



## Appendix A

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### **DOMESTIC VEHICLE PAVEMENT CROSSING POLICY – Draft Revision June 2020**

#### **1. General**

A vehicle crossing is where a pavement is reinforced to take the weight of a car or light goods vehicle and the kerb is dropped to form a ramp.

If residents wish to drive across the public pavement or verge to gain access to park on their property, they should apply to the Council to have a vehicle crossing constructed. They should do this by going to:

[https://www.coventry.gov.uk/info/110/planning/1334/do\\_i\\_need\\_planning\\_permission/9](https://www.coventry.gov.uk/info/110/planning/1334/do_i_need_planning_permission/9).

The policy is closely tied into the Age-Friendly policy and the Council Plan, which recognise the need for a clear pavement strategy. The Council aims to provide clear, safe walking surfaces for the public and especially for older people. Damaged pavements present hazardous and dangerous walking conditions, so permitting crossings to be constructed helps to reduce the number of locations where problems persist.

#### **2. Primary Considerations**

The Council is the Highway Authority for all public roads in the City of Coventry. In determining whether to grant permission to an application under s184 of the Act, the Council must consider the need to prevent damage to the pavement or verge and shall also have regard to:

- a) the need to ensure, so far as practicable, safe entry to and exit from premises;
- b) the need to facilitate, so far as practicable, the passage of vehicular traffic on the highway network;
- c) the need to maintain safe passage for pedestrians and cyclists by ensuring vehicles do not overhang the pavement, see section 5.2 below.

In determining permission, the Council will also need to consider any environmental and other factors, such as the presence of trees, green spaces, other obstacles to construction and the impact the application will have on the requirements for on-street parking in the vicinity.

Residents wishing to have a vehicle crossing constructed are required to apply to the Council, which in light of the above considerations, may approve the request with or without modifications, may propose alternative works, or may reject the request. Each case will always be considered on its own merits.

### **3. Planning Permission**

The construction of a vehicle crossing may require planning permission as well as consent from the Highway Authority.

If the proposed crossing fronts onto a classified road, full planning permission will be required. A list of classified roads within Coventry is attached to this document.

Planning permission is also required, irrespective of the classification of road, to lay impermeable private driveways of over 5 sq. metres in area, in order to prevent rainwater from running off directly onto roads, as this can contribute to flooding.

Where full Planning permission is not required, applicants can choose to self-certify that a proposed vehicle crossing would meet Permitted Development requirements or they can make a formal application and apply for a certificate of lawfulness. Details are provided by following the link in Section 1 above.

A separate planning application fee has to be paid for all applications for a certificate of lawfulness or a full planning application. These planning applications are usually decided within 8 weeks. Within this time the officers will also carry out an inspection to confirm that the forecourt dimensions are within the requirements of the policy and any other matters relating to the application including drainage are picked up within the process.

### **4. Technical Design Standards**

The following technical design standards need to be met, if an application for a vehicle pavement crossing is to be considered for approval:

#### **4.1 Highway Safety**

Any application for the construction of a domestic vehicle crossing may be refused or required to be modified on the grounds of safety. The applicant must ensure that the required sight lines are maintained to allow safe access to and from their property. The requirements are for a pedestrian visibility splay of 2.0 x 2.0 metres. More detail can be found in Section 2.10.5 of the Councils Design Guide:

[https://www.coventry.gov.uk/downloads/file/3072/part\\_2\\_-\\_whole\\_document\\_december\\_2010](https://www.coventry.gov.uk/downloads/file/3072/part_2_-_whole_document_december_2010)

In ideal circumstances there will be sufficient space within the curtilage of the property to enable vehicles to enter and leave in a forward direction. However, as domestic crossings are not generally intensively used, it is acceptable for vehicles to reverse off the highway onto the private curtilage, so long as highway safety is not compromised. Acceptability will depend on the level of visibility along the road and pavement, the volume and speed of traffic, the width of the road and the presence of street furniture and other obstructions.

Situations where manoeuvring onto or off the road may be hazardous and so result in an application being refused or modified include:

- onto a section of road where traffic speeds are high
- on the approach to a traffic signal junction where regular queuing takes place
- in close proximity to a junction, roundabout or traffic signals
- within the zig-zag markings of a pelican or other controlled pedestrian crossing
- immediately adjacent to a pedestrian refuge or traffic island which would prevent a vehicle turning in excess of 90 degrees in a single movement

- at a bus stop where use of a crossing could conflict with passengers waiting or make it difficult for disabled passengers to board or alight a bus
- where there is inadequate forward visibility for other drivers, pedestrians and users of the proposed access, given the speed of traffic using the road

The above list is indicative, but not exhaustive.

