



TERMS & CONDITIONS

January 2020

DOMESTIC VEHICLE CROSSOVER APPLICATION PACK



WOKINGHAM
BOROUGH COUNCIL

Wokingham Borough Council Domestic Vehicle Crossover (Dropped Kerb) Application Pack

Terms & Conditions

Important Notice to All Applicants

You must read these terms and conditions carefully before completing your application. Pursuance of an application will infer that you have read and accept these terms and conditions.

This document seeks to help you to understand the procedure and assessment criteria which must be followed, in order to obtain formal Highway Authority approval for the construction of a domestic vehicle crossover (dropped kerb) between private property and the public highway from Wokingham Borough Council.

Information is provided in this document about the factors that officers will consider when assessing applications. Each site is different and will be assessed individually against the current Terms and Conditions.

Applicants must read these terms and conditions carefully and obtain any permissions that are necessary. Do not apply until you have done this.

Wokingham Borough Council - Domestic Vehicle Crossover Policy

This Policy applies to all applications for a Domestic Vehicle Crossover (Dropped Kerb) that involve a change in the way that a property is accessed from the highway. The Policy also provides guidance on the Council's approach to vehicle crossover applications that require a planning application.

It is the Council's policy to provide guidance and enable safe vehicular access and use of vehicle crossovers, whilst ensuring that any new means of access from a property to the highway does not cause detriment to the safety or legal rights of users of the adjacent public highway.

Vehicle crossovers will commonly cross an existing footway and/or verge and in order to prevent damage and ensure that deterioration of the walking surface is minimised, it is expected that the foundations of footways should be sufficiently robust to give good performance over a typical design life of 40 years.

Appointed officers from Wokingham Borough Council's Place Directorate will therefore determine consent for vehicle crossovers in exercise of its powers under Section 184 of the Highways Act 1980 and, where considered appropriate, may arrange for its construction at the applicant's expense, in accordance with the Council's design requirements.

In some cases, an application may be refused because it does not meet the terms and conditions set out within this document and/or for highway safety reasons. All refused applications are reviewed by a Senior Manager before the refusal is issued.

Appeals

If an application has been refused, an appeal can be made by the applicant, which will need to set out the reasons in writing why you consider that we have not applied the terms and conditions correctly. We cannot accept appeals because you do not agree with the terms and conditions or wish to challenge specific highway safety grounds.

You will need to submit your appeal within three months of the refusal of your application. If you do not do this, we will not consider your appeal.

In all appeals, the Senior Manager's decision will be final. This does not prejudice an applicant's right to follow the Council's formal complaints process.

You will be charged an application fee for us to assess your application. This fee is set annually and published in the Council's Schedule of Fees & Charges. This fee covers the cost of undertaking the assessment and processing your application.

If having submitted an initial application and payment you change your mind, you are entitled to cancel your application provided that you tell us in writing no later than 10

working days after the day on which you paid the Assessment Fee. This is called the 'cooling-off' period. In such cases we will refund the initial application fee in full. After the expiry of the 'cooling-off' period, we will have commenced the assessment process and this fee becomes non-refundable.

You must provide a plan with your application showing where you want the dropped kerb to be located. This plan assists Wokingham Borough Council in assessing your application. It must be of sufficient quality to enable the officer to make an accurate assessment. Poor quality plans will be returned and your application will be placed on hold. You will be asked to submit a new plan.

If there are any exceptional circumstances that you would like us to take into account, please detail these in your application. Where it is safe to do so, Wokingham Borough Council may be able to exercise discretion to consider these exceptional circumstances in order to meet its public sector equality duty.

Once you have completed your application form, provided a sketch or design plan and paid the appropriate Assessment Fee, an officer will commence assessment of your application within 10 working days. In some cases, the assessing officer may contact you for more information and you may wish to meet the officer to discuss your application.

Officers will aim to complete the assessment and issue their decision within 10 working days of site inspection. Our timescales do change from time to time. You are advised to check our website for information about current timescales.

You will receive an email or letter advising you of the outcome of your application. If it has been refused, you will also be advised of the reasons. If your application has been approved, you will receive a quotation and a consent drawing showing the proposed works. You will also notice temporary markings on street, but these will fade.

Please check the consent drawing carefully before paying the quotation. Once you have paid the quotation, you will be deemed to have accepted it. Please do not pay the quotation until you are happy that this is what you have asked for.

Applicants are liable for meeting the full costs of all works required to construct the vehicle crossover, including adjustment and/or protection or utility equipment. If the application involves adjustment of utility equipment, you will also be responsible for organising these directly with the relevant utility company. Any additional costs involved for this work will need to be borne by the applicant.

