



Report to:	Environment & Neighbourhood Committee	Date:	30 March 2017
Report title:	Review of Vehicle Crossover Policy		
Report from:	Mary Morrissey, Strategic Director of Environment, Housing & Regeneration		
Ward/Areas affected:	Borough-wide		
Chair of Committee/Lead Member:	Councillor Jill Whitehead		
Author(s)/Contact Number(s):	Mehmet Mazhar, Strategic Management Support, Shared Highways & Transport Service, 020 8547 5943		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • An Open Council • A Green Council 		
Open/Exempt:	Open		
Signed:		Date:	16 March 2017

1. Summary

- 1.1 This report provides an update on the review by the Kingston and Sutton Shared Highways and Transport Service of the Vehicle Crossover Policy for both authorities, with a view to introducing consistent procedures and process across both authorities for dealing with applications and seeks approval to proceed as detailed in the recommendations.

2. Recommendations

It is recommended that the Environment & Neighbourhood Committee:

- 2.1 Notes the progress made on the review of Sutton Council's Vehicle Crossover Policy by the Shared Highways and Transport Service.
- 2.2 Approves the adoption of the new Sutton Council Vehicle Crossover Policy, as detailed in Appendix A of this report, which is to commence from the 1 October 2017.

3. Background

- 3.1 A dropped kerb and driveway across a footway is referred to as a 'crossover' allowing vehicles



to pass between the public highway and property/land to which the application relates. All vehicle crossovers on the public highway require permission from the Highway Authority (i.e. Sutton Council in this case) using powers in Section 184 (11) of the Highways Act 1980.

- 3.2 Currently residents, businesses and developers can routinely apply for a vehicle crossover. Depending on their particular circumstances they may also require separate planning permission under the Town and Country Planning Act 1990, prior to submitting their application under the Highways Act 1980. For householder/residential applications, alterations to front gardens for the purposes of enabling off-street parking will in many cases fall within the terms of 'permitted development', in which case prior planning approval is not required. This report deals with the highways application process only. (Further information regarding planning permission can be found on the Government's Planning Portal, (at <https://www.planningportal.co.uk>).
- 3.3 The number of applications received by the Council has been increasing steadily over time. Currently, approximately 400 applications are processed annually. This increased demand is believed to be largely due to increased car ownership and the pressure this has created on the limited available on-street parking spaces.
- 3.4 The costs to the customer are made up of two parts. The first part is an administration fee for assessing the application, which is currently £80, and the second part is the actual civil engineering costs of constructing the crossover. The construction costs are estimated by the assessing officer using competitively tendered contract rates provided by our term highways works contractor. This cost is entirely borne by the applicant.
- 3.5 In Sutton the Vehicle Crossover Policy was last reviewed over 10 years ago and is not considered to be 'fit for purpose', as complaints from disgruntled applicants who have been refused permission are regularly received challenging the basis of highway officer decisions.
- 3.6 In order to overcome this issue and to remove any perceived ambiguities/inconsistencies in the evaluation criteria used to assess applications, this report establishes a new policy, procedures and a more comprehensive process for dealing with applications.

Proposed Vehicular Crossover Policy and Process

- 3.7 Subject to this Committee's approval it is proposed that the new policy, once adopted, will come into operational effect on the 1 October 2017 to align with the proposed commencement of the new highways works contracts, tying in with new contract price schedules that will come into effect at that time. This timeframe will also allow for the development and introduction of back office procedures for dealing with applications under the new policy and will also provide for a managed transition between old and new policies.
- 3.8 It is proposed that the applications will be paper application form, which can be submitted by hand, post, or via email with a scanned copy. Applicants are encouraged to accompany their application with a dimensioned plan (preferably to scale) outlining their proposal. This should



show the location, and size proposed for the crossover. An appropriate application fee should accompany the application.