#### **4.2 Forecourt dimensions**

A vehicle hardstanding within the property frontage must have the following dimensions:

- a minimum of 4.0 metres depth at its shortest point by 2.4 metres wide,
- If a new access is to lead to a garage, there must be a minimum depth of 5.0 metres to accommodate door opening.

There must be sufficient space within the curtilage (hardstanding area around front of property) of a site to ensure that a parked vehicle **does not** overhang the pavement or obstruct doorways and that manoeuvring on and off the road can be done safely. It is the applicants' responsibility to ensure there is no obstruction of the pavement in order to keep pedestrians, and particularly vulnerable users safe.

Please refer to Section 9 Enforcement below, drawing particular attention to the actions the Council can take where a vehicle persistently overhangs the pavement.

#### **4.3 Vehicle crossing widths**

The width of a crossing and its position relative to the frontage of the property may be influenced by a number of factors such as widths of road, pavement or verge, and the width and depth of the area available for parking. In general, the width of a crossing is limited to that necessary to facilitate its proper use.

The standard crossing width (lowered kerb length) is 2.7 metres. This is the normal width appropriate in most cases. In exceptional circumstances, dependent on site conditions, the maximum crossing width (lowered kerb height) for an individual property of 3.6 metres may be applied.

Where one exists, the boundary fence, wall or hedge should be retained for that portion of the frontage not covered by the footway crossing. This is to protect the street scene and pedestrians from motor vehicles manoeuvring on the footway.

#### **4.4 Shared access**

Where the occupiers of two adjoining properties share a driveway and wish to build a double width crossing to serve the two sites, one occupier should act on behalf of both parties although the application must be signed by both parties.

In order to maintain the safety of pedestrians on the footway and to retain on-street parking provision, the maximum crossing width (lowered kerb height) for a shared access should not exceed 4.5 metres. The shared drive must normally be positioned centrally between both properties. Where one exists, the boundary fence, wall or hedge should be retained for that portion of any frontage not covered by the footway crossing.

#### **4.5 Minimum spacing between crossings**

Where a shared access is not feasible, to provide adequate facilities for pedestrians, individual crossings shall normally be separated by at least one kerbstone (0.9m of full kerb face) or an absolute minimum of 0.6m of full face kerb.

## **4.6 Second crossings**

Normally, to limit any adverse impact on pedestrians using the adjoining footway and to minimise the loss of kerb side parking, only one crossing will be permitted per property. However, a second crossing may be permitted where:

- The property frontage abutting the highway is a minimum of 12 metres wide, and
- The property fronts a classified road where a second crossing would enable the formation of a drive and the garden is deep enough to accommodate this so that vehicles do not have to reverse either onto or off the highway, or
- The property is in a street where the majority of properties have off-street parking and demand for kerb side parking would not be adversely affected.

## **4.7 Obstacles to construction**

If the proposed position of a crossing is obstructed by a road sign, lighting column, road hump or tree etc., the location should be altered to avoid the obstacle. If this is not feasible, a decision will have to be made by the relevant section within the Council, or other agency as appropriate, as to whether the item should be removed or relocated, although there may be limited scope to do so. Where relocation or removal is agreed, the costs of any such work will be the responsibility of the applicant.

In relation to specific obstacles to construction, the following conditions apply:

- (i) **Street trees** - crossings will not normally be allowed where their construction will require either the removal or cutting of the roots of a street tree. In all cases, permission to proceed will be required from the Council's arboriculture team.

The general presumption will be to refuse an application if there is a conflict with a street tree. However, where permission is granted, the cost of the tree removal and the replacement(s), including initial maintenance, will be charged to the applicant.

- (ii) **Lighting columns** – where a crossing requires the relocation of an existing street lighting column permission will also be required from Coventry's PFI lighting contractor. Where relocation is approved all associated costs shall be paid for by the applicant.

- (iii) **Road humps** - where an applicant requests a new crossing in circumstances where an existing road hump or similar feature is judged to create an unacceptable hazard or hindrance to the operation of the crossing, the application will not be approved until the traffic calming feature has either been relocated or altered in profile by the Council so as to satisfactorily reduce the hazard or hindrance, subject to full reimbursement of costs by the applicant. The relocation of such a feature is subject to review by the Council's road safety engineer.

Where a traffic calming feature is to be relocated, approval is subject to the satisfactory outcome of the formal consultation and legal process which is required to be completed before the application can be determined.