You should be aware that in some cases, before or during construction, our contractor may encounter unforeseen circumstances that could affect the way that they plan to do the work and this may increase the cost of the dropped kerb. If this happens we

will inform you as soon as we become aware and let you know the likely cost of any additional work required.

Application Assessment

The list below sets out the main points we consider when assessing your application:

- The position of the proposed vehicle crossover must be at least 10 metres away from the nearest kerb line of any road junction. The assessing officer may reduce this to 5m in a cul-de-sac or minor estate road or increase this requirement as necessary to ensure the safety of road users. The assessing officer's decision on this matter is final.
- Your proposed vehicle crossover must not affect the safe operation of any traffic management measures in place, such as traffic lights or an existing pedestrian crossing point. It must not be within the confines of any zig-zag or yellow box road markings.
- If the proposed vehicle crossover is within an existing Controlled Parking Area or Zone, further consultation may be necessary with the Borough Council's Parking Services. This may lengthen the time before a decision can be given and there may be additional associated costs as a result of legal changes necessary to a Traffic Regulation Order. The applicant will be responsible for meeting these costs. We can still assess your application in these cases and provide an approval in principle, subject to the outcome of discussions with the Parking Services.
- If there is a designated bus stop/loading bay/parking area/lay-by at the proposed access point the application will be refused. We do not relocate bus stops for the purpose of constructing a dropped kerb.
- We always consider inter-visibility at the point of access to ensure that pedestrians and drivers of vehicles can see each other and be clearly seen when vehicles are entering or exiting the property. The assessing officer's decision on this matter is final.
- We do not support the removal of healthy trees for the purpose of constructing a dropped kerb and we do not construct vehicle crossovers within the canopy (or Root Protection Area) of a tree. No vehicle crossover works will be permitted within 500mm of an existing lamp column or on-street public utility cabinets.

- If you live on a busy high-speed road (a non-residential road with a speed limit in excess of 50 mph), your application will only be approved if there is sufficient space within the boundary of your property to turn a vehicle around through 180 degrees. This is so that users are not forced to reverse onto or from the road. If you do not have sufficient space you may be required to construct a formal vehicle access or your application may be refused.
- The depth of your parking area/hard standing must be a minimum of 5m metres from the back of footway to the nearest wall of any part of the building (or 5.50m if the building is a garage). This is to ensure that there is sufficient space to prevent a vehicle from overhanging the highway.
- The width of your parking area must be a minimum of 2.75m wide. In considering whether you have enough space we will also take account of any projections on your property such as bay windows, door shelters or public utility cabinets.
- We will presume that you require perpendicular (90 degrees to the road) parking. If you wish to park your vehicle parallel to your property you must have or be able to construct a minimum parking area or hardstanding of 9.6m width by 3.5m depth and have two separate points of access, with an in/out arrangement to enable users to drive a vehicle on and off your driveway in a forward gear and in one continuous movement.
- Each application for a new vehicle crossover will be determined as a maximum of 4 flat kerbs (3.6m). You will also be provided with one or two ramped or tapered kerbs depending on your property and any existing crossovers. We will not install any more than 4 flat kerbs. Applications for vehicle crossovers wider than this will be refused.
- If your property already has a vehicle crossover, we will not approve a second separate dropped kerb unless there is sufficient space within the boundary of your property to drive a vehicle on and off your driveway in forward gear and in one continuous movement. We call this a 'carriageway drive'.
- For 'carriageway drives' applicants will be required to construct any hardstanding within your property so that your car can be driven on and off in this single movement. The minimum measurement of your frontage must be 13.6m width by 4m depth. Your application will be refused if you do not have sufficient space. Each vehicle crossover will have a maximum of 3 flat kerbs

(2.7m) and your existing access may need to be altered to achieve this. There will need to be a minimum width of full height kerbs between the two crossovers of 4.5m.

