on a classified road or a road where the speed limit is greater than 30mph.

(ii) Visibility

Carriageway visibility splay

Sight lines for vehicular traffic are determined by the visibility setback at the edge of carriageway and the forward visibility required enabling an oncoming vehicle to stop safely. The following minimum requirements for a 30mph road should be satisfied; setback 1.5m. This distance may be increased on a classified road or a road where the speed limit is greater than 30mph. On minor estate roads requirements maybe reassessed if the risk is deemed lower.

Within the area defined by these dimensions there should be unobstructed visibility 1.0m above the level of the highway. Street furniture, street trees and shrubs, bends and parked cars often fall within the visibility splay, however, crossovers may still be granted if the impact on visibility is not significant and vehicle speeds are low.

Footway visibility splay

Sight lines for pedestrians on the adjoining footway are defined by an unobstructed view of the footway from a setback of 1.5m from the rear edge of the footway and forward visibility of 1.5m along the footway. Within the area defined by these dimensions there should be an unobstructed visibility of 1.0m above the level of the highway. It is recognised that these circumstances may not always be achievable as the land may be outside the control of the applicant. The following facts will then need to be considered (a) the pedestrian flow on the footway (b) the width of footway (c) the number and speed of vehicles using the access.

The above is not exhaustive. If extraordinary circumstances apply to your property, the Highways Team will carry out an assessment, which will then determine the decision on whether it is safe to construct a crossover.

3.0 Specific requirements

The basic requirements for a crossover stated in the above should be complied with. However, the following are key requirements that must also be met.

3.01 Minimum parking area

A vehicle crossover will only be permitted where there is sufficient space for the parking of a vehicle within the curtilage of the property. In order to park within the property a minimum space of 4.8 metres x 2.4 metres should be available to park at right angles to the highway; a parked vehicle must not overhang the footway at all.

3.02 Absolute minimum

The standard parking area depth of 4.8m accommodates the majority of vehicles currently available, however, it is appreciated that there are a significant number of vehicles less than 4.8m in length. Under these circumstances there is a further option under which a vehicle crossover can be applied for, but only if all the following criteria are complied with.

1. The parking area has an absolute minimum depth of 4.5m
2. The majority of properties within the road have an off street parking provision.
3. At no point is any part of the vehicle (including tow bars) will overhang the footway or carriageway. If found to overhang the Highways team then pursue enforcement action for contraventions of the Highway Act. It is an offence to overhang the Highway and enforcement action will be taken.

3.03 Minimum crossover width

A single width crossover must be a minimum of 2.7m wide at the back of the footway. Narrower crossovers can cause manoeuvres that may be dangerous to pedestrians and can also disrupt the flow of traffic on the adjoining highway.

3.04 Maximum crossover width

The maximum width allowable for a crossover is 4.3m at the rear of the footway so that pedestrian safety can be maintained and a balance between on and off street parking is achieved.

3.05 Boundary perimeter

The width of the access to the parking area on your property must match the width of the crossover at the property boundary as it is an offence to drive over part of the pavement which has not been strengthened. Where you already have a wide parking area, you may have to erect a suitable permanent boundary to ensure vehicles can only use the properly constructed crossover to access the parking area.

It should be understood that an item of street furniture such as a lamp post, telegraph pole or traffic sign may be erected at any time in the footway outside the area of a vehicle access crossing, even though this may obstruct an area where there is no wall or similar feature.

3.06 Street location

In order to limit the impact on adjoining properties, a crossover will only be provided across the section of footway abutting the applicant's property.

3.07 Shared crossovers

Where a crossover is shared between adjoining properties, the maximum to which this can be extended is 4.3m at rear of footway for each property measured from the centre line of the original access

3.08 Suitable gradients

Thurrock Council will not permit a crossover to a property where the hard standing is constructed at a gradient of more than 15% towards the highway.

A crossover will not be permitted where the fall created across the footway will exceed 10%.

3.09 Hard standings

A crossover will not be constructed until a suitable hard standing has been created within the property. Please note you are responsible for the construction of the hard standing and you will be liable for any damage caused to the footway/highway resulting from your works.