- (iv) **Statutory Undertakers apparatus** - work may be required to remove, divert or lower statutory undertakers' plant or apparatus, such as telephone boxes, telegraph poles or chamber covers. All costs involved in such works will be paid for by the applicant.

- (v) **On-street parking controls** – the Council may refuse crossing requests where the resulting loss of public on-street parking would adversely affect the operation of a parking scheme or may result in a lack of adequate on-street parking. In particular, crossings should not be permitted where they would result in the loss of more than one space in a residents parking scheme.

Where approved, a crossing that affects a designated on-street parking bay or other restriction may require changes to the traffic regulation order (TRO). The cost of altering the TRO and any traffic signs and road markings should be met by the applicant. To reduce the cost to the applicant associated with amending a TRO, the Council will wait until a number of amendments are required to the order before starting the legal process. The legal process should be completed before construction of the new crossing begins.

- (vi) **Grass verges** – where an application for a crossing is proposed across an area of highway verge or grassed amenity area that is greater than 3 metres in width there will be a presumption that it will be refused because of the loss of green space and the adverse effect this can have on the appearance of the street. However, if within 30m there is / are established crossing(s) greater than 3 metres than there will be a presumption to approve. In these cases, precedent has already been established and amenity value has been historically relaxed.
- (vii) **Drainage** - the applicant must provide suitable drainage to prevent surface water discharging onto the highway prior to the construction of the crossing. Enforcement of this requirement is possible under s163 of the Highways Act 1980. Applicants will need to provide evidence that surface water drains are connected to either a drainage system or a properly constructed soakaway. Preference is for use of sustainable drainage systems within the applicants' property and more guidance can be found at:

<https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance>.

Guidance relating to soakaways can be found at <https://www.susdrain.org/delivering-suds/using-suds-components/infiltration/soakaways.html>.

Where the private driveway is over 5m<sup>2</sup> and of impermeable surfacing planning permission is required, in order to prevent rainwater from running off directly onto roads, as this can contribute to flooding.

#### 4.8 Alternative access

It is desirable to minimise the number of new accesses (and associated stopping and turning manoeuvres) onto main roads in order to maintain their importance as traffic routes in Coventry's road hierarchy. Subject to the technical design standards being met, there will be a presumption that an access onto an 'A' classified road will only be considered for approval if there is no other means of vehicular access to the property concerned. Planning permission is always required for access onto classified roads.

### 5. Alterations to a crossing

If a vehicle is grounding on an existing domestic pavement crossing, the Council will alter the profile of the crossing on request, subject to full reimbursement of costs by the householder.

In exceptional circumstances where it is proven the grounding is caused by recent Council works to the road or pavement, the Council will investigate and consider if it is appropriate to carry out remedial works to alleviate the grounding without cost to the householder (including accommodation works on private land if necessary, with the permission of the landowner).

## **6. Crossing Construction**

The construction of all domestic vehicle pavement crossings shall be undertaken by the Council's own approved contractor or a Contractor meeting the criteria listed below:

- (i) All necessary permissions have been obtained;
- (ii) The applicant has properly opened up the access and laid out the off-street parking provision (hardstanding) to the satisfaction of the Council;
- (iii) Acceptable financial arrangements have been put in place and/or payment has been made.

Additionally, for external contractors, the contractor must provide to the Council:

- (i) Evidence of the contractor's public liability insurance (£5,000,000 minimum)
- (ii) Copies of the Supervisors and Operatives NRSWA Streetworks qualification cards (required under national legislation to undertake works on the highway).
- (iii) Confirmation that they are in possession of the Council's vehicle crossing installation standard details.
- (iv) Confirmation that they are in possession of full service/utility drawings for the location
- (v) Evidence of previous experience of constructing vehicle crossings and are familiar with Traffic Management provision to Chapter 8 of the Traffic Signs Manual.

Once the above provisions are in place, construction will be programmed and the applicant informed of dates. The aim will be to commence construction within 6 weeks of these provisions being in place where the Council's contractor is used.

## **7. Fees and charges**

The application fee covers the cost of reviewing the application, both in Planning and Highways services, providing advice on feasibility, checking it against the technical design standards and associated inspections, and providing an estimate cost to the applicant. The estimate for Highway works shall be valid for a period of three months.

Fees are as follows:

### **(i) Planning**

The fees set out in (ii) below apply along with the planning application fee. The details of the planning application fees can be found on the Coventry City Council's web pages within section 1 of the Vehicle crossing application section.