- We may refuse applications for second, separate vehicle crossovers if it is considered likely to result in the loss of on-street parking provision.
- If your property already has a vehicle crossover and you wish to extend it, we will only extend the current crossover to a maximum of four flat kerbs which equates to 3.6m in total. This is the widest vehicle crossover to a single dwelling that we will allow. You will also be provided with one or two ramped or tapered kerbs depending on your property. We will not install any more than 4 flat kerbs. Please do not apply for a vehicle crossover wider than this as it will be refused.
- We may refuse applications for extended vehicle crossovers if it will result in the loss of on-street parking availability.
- The gradient (slope) of the proposed vehicle crossover must not be steeper than 1 in 12 (8%). Gradients steeper than this will not be approved. The assessing officer's decision on this matter is final.
- If there is a utility cover at the location of the proposed dropped kerb, we may be able to alter the cover as part of our works. Sometimes, we will not be permitted to alter the cover. If this is the case, we will let you know and give you an "in principle" approval decision for the dropped kerb. You will then be responsible for contacting the utility company to ask them to alter the cover. You will have to bear all additional costs associated with these works.

What is a Domestic Vehicle Crossover ?

DEFINITION: Domestic Vehicle Crossover - A dropped kerb and short ramp constructed across a footway and/or roadside verge to permit vehicular access to a property.

Any vehicular access to a property adjacent to a road will normally be achieved by;

- driving over the footway, using a legally compliant vehicle crossover; or
- interrupting the footway to construct a new access road/way, permitting level access direct from the carriageway.

A domestic vehicle crossover provides a way to legally allow you to access your property using a car or other domestic vehicle. The roadside kerbs are dropped from their normal height and the adjacent footway (pavement) or verge is strengthened to take the weight of vehicles crossing it.

Domestic vehicle crossovers are only appropriate where a property is not intensively used by vehicles. The dropped kerb must not be used by non-domestic large vehicles over the weight of 3.5T. Where a property is intensively used by vehicles, or where access is required by heavy goods vehicles, direct access using a new access road is likely to be more appropriate.

Homeowners and businesses within the Borough of Wokingham may apply for a vehicle crossover by following the application process set out on the Council's webpage.

Drivers may not park any vehicle on the dropped kerb or allow any vehicle parked on private property to overhang the highway.

What are the Legal Requirements?

By law, any changes to the public highway require formal approval by the Highway Authority and preferred crossover location or layout requirements should be discussed with Wokingham Borough Council's Traffic Management team, prior to the submission of an application.

It is illegal, under the Highways Act 1980, to drive a vehicle over a footpath or verge unless a vehicle crossover has been approved and/or installed by the relevant Highway Authority. If you drive over the footway or verge without an approved dropped kerb, you may damage the footway or any pipes/cables underneath it.

It should be noted that formal consent is required from the relevant Highway Authority for any new or altered access from the public highway onto private land and permission must be obtained before embarking on any work.

Any person who knowingly uses a footway or verge as a crossing in contravention of any condition imposed under subsection (1)(b) of the Highways Act 1980 (s184), or knowingly permits it to be so used, is guilty of an offence and liable to a fine not exceeding £20 or, in the case of a second or subsequent offence, to a fine not exceeding £50. You may also be held liable for any damage caused and legal costs.

An application for a vehicle crossover must be made to the local highway authority, in this case Wokingham Borough Council (WBC). A site inspection and assessment must be carried out by an approved WBC officer.

Planning Permission & Other Consents

If you are a tenant or leaseholder, you must obtain approval from the landowner first.

In addition to this, in some locations there may be a gap between the highway boundary and the boundary of the property. In these locations, you will need to provide evidence that you have obtained approval from the relevant landowner(s).

This land may be manorial waste but it is more common that it belongs to the Borough Council as amenity greenspace. It could also belong to Wokingham Borough Council as land bought and reserved for environmental purposes.

It is your responsibility to check whether you require any other permission(s) and to obtain any approvals before you apply.

Domestic vehicle crossover applicants may also be required to make a planning application to be eligible for a vehicle crossover and the Council's Highway Officer will also refer to planning guidance and any application/consent when assessing vehicle crossover applications.

For example, formal planning consent is required if the property;

- is located on a 'classified road' (see definition below);
- is a maisonette or is/will be a single dwelling subdivided into flats;
- is located within a conservation area; or
- requires provision of a hard standing area exceeding 5m x 5m in size

DEFINITION: Classified Road - A road which has a number in the national road system i.e. M-motorway, A-primary class road and B-secondary class road.

There are certain circumstances where planning permission will not generally be required for access to an existing paved area or garage. These can include an access;

- from a road that is not classified (classified roads are listed in the Wokingham Network Management Plan); and

- to a property that is not subdivided into flats and is occupied by a single household.

However, access from some unclassified roads may also require planning permission.

In addition, you may need to obtain planning permission if you are constructing a new hardstanding (driveway) on your property or extending an existing one. If you are uncertain as to whether planning permission is required, you should always check with your local planning department first.