3.10 Drainage of hard standings

In order to restrict the number of hard constructions of front gardens, in October 2008, an amendment was made to the Town and Country Planning Act 1995, so that planning permission is required if a hard standing is created consisting of more than 5m² of impermeable (non-porous) surfacing and there is no facility within the property to drain all the rainwater falling on it.

When surfaces such as soil and grass are replaced with hard surfacing it reduces the area where rainwater can be absorbed easily into the ground and therefore increases the burden on the surface water drainage system.

Section 163 of the Highways Act 1980, states that water shall be prevented from flowing out of a private property onto the highway, which the Highway Authority has the power to enforce.

Therefore, if a new hard standing is to be created, and to avoid the need for planning permission, it should be constructed using either:

- permeable (porous) surfacing such as granular material or grass cellular paving which allows surface water to drain through the ground – where unbound granular material is used, this must have a nominal stone size of 20 mm or more
- impermeable surfacing such as asphalt or block paving, provided all rainwater is directed to a drainage channel which discharges to a soak away area such as a flower border, lawn or purpose built soak away within the property boundary

3.11 Safe access and exit from building

It is necessary to ensure a vehicle can be accommodated within the site and parked on the hard standing without obstructing access to the main door of the property.

3.12 Gates

If gates are fitted to the vehicle entrance they must not open outwards onto the highway. It is an offence under the Highway Act and we will enforce it.

3.13 Street feature constraints

Where possible a crossover will be granted to the specified widths but within the constraints of street features such as paving bond, kerb lengths (particularly granite) etc. however, no specific position is guaranteed, as the construction needs to minimise future maintenance.

3.14 Additional crossover

So as to limit any adverse impact on pedestrians using the adjoining footway and also minimise the loss of on street parking, normally only one crossover will be permitted per property. However, a second crossover may be permitted where all of the following conditions are complied with:

- the second crossover is restricted to a maximum 3m width
- the construction of the second crossover will form an in/out drive, whereby a vehicle can enter and exit a property in one continuous movement engaged only in forward gear
- there is a minimum of 4.8m between the two crossovers at the kerb
- the property is located in a street where demand for on street parking is not in high demand

3.15 Trees and street planting beds

Crossovers will not be permitted where the loss of a tree will be caused, or where the construction may damage or sever major roots, damage the buttress or impede future growth. Root protection will be implemented in accordance with BS 5837:2012. As an approximate guide, however, a crossover will not be constructed within an area that is less than 12 times the diameter of a tree measured 1.5m above ground level. Where there is any doubt Thurrock Council Arboriculture Team will be consulted.

3.16 Street furniture

There is no presumption that street furniture obstructing the location of a proposed vehicle crossover will be relocated. If after consideration, it is agreed to re-position the street furniture, these works will be carried out prior to the construction of the crossing and all costs associated with that work will be borne by the applicant. The council will arrange for these works and the applicant will be invoiced for the works.

3.17 Redundant crossovers

Any vehicle crossover which becomes redundant following re-development or alterations to access a property is to be reinstated to full height footway at the cost of the applicant. These works should be undertaken by your nominated contractor, otherwise The council may choose to undertake the works and invoice you directly.

3.18 Lay-bys

Crossovers within a lay-by or on street hard standings that adversely affect or reduce on street hard standing parking areas or a lay-by may not be approved.

3.19 Controlled parking zones

Thurrock Council may refuse a crossover application which results in the loss of on street parking facilities or otherwise affects the operation of Controlled Parking Zone or other parking schemes. Should the crossover be approved which results in the need to amend existing on-street parking restrictions, then the cost of doing so will be borne by the applicant. The council will arrange for these works and the applicant will be invoiced for the works. This includes the cost of any necessary amendment to the Traffic Regulation Order.

3.20 Statutory Undertakers apparatus

Plans of statutory undertakers' apparatus will be obtained for locations of all vehicle crossings. Where statutory undertakers or licensees' apparatus is affected by the construction of a crossover, all costs of any works necessary to protect this apparatus shall be borne by the applicant.

4.0 Application guidance and process

Application forms are available from our website thurrock.gov.uk and can be returned by email to hmaintenance@thurrock.gov.uk.

