

Stockport Metropolitan Borough Council - Vehicular Dropped Crossing Policy

1. Introduction

1.1 This policy specifies how Stockport Council will deal with requests for provision or widening of Vehicular Dropped Crossings from single dwellings and the enforcement of illegal dropped crossings.

1.2 The policy has been written to:

- ☐ Meet legal and planning requirements,
- ☐ Ensure that the Council deals with requests in a consistent manner.
- ☐ Ensure construction quality and safety of vehicle dropped crossings.

1.3 Permission is required from the Council, as the Highway Authority, for a dropped kerb or vehicle crossing access. The following policy only applies to domestic Vehicle Dropped Crossings (VDC) for access to single dwellings.

Whilst some of the provisions may also apply to shared driveways or light commercial access points there will also be additional requirements, and in these cases the applicant should apply to the Development Management Service of Stockport Council for further advice by contacting 0161 474 4975.

1.4 Applications to have a dropped vehicular crossing over the footway are investigated and priced individually.

2. Legislative background

2.1 It is unlawful to drive a motor vehicle over the kerb and across the footway (commonly known as the pavement) in order to gain access to premises where there is no dropped crossing to allow this. This is an offence under section 72 of the Highways Act 1835 and is also prohibited by rule 145 of the Highway Code which states: 'You MUST NOT drive on or over a pavement, footpath or bridleway except to gain lawful access to property, or in the case of an emergency.'

2.2 Any person who drives a motor vehicle across the pavement or verge without an authorised and properly constructed vehicle crossing could cause damage to the surface and kerb, and any underground service cables or pipelines laid beneath the surface. The person responsible for causing the damage would be liable for the cost of repairs.

2.3 Under Section 184 of the Highways Act 1980 there is no right to the provision or widening of a Vehicular Dropped Crossing (VDC) to provide driveway access to premises. It is at the discretion of the Highway Authority (in this case, Stockport Council) as to whether such a crossing should be allowed.

Stockport Council will normally allow such crossings except where provision or widening will cause demonstrable harm to highway operation or safety.

3. Illegal Crossings – Enforcement Action

3.1 The unlawful act of driving a motor vehicle over the kerb and across the footway (commonly known as the pavement) in order to gain access to premises where there is no dropped crossing could be subject to formal action by the Council or the Police. The Council's approach to enforcement will be to offer advice and guidance as the first and preferred way to deal with illegal crossings. However, the Council will use formal powers where necessary to prevent illegal crossings.

3.2 The Council have a number of formal options available to it to prevent illegal crossings, for example, serving a notice on the occupier/owner of the property to carry out work to construct a legal crossing and re-charge the occupier/owner, to install bollards to prevent access to the driveway where a crossing is not permitted. This is not a definitive list of options available.

4. Planning Issues

4.1 The granting of permission for a new or widened VDC may require Planning Permission under the Planning Act 1990. Planning Permission will be required if:

4.1.1 the property involved has a frontage directly on to a classified road, designated as A, B or C, see following link

<http://www.stockport.gov.uk/services/environment/planningbuilding/planning/planningapplicationprocess/>

4.1.2 the property involved is a listed building details can be found at

<http://www.stockport.gov.uk/services/environment/planningbuilding/conservationheritage/>

4.2 For more information please see the Council's Planning Permission pages.

<http://www.stockport.gov.uk/services/environment/planningbuilding/planning/>

4.3 Constructing a parking pad or driveway on a property may also require Planning Permission. Legislation introduced by the Government that came into force on 1 October 2008 requires residents who wish to construct a parking pad in their front garden greater than 5 square metres in area, to either use a permeable form of construction, or obtain Planning Permission from the Council. This legislation was introduced to reduce the risk of flooding by allowing more water to soak away into people's gardens. Policy SD-6 of the borough's Core Strategy development plan document, against which planning applications are judged, sets out that "Where planning permission is required, areas of hard-standing or other surfaces, should be of permeable construction or drain to an alternative form of SuDS" (Sustainable Drainage System). The monitoring of this is the responsibility of planning enforcement.

4.4 The Department for Communities and Local Government (DCLG) publishes guidance on permeable surfaces:

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

4.5 Also see the Planning Portal on the Council's Planning Permission pages

<http://www.stockport.gov.uk/services/environment/planningbuilding/planning/doineedplanningpermission>

5. Vehicle Dropped Crossing Requirements

5.1 The Council takes the following requirements into consideration when determining an application for a new or extended VDC:

5.2 Size of the intended parking area - The parking area must be at least 4.8 metres deep and 2.4m wide. Where it is less than this in full or part and may cause a vehicle to be parked overhanging the footway then an application will be refused. Overhanging vehicles cause a potential hazard to pedestrians.

