

Communities and Neighbourhoods Scrutiny Board 4  
Cabinet

5<sup>th</sup> November 2020  
1<sup>st</sup> December 2020

**Name of Cabinet Member:**

Cabinet Member for City Services – Councillor P Hetherton

**Director Approving Submission of the report:**

Director of Transportation and Highways

**Ward(s) affected:**

All wards

**Title:**

Revision to Domestic Vehicle Footway Crossing Policy 2020

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**Is this a key decision?**

Yes – Affects all wards across the city

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**Executive Summary:**

The policy sets out the criteria and process for residents to apply for and build a legal vehicle crossing over the pavement to their property.

The policy was last revised in 2016 to encourage more residents to apply for lawful crossings. However, despite this, some residents continue to drive over pavements not intended to carry vehicles, resulting in damage to pavements, putting pedestrians at risk through damaged pavements and costing the Council many thousands of pounds each year.

To reduce the number of unauthorised crossings and associated damage to pavements, the following principal policy changes proposed are:

- Reduce the depth of private frontage required to meet the policy from 4.5m to 4.0m.
- Make applicants responsible for ensuring a vehicle does not overhang the Highway by applying conditions.
- Strengthen enforcement of overhanging vehicles.

**Recommendation:**

Communities and Neighbourhoods Scrutiny Board (4) are requested to:

- 1) Consider the proposal for the revised Domestic Vehicle Footway Crossing Policy 2020 and make any recommendations to Cabinet.

The Cabinet is requested to:

- 1) Adopt the revised Domestic Vehicle Footway Crossing Policy 2020 as set out in Appendix A to the report.

**List of Appendices included:**

Appendix A - Revised Domestic Vehicle Footway Crossing Policy (October 2020)  
Appendix B - Popular Small Car Lengths  
Appendix C – Briefing Note from Communities and Neighbourhoods Scrutiny Board (4) 5<sup>th</sup> November 2020

**Background papers**

None

**Other useful documents:**

Report to Cabinet Member (City Services) 13<sup>th</sup> July 2006: 'Domestic Footway Crossing Policy'  
Report to Cabinet (City Services) 8<sup>th</sup> November 2011: 'Revisions to Domestic Vehicle Footway Crossing Policy'.  
Report to Cabinet 5<sup>th</sup> January 2016: 'Revisions to Domestic Vehicle Footway Crossing Policy'

**Has it been or will it be considered by Scrutiny?**

Yes – Communities and Neighbourhoods Scrutiny Board 4 on 5<sup>th</sup> November 2020.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

Report title: **Revision to Domestic Vehicle Footway Crossing Policy 2020**

## **1. Context (or background)**

- 1.1 Following changes to the policy in 2016, further options to improve the process and allow more crossings to be built have been discussed in consultation with officers from Highways, Legal and Planning.
- 1.2 The present policy requires a minimum hardstanding depth of 4.5m. This is to allow a vehicle to fit onto the property and not overhang the public Highway.
- 1.3 Since the introduction of the last policy (which reduced the depth required from 4.8m to 4.5m) there has been a demand to reduce the depth further. Many applicants complain that their frontage only just fails to meet the criteria, typically one or two centimetres and that they could comfortably fit their car within the space available.
- 1.4 Research into popular car lengths suggests that small cars and even some saloons are considerably shorter than 4.5m in length. (See Appendix B).
- 1.5 An Equality Impact Assessment has been completed to ensure there are no adverse impacts resulting from the policy change, particularly the risk of overhanging vehicles. It is felt this is more than mitigated by the benefits of the reduction in damage to pavements from illegal crossings.

## **2. Options considered and recommended proposal**

- 2.1 Reduce the depth of hardstanding required and deal with this risk by an agreement with applicants not to overhang.
- 2.2 Build the agreement into the Vehicle Crossing application procedure.
- 2.3 Introduce more rigorous monitoring and enforcement of overhanging vehicles which would be undertaken by the Vehicle Crossing Officer.
- 2.4 The recommended principal changes within the new policy are:
  - 2.4.1 to reduce the required depth of private frontage from 4.5m to 4.0m
  - 2.4.2 to allow enforcement where residents allow their vehicle to overhang onto the Highway.