The application form must be accompanied by the application fee in full. Payments can be made to us:

- by telephone, using a debit or credit card
- in person at the Civic Offices, using a debit or credit card

It is important that you check your application to ensure it meets the minimum requirements of the Policy as the application fee is non-refundable.

A plan clearly indicating the required position and size of crossover must be completed and any other relevant supporting information must also accompany the application before it can

be considered – for example, planning permission, written permission from the freeholder, landowner and landlord, Environment Agency consent, and so on.

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. We will also consider a joint application to extend an existing shared crossover on both sides.

Once approved at least 5 working days' notice must be given to the council prior to the construction starting. Failure to do this may lead to the refund being withheld, as all works require inspection to ensure they are constructed to specification.

5.0 Approval

We will inform you of the decision in writing and if approved, the approval will be valid for 6 months from the date of issue. If the time from approval to construction exceeds 6 months, £300 will be returned to the applicant and a new application and fee will be applicable.

A valid decision of approval can be transferrable to a new owner on request.

A new application, fee and supporting information will be required if a decision to approve has expired.

6.0 Approved contractors

We will make available and maintain a list of contractors approved for the construction of crossovers. Applicants are responsible for choosing a contractor from this list and negotiating the price and work schedule with them.

The contractor is responsible for liaising with the utility companies to ensure any affected apparatus is suitably protected. An approval from the council confirms the site location is considered suitable, it does not confirm it is possible to construct the crossing. This will be established by your chosen contractor following their enquiries with the public utility companies and through their initial on site excavations.

Inspection of the work will be carried out during construction and when the crossing is complete. If it is acceptable we will issue a completion certificate to the contractor who will remain responsible for any maintenance, for 52 weeks from completion of the newly constructed crossing.

Enforcement action will be taken if any crossing is constructed by anybody other than the approved contractor and the applicant will be invoiced for any works required as a result.

7.0 Appeals

Refused applications can be appealed if you believe we have not followed our procedures or applied our Policy criteria correctly. If you believe this to be the case, you should write to us detailing where you believe we have failed to comply and the decision will be reviewed by a senior officer from the Highways team.

Reviews will not be undertaken on the grounds of objection to current policy requirements or the presence of historic crossings that may have been approved under a previous policy.

8.0 Footway reconstruction works being undertaken by the council

The council may undertake works on your behalf at a discounted rate if the area of the desired crossover falls within an area of footway that the council are reconstructing as part of the maintenance programme. The property however must still meet the above criteria.

9.0 Frequently asked questions

For what reasons may an application be refused?

Reasons include:

- the request is considered to be detrimental to the efficient and safe use of the highway
- there is a conflict with other legislation/policy
- other permissions are required and have been refused or not yet obtained
- the minimum size required to park a car within the boundaries of the property has not been met
- availability of on street parking will be adversely affected
- the proposed dropped kerb falls within the root protection area of a tree

Can I remove a tree within my boundary to have a vehicle crossing?

Before doing any works to a tree you should:

- check if planning permission is required, refer to the information relating to tree preservation orders and trees in conservation areas
- apply for the dropped kerb first, in case your application is refused

Who is responsible for maintaining the vehicle crossing?

Ultimately, it is Thurrock Council's responsibility as it forms part of the public highway. If it is on land that is owned by other service areas within the council, the relevant service will be responsible for the maintenance and upkeep of the crossover.

Your chosen approved contractor is responsible for the maintenance for a period of 52 weeks.

I already have a vehicle crossing, can it be altered?

That will depend on the site and the circumstances. Crossover extensions require approval which may not be granted especially in areas where there are parking pressures. Our standard widths have been set to help ensure road safety is not compromised, to retain sufficient kerbside space for all highway users and to ensure amenity value is not adversely affected.

How long does it take to construct a crossing?

It will generally take your contractor up to 5 days, including clearing the site.

From what materials can I have my crossing constructed?

Consideration is given to the existing street scene, so if neighbouring crossings are constructed from concrete, we will stipulate that the applicant's one must match.

Where there is a mixture of both tarmac and concrete crossings the applicant will be able to choose. Please make sure you state your preference on your application form.