- 3.9 Applications for vehicle crossover proposals that have already been refused planning permission will not be accepted. Where planning permission is needed applicants will be required to make a planning application under the planning legislation and only when planning permission has been granted would an application for highways consent be accepted. The new policy and application pack appended to this report (Appendix 1) includes a checklist to assist applicants in this regard.
- 3.10 Applications for a vehicle crossover will be considered against the detailed criteria and minimum standards to be met as outlined in the new policy. These criteria are listed below:
- **Opening Width at Back of the Footway** - A proposed vehicle crossover must have an opening size at the back of the footway of minimum width, 2.7m and maximum of 4.0m.
 - **Minimum Off-Street Parking Area** - A proposed vehicle crossover must have a minimum off-street parking area, measured perpendicular to the highway, of 4.8m long by 2.7m wide, (2.7m being made up of 2.4m plus 0.3m on the driver's side), except where the proposed off-street parking area fronts a garage. No 'short frontage' agreements will be entered into.
 - **Visibility Requirements** - A proposed vehicle crossover must be able to provide a safe zone of good visibility for drivers entering and leaving the site in order to ensure pedestrian safety, in particular child pedestrians. The safe zone area must be 2.8m from the back of the footway boundary line and measure 3.3m along the same boundary in each direction. From this position, the driver must also have a clear view of anything over 600mm in height from their driving position. On roads with a bend with restricted visibility, minimum distance requirements, as detailed in the new policy must be met
 - **Junctions** - A proposed vehicle crossover must not be within 10m from a junction (15m in the case of junctions on classified roads, A, B or C).
 - **Proximity to Bus Stops and Pedestrian Crossings** – A proposed vehicle crossover must not be within 10m of any formal pedestrian crossing or refuge (including zebra crossings and traffic signalled crossings such as pelicans and toucans), bus stop, or a 'bus cage' road marking. Additionally it must not encroach into or affect any zig-zag road markings.
 - **Trees** – A proposed vehicle crossover must not result in the need to remove a highway tree. No construction will be permitted within the root protection area (RPA) of a highway tree in accordance with BS 5837:2012. Additionally, no crossover will be permitted within a distance of 1 metre from the nearest edge of the trunk of a tree.
 - **Grass Verges** – A proposed vehicle crossover must not result in the removal of a grass verge that is greater than 2 metres deep (1.6m in Conservation Areas and Local areas of Special Character), measured perpendicular to the road.
 - **Traffic Calming Features (e.g. speed humps, tables, cushions etc.)** – A vehicle crossover is not permitted where a vehicle cannot adequately clear a horizontal, or vertical traffic calming feature on entry or exit from the site.



- **Conflict with Street Furniture/Highway Assets** – If a proposed vehicle crossover impacts on existing street furniture, including statutory undertakers plant/equipment, and any alteration/relocation works become necessary and are possible, the costs will be wholly at the expense of the applicant. A vehicle crossover may not be permitted closer than 1 metre to any street furniture such as a lamp column or road sign.
- **Traffic Management Orders** – A proposed vehicle crossing must not result in the need to amend an existing Traffic Management Order (TMO), for example the removal or amendment of yellow lines or designated parking areas, including paid for and permit parking bays.
- **Advisory White Access Bar Markings** – If requested by an applicant, an advisory white access bar marking across the front of the crossover will be considered, but will not be provided in areas subject to parking restrictions/controls, including in Permit Parking Areas.
- **Drainage** – The proposed off-street parking area must be constructed using sustainable drainage (SuDS) principles and it must be ensured that surface water runoff does not drain onto the public highway.
- **Fees and Charges** – The new vehicle crossover application fee has been set at £100. This will be reviewed annually as with all fees and charges as part of the budget setting process. Blue Badge holder applicants are eligible for a £100 discount, which will be deducted from the final construction cost for approved applications.

3.11 The main differences between the existing and the current proposed scheme relate to minimum standards that must be met for an application to be approved, such as the minimum size of the 'off-street parking area criteria' and a greater emphasis on the consideration of factors affecting highway safety and access, particularly for pedestrians, especially the young, elderly, disabled and infirm.

3.13 The other differences are that the existing scheme under certain circumstances allows highway trees to be removed, or TMO's to be amended. Under the proposed policy neither of these will be permitted.