5.3 If there is a garage beyond the end of the parking area then additional space may be required to enable the garage door to be opened with the vehicle standing clear of the rear of the footway. This will be taken in to account as part of the approval process.

5.4 Where the VDC will provide access to a Classified Road¹ it may be a requirement of the Planning Permission that the parking area be of sufficient dimension that a vehicle using it can turn on it such that it can enter and exit the Public Highway in forward gear. The requirements for this will be determined on a case by case basis on the grounds of Highway operation and safety.

5.5 Kerb Length - Creation or widening of a VDC to a kerb length greater than 5.4m (excluding the transition kerbs- a transition kerb is shaped in order to link the standard height kerb to the dropped kerb) will not be allowed as it may have a detrimental effect on the provision of kerb side parking and, the length of the drop crossing will make it difficult for a blind person using a long cane or a guide dog to follow the kerb line.

5.6 Residents' Parking Scheme - The presence of a Residents' Parking Scheme (RPS) will not affect the consideration of an application for a VDC.

5.7 If the VDC will fall within a marked RPS bay then an access protection marking should be installed to emphasise the location of the VDC and avoid vehicles accidentally parking across it. There will be a charge for the access protection marking for further information see the Council's Obstruction of Driveways pages: <https://www.stockport.gov.uk/obstruction-of-your-driveway/access-protection-markings>

5.8 Residents will still be eligible for permits to park in the RPS in the normal way and at the normal cost.

5.9 Gradient of the intended parking area - A VDC will not be allowed where the parking area within 5m of the rear of footway is of greater gradient than 10%.

5.10 If the drive falls from the rear of the footway more than this then the angle of the vehicle on entering the highway may make visibility difficult.

¹ Classified roads are:

A roads – major roads intended to provide large-scale transport links within or between areas.

B roads – roads intended to connect different areas, and to feed traffic between A roads and smaller roads on the network.

Classified unnumbered – smaller roads intended to connect together unclassified roads with A and B roads, and often linking a housing estate or a village to the rest of the network. Similar to 'minor roads' on an Ordnance Survey map and sometimes known unofficially as C roads

5.11 If the drive rises from the rear of the footway more than this there is an increased risk of vehicles accidentally rolling onto the highway.

5.12 Location of the proposed crossing and road junctions - The Council will not allow a VDC closer than 20m to a junction. When VDC are 20m or closer there is increased risk of conflict between vehicles using the junction and the VDC. Where the VDC is on a side road there may be conflict with vehicles entering from the main road and where on a main road the close proximity to the side road may cause driver confusion.

5.13 Location of Street lighting columns – Street lighting columns are arranged to provide an even level of illumination to the highway for safety reasons. Relocating them to facilitate a VDC may affect the level of illumination offered and if this cannot be overcome by technical means then the application will be refused. If it is acceptable to move a column then all costs of the relocation will be charged to the applicant.

5.14 Location of Telegraph poles or other Statutory Undertaker apparatus – Where the VDC affects the location of a telegraph pole, a utility box or chamber or other elements of the utility network the applicant will need to obtain agreement from the Utility concerned to move/alter the apparatus. The Utility will in turn need the agreement of Stockport Council to move the apparatus to the new location. In all cases all costs for the relocation of the apparatus will be a matter of negotiation between the applicant and the utility. The Council will not install any VDC until all affected apparatus have been moved.

5.15 Visibility – A visibility splay of 1m x 1m must be provided either side of the driveway to provide inter-visibility between pedestrians using the footway and a vehicle manoeuvring from the drive onto the highway. Pillars, fences, walls or planting greater than 0.6m in height will not be allowed within this area as it would obstruct the view of a driver to a child or buggy on the footway.

5.16 When a vehicle is being manoeuvred from the driveway there must be adequate visibility for the driver to see oncoming traffic. Visibility splays of 2m back from the kerb edge to 25m along the kerb in either direction will be needed on a road with a 20mph speed limit and 2m back from the kerb edge to 43m along the kerb in either direction will be needed on a road with a 30mph speed limit. Visibility on roads with a higher speed limit will be assessed on a case by case basis.

5.17 For further information please see Visibility Splay on the Council's Highways and Transport Advice pages:
<http://www.stockport.gov.uk/services/environment/planningbuilding/planning/planningadvice/highwaysandtransportadvice>

5.18 Land ownership – The provisions of Section 184 of the Highways Act 1980, which empowers the Council to arrange for a VDC to be constructed on behalf of an applicant, applies only to highway land.