## **3. Results of consultation undertaken**

- 3.1 The recommendations and proposals in this report arise from discussions between officers representing the Council's legal, planning and highways teams. Additionally, external legal advice has been provided by Counsel. The Cabinet Member for City Services has also been consulted.

## **4. Timetable for implementing this decision**

- 4.1 Subject to approval it is proposed to adopt the amended policy with immediate effect. A programme of publicity will be prepared to ensure citizens and other interested parties are made aware of the changes in the policy, including updated information on the Council's website.

## **5. Comments from the Director of Finance and the Director of Law and Governance**

### **5.1 Financial implications**

Reducing the damage caused by driving over pavements will reduce pressure on reactive maintenance budgets.

### **5.2 Legal implications**

If a person wishes to drive a vehicle across a footway to gain access to park on their property, they can be required by the Highway Authority pursuant to Section 184 of the Highways Act 1980 (HA 1980) to have a vehicle crossing constructed or may request the Highway Authority to construct a properly made up crossing on their behalf. In determining whether to grant permission to an application under this Act, the Council must consider the need to prevent damage to the footway or verge and the need to ensure or facilitate, so far as practicable, safe entry to and from the premises, the passage of vehicular traffic on the highway network, safe passage for pedestrians and cyclists, impact on drainage/flooding and on-street parking.

Common law access rights do not take precedence over the HA 1980. As Local Highway Authority, Coventry has power to enforce Section 184 where a person refuses to construct a crossing. This may be by constructing the crossing on the person's behalf and charging for this work. In cases where persons either construct a crossing without the Local Highway Authority's permission, or habitually cross a footway that does not have a crossing, then enforcement powers can be used.

Furthermore, where it is not safe to allow a crossing or that there are amenity grounds for refusing a crossing (to protect wide verges or trees), if a person continues to take a vehicle over the Highway, the Local Highway Authority can prevent access by fencing under Sections 66 and 80 of the HA 1980.

In addition to the requirements under the Highways Act 1980, any person wishing to construct a domestic footway crossing onto a classified road must also first receive planning permission in accordance with the Town and Country Planning Act 1990. Planning permission may also be required to construct a domestic footway crossing onto an unclassified road where the proposal does not fall within Permitted Development Rights.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the Council Plan?**

These proposals will help to improve health by reducing damage to pavements which can be a risk to pedestrians, particularly vulnerable residents who regularly use local pavements.

The proposals also support the Council's key objective to promote better roads, streets and pavements.

### **6.2 How is risk being managed?**

Unauthorised or illegal crossings can cause damage to pavements and increase the risk of tripping and falling accidents. The revisions to the existing policy go further than the previous policy in allowing more residents to meet the Council's criteria and therefore this should decrease the number of dangerous illegal crossings.

The risk associated with overhanging vehicles will be mitigated by a strong enforcement process.

### **6.3 What is the impact on the organisation?**

Less damage to pavements and subsequent reduction in revenue costs.

Reduction in complaints against the Council and subsequent referrals to the Local Government Ombudsman.

### **6.4 Equalities / EIA**

An Equality Impact Assessment has been carried out and approved by the Cabinet Member for City Services and the Director of Transportation and Highways.

The revised policy will continue to benefit all pedestrians, especially vulnerable pedestrians, by ensuring that there are more crossings constructed across the City, built in safe locations and that the materials and quality of the workmanship meets Council standards thereby reducing the number of defects on the city's pavements.

### **6.5 Implications for (or impact on) climate change and the environment**

These proposals will help to control the use of poorly constructed and unsafe crossings and will promote the need to apply for planning permission to utilise non-permeable surfaces, thereby reducing the risk of flooding caused by surface run-off.

### **6.6 Implications for partner organisations?**

None

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