4. Other Options Considered

4.1 Under the current procedure the construction of approved vehicle crossovers is carried out by the Council's own appointed specialist highways works term contractor. In order to introduce efficiencies, improve customer choice and move towards becoming an 'enabling Council', the option to create a select list of approved contractors that the applicant could choose from, and negotiate a price with, to construct their vehicle crossing was considered, but has not been progressed at this time. This may be the subject of a further review at some time in the future, if required.

4.2 An option to only accept applications that propose to provide a minimum of two off-street parking spaces was also considered. However, it was felt that would be restrictive as most properties in the borough do not have front gardens that could accommodate the space required



to allow a minimum of two off-street parking spaces, (i.e. 2 spaces of minimum size 2.7m wide by 4.8m long). Unless the front garden is deep enough, the minimum acceptable opening width at the back of the footway and also, the width of vehicle crossover to serve such a requirement would be greater, increasing the applicant's costs.

5. Reasons for Recommendation

- 5.1 The benefits that will arise from the proposed policy and associated process and procedures will enable both Sutton and Kingston Council to deliver a more informative, streamlined and effective service in this regard. It is expected that it will also lead to improved efficiency and be more cost effective. With the inclusion of checklists and answers to some typical 'Frequently Asked Questions' (FAQs), more valid applications will be received leading to quicker processing of applications than the existing procedures.
- 5.2 The inclusion of our policy principles and clear and concise application criterion in the policy document and application pack should ensure consistent judgement is applied at all times by the assessing officers, in line with the statutory requirements. This should also lead to less formal complaints being received.
- 5.3 The new policy will support the delivery of the Council's corporate vision, aims and objectives, as defined in our One Planet Sutton policy.

6. Impacts and Implications

Financial

- 6.1 A business review has shown that the administration fee does not cover the Council's actual costs for assessing applications. The new fee proposed is £100 per application, which better reflects the actual costs incurred by the Council to assess and application. This cost covers, 1) administration costs, 2) initial site assessment by an engineer, 3) contacting the Public Utility companies, and 5) inspection and approval of the completed construction. The construction costs of the vehicle crossover are separate to this and will vary depending on the requirements of the works that need to be done and the local site conditions. Both costs are entirely borne by the applicant.

Legal

- 6.2 Under section 184(11) of the Highways Act 1980 any person may make a request to the highway authority for a vehicle crossing ("vehicle crossover") over a footway or verge in a publicly maintained highway to provide vehicular access to a property adjoining the highway.
- 6.3 When determining an application, the highway authority may:
 - i) approve the request with or without modification;



- ii) propose alternative works; or
- iii) reject the application.

- 6.4 In determining how to exercise its powers, the highway authority must have regard to the following matters:
- a) the need to prevent damage to the footway or verge;
 - b) the need to ensure, so far as is practicable, safe access to and egress from premises; and
 - c) the need to facilitate, so far as is practicable, the passage of vehicular traffic in highways.
- 6.5 The authority may also have regard to other relevant matters, such as those set out in its Vehicular Crossover Policy. The highway authority must consider each application on its particular facts and merits and may depart from its policy, and any general presumptions contained therein, after taking account of the circumstances in each particular case.
- 6.6 The authority must notify the applicant of its decision. If the application is approved (with or without modification), the authority must supply the applicant with a quotation of the cost of the works. The applicant may, by depositing the quoted amount with the highway authority, require the construction of the requested vehicular crossover as soon as practicable after the applicant has deposited the quoted amount.
- 6.7 If the application is refused, the applicant may challenge the decision on public law grounds by making an application for judicial review to the High Court.

7. Appendices and Background Documents

Appendix letter	Title
A	Kingston and Sutton Shared Environment Service – Sutton Council Vehicle Crossover and Application Pack – October 2017
B	Integrated Impact Assessment

Background documents
None



Audit Trail		
Version	Final	Date: 16 March 2017
Consultation with other officers		
Finance	Yes	Tony Cooke (Principal Accountant)
Legal	Yes	Adrian Noviss (SLLP)
Integrated Impact Assessment required?	Yes	Attached

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