5.19 If the vehicle crossing passes over non highway land which is owned by the

Council, the applicant will need to apply to the Council's Property Services Section via <https://www.robertson.co.uk/contact> for an easement to obtain the right to drive a vehicle over the land between the public highway and their own property. The applicant will be required to obtain the easement and pay all costs involved prior to the construction of the VDC.

5.20 Where the non-highway land is not owned by the Council, the applicant will be required to provide written evidence to the Council that the land owner has given the applicant unconditional permission to drive over the private land for the purposes of parking a vehicle within the boundary of their own property.

5.21 Gates on the parking area - Gates fitted across the vehicle entrance to a property must not in any circumstances open outwards across the footway or carriageway. If the VDC is onto a Classified Road then the Planning Permission may require that any gates need to be set back sufficiently to allow a vehicle to park in front whilst the gates are being opened without causing obstruction to the carriageway and / or the footway. The requirements for this will be determined on a case by case basis by the Council on grounds of Highway operation and safety.

5.22 Location of Highway Trees - A VDC will not normally be allowed where their construction will require either the removal, or cutting of the roots, of a highway tree. Please refer to the Council's Tree Policy <https://www.stockport.gov.uk/tree-maintenance/overview-maintaining-trees>. Generally, a highway tree will only be removed if it is dead, diseased or dying, considered to be at the end of its useful life expectancy, or in some exceptional circumstances, at the discretion of the Head of Service. In all cases where it is agreed to remove a street tree, the applicant will be required to pay for the cost of its removal and a replacement planted.

5.23 Location of Traffic calming measures (e.g. Speed bumps, pedestrian crossings, footway build-outs etc.) Traffic calming measures are installed for safety reasons. Relocating them to facilitate a VDC may compromise the safety objectives of the traffic calming scheme. If this cannot be overcome by technical means then the application will be refused. If it is acceptable to move traffic calming measures then all costs of the relocation will be charged to the applicant.

5.24 Existing Crossings - Approval for a second VDC to a single property will not normally be approved unless a highway safety improvement or benefit can be demonstrated.

5.25 Where there is an existing VDC and it is desired to move it to a new location then the requirements of this policy apply as if this were a new application. In addition, where a new VDC location has been approved and is to be constructed then the applicant will also be required to pay for the removal of the old VDC including installation of full height kerbs and footway reconstruction as required to return it to the level and condition of the adjacent footway.

5.26 The extent of the crossing should not be beyond the boundary line of the property involved in the application.

5.27 Crossing Construction - The Council's Alliance contractor carries out this work on behalf of the Council. The Alliance contract requires the contractor to comply with the highway design standards and specifications prescribed by the Council.

5.28 If residents wish for another contractor to construct the VDC then that contractor must apply to the Council under Section 50 of the Highways Act 1980. Such applications must be accompanied by evidence that the contractor has the necessary experience and public liability insurance and be accompanied by a fee as set out in the Council's Schedule of Charges on the Council Website.

5.29 The material that the Vehicular Dropped Crossing will be constructed in depends on the construction of the surrounding footway. The standard surfacing material will be dense bituminous macadam. Where the footway construction is in standard bituminous material and the kerbs are standard concrete then these materials can be used for the VDC. Where, however, the footway is in modular paving materials (concrete or stone) and the kerbs are a non-standard specification (e.g. conservation kerbing or granite kerbs) then matching or complementary materials will need to be used where possible in Conservation Areas. Where the footway has been identified for improvement as part of a planned maintenance programme, materials must be decided in line with the Highway and Street Furniture Design Policy, on a case by case basis before any work commences on site. Further information on the Council's standard specifications can be obtained from the Highway Design team, highwaydesign@stockport.gov.uk.

5.30 If repairs are required to the adjoining area of highway to facilitate the VDC or additional work is requested by the applicant, all costs will be recharged accordingly. Any defects evident in the adjoining surface that meet the Council's intervention limits will be repaired by the Council.

6. Appealing against a decision

6.1 The Council will determine the application for a VDC in writing to the applicant.

6.2 Where applications do not conform to the criteria set out in this policy, applicants will be provided with details of the reasons for the refusal.

6.3 Appeals against a decision to refuse an application for a Vehicle Crossing must be made in writing by contacting:

Head of Highways and Transportation

Stockport Council

Stockport

SK1 3XE

E-mail: stockportdirect@stockport.gov.uk

6.4 The appeal must state the grounds where they believe a) that their applications have not been processed in accordance with the criteria set out in this policy, or b) that there are exceptional circumstances that would justify an exception to be made to the policy.

6.5 The Council without prejudice may exercise discretion when considering the grounds of any appeal and facts of an application.