### **(ii) Highways**

- a. £100 if using the City Council's Contractor (non-refundable)
- b. £200 if using an approved external contractor (£100 non-refundable)

All associated fees for domestic pavement crossings will be reviewed annually.

If the crossing application is approved, the applicant will be provided with an estimated cost of constructing the crossing, which is in addition to the above.

## **8. Application process**

Applicants should first read this document thoroughly in order to come to a judgement as to whether the application site may meet the technical design standards set out in Section 5 of this policy and whether planning permission may be required.

Applicants wishing to proceed can apply online at:  
[www.coventry.gov.uk/planning](http://www.coventry.gov.uk/planning) where application forms and further advice can be obtained.

Once submitted to Highways, the application will be determined against the technical design standards outlined in this document. If the standards are met, the application is likely to be approved.

An application to Highways will not be progressed where the technical design standards are not met or where planning permission is required and has not been obtained. Any planning costs paid will not be refunded as this covers administration costs.

If the application is approved the applicant will be provided with an estimate cost of constructing the crossing.

## 9. Enforcement

### Illegal Crossings

A crossing is deemed to be illegal where it is either:

- a) Of unknown construction (constructed without the council's consent), or
- b) Not constructed (residents driving over existing pavement)

**It should be noted that carrying out construction of a crossing without the Council's consent is illegal and could result in the cost of the Council rebuilding the crossing / reinstating the pavement in addition the original unauthorised work.**

The Council can take action under the Highways Act 1980, to:

- Contact the residents and ask them to apply for an authorised crossing, if the location is compliant with all Planning and Highway requirements.
- Contact the residents and ask them stop crossing the pavement with a vehicle, where the location is not compliant with all requirements.
- Construct a crossing on behalf (i.e. in default) of a resident and recharge for this service, where the resident refuses to stop crossing the pavement with a vehicle and the location is compliant with all Planning and Highway requirements.

This will only take place where residents refuse to comply with requests from the Council to address an illegal crossing issue.

- Impose conditions restricting the use of a pavement / verge as a crossing where the location is not compliant with all requirements.

Where residents refuse to pay for any crossing constructed by the Council, it will seek recovery of monies through legal action.

### Vehicle Overhang

It is the responsibility of the applicant to ensure any vehicle using the pavement crossing to access a private driveway, does not overhang the private property and cause an obstruction on the public highway.

This is an express condition of the application and applicants will need to sign an agreement to this effect.

In terms of enforcement against overhanging vehicles these are as follows: -

- TRO – where parking restrictions exist across the driveway. Penalty Charge Notice (PCN) could be issued if the vehicle's wheel is on the footway.
- Community Protection Notice (CPN) under Anti-Social Behaviour Crime and Policing Act 2014. There would need to be evidence that the obstruction was persistent and continuing and was having a detrimental effect on the quality of life of those in the locality. The first step in the process is to issue the person with a written warning and if this is not complied with then a CPN. A CPN can be appealed to the Magistrates' Court but a written warning cannot. On breach of a CPN the perpetrator can be issued with a fixed penalty fine of up to £100.
- Prosecution for "Wilful obstruction" under s137 of the Highways Act 1980. Carries a max £1000 fine and sufficient evidence would need to be gathered and the overhang would need to cause an obstruction. A warning notice could be issued as part of the evidence gathering and could include resident reporting continuing behaviour
- Breach of the express condition 'not to overhang'. Failure to comply with the condition could result in a fine of under S.184 Highways Act, being Level 3 on the Standard Scale. This can only be enforced where residents have been required to sign an agreement with the Council when they are granted their application for a crossing.
- Police have powers to remove vehicles causing an obstruction pursuant to Removal and Disposal of Vehicle Regulations 1986
- Anti-Social behaviour civil injunction (in very extreme cases). Civil injunction under the Anti-Social Behaviour, Crime and Policing Act 2014 could contain a prohibition on causing an obstruction. There would need to be considerable evidence that there was conduct which has caused or is likely to cause harassment, alarm and distress to any person. This is a high burden to proof to achieve considering that the issue is an obstruction of a pavement by a vehicle but may be relevant in very severe and persistent cases. Penalties on breach can be an unlimited fine and/or up to 2 years in prison.

## **10. Appeal Procedure**

Should an applicant for the construction of a domestic vehicle footway crossing be dissatisfied with the response and make representations to that effect, the Council's corporate complaints policy will apply. Where planning permission is refused, the applicant will have a statutory right of appeal dealt with by the Planning Inspectorate.