Where applicants do also require planning permission, this can both lengthen the process and incur a further planning application fee. It is the applicant's responsibility to check with the local planning authority if planning permission is required or not.

You must obtain any planning permissions before we can accept your application for a vehicle crossover. You will need to provide a copy of any planning consent and conditions when you apply for a crossover.

If planning approval for a structure e.g. extension, garage etc has been granted this does not mean that any associated vehicle crossover also has approval/permission.

Applicants will still need to submit a separate application for a domestic vehicle crossover in compliance with this policy. You are advised that any proposed alterations to your property or the internal layout may also require a separate planning consent from your local planning authority. This is the responsibility of the applicant, there is no automatic or combined application.

Applicants are therefore strongly advised not to undertake any renovations to their property, either to accommodate off-street parking or where a vehicle crossover is likely to be required, before they have received Highway Authority 'Approval in Principle' and any necessary planning permission.

Planning permission may be sought after you have received a Highway Authority 'Approval In Principle' response from the Council, however, it is advisable to refer to these Terms & Conditions beforehand to determine whether this requirement would affect your application.

It is your responsibility to check if any permissions are required and to provide copies of them with your application. If you do not provide copies your application will not be processed.

Property Developers

If you are a property developer and/or require a vehicle crossover for more than one property, including homes for multiple occupation or sub-divided into flats, you

cannot apply using this process. In such circumstances, developers should email traffic.management@wokingham.gov.uk for advice.

What Are the Minimum Design Requirements?

This section provides guidance on how applications are assessed in terms of:

- their impact upon traffic management, parking and road safety conditions;
- safe visibility and sightlines for emerging vehicles;
- their impact upon the footway; and
- the necessary layout and dimensions for footway crossovers.

Traffic Management, Parking and Road Safety

The Council will not approve applications for vehicle crossovers in locations where it considers this could cause or add to existing traffic management, parking or road safety problems on street, regardless of road classification.

The Council takes into consideration any road traffic collision history, proximity of nearby junctions and accesses, existing waiting & loading requirements, adjacent land uses, surface water drainage and traffic flows/speeds.

The position of any proposed vehicle crossover must be at least 10 metres away from the nearest kerb line of any road junction. The assessing officer may reduce this to 5m in a cul-de-sac or minor estate road or increase this requirement to ensure the safety of road users. The assessing officer's decision on this matter is final.

The creation of off-street parking and a new access to the highway frequently involves the loss of kerbside stopping/parking amenity. The Council's Parking Services team regularly collects and updates its on-street parking data, which is used to determine parking controls on the Borough's roads.

This information will be used when considering the acceptability of applications that might have an impact upon kerbside stopping/parking opportunity.

Visibility and Inter-visibility

Visibility can easily be obstructed by street furniture, trees, boundary treatments (such as fences and hedges) and also parked cars/vans. Drivers joining the highway need clear visibility of any pedestrians, cyclists and other traffic using the highway and other road users, including pedestrians need clear views of those vehicles joining it. This is referred to as inter-visibility.

Adequate visibility splays for emerging drivers must be achieved with new vehicle crossovers, so that use of vehicle crossovers do not result in an adverse interruption of pedestrian movement. Existing footway widths must also be maintained and there

must, therefore, be a minimum distance of 5.0 metres from the property boundary to the front of the nearest building (5.50m if this building is a garage). This is to ensure that a motor vehicle can be parked without overhanging the footway and encroaching upon pedestrian routes.

Gradients, Slopes & Crossfalls

New vehicular crossovers should not be overly steep, in order to allow safe and convenient access and maintain pedestrian footway safety. Crossfalls are measured across a footway and will normally be limited to that absolutely necessary to dispose of surface water. Crossfalls steeper than 3% are considered uncomfortable to walk on and if the slope runs towards a road it can be dangerous, as wheeled users will tend to edge down the crossfall.

Public Utility Equipment & Ironwork

When we undertake the Assessment Inspection we will check to see if any extra work is needed to move or alter equipment in the highway. It will not always be possible to move or alter equipment, for example, we cannot install a dropped kerb within 0.5 metres of an existing street light.

If extra work is required and it is possible to do this, the applicant will have to bear the additional cost of those works. The additional work will be carried out by our contractor before work on your vehicle crossover commences. You will be informed, in advance, if this is the case. Relocation of equipment can often delay the application process and the works.

Your quotation will include the cost of adjusting public utility covers, where our contractor can do so. If we cannot adjust the cover, we will advise you after the Assessment Inspection when we provide an 'Approval in Principle' decision for the vehicle crossover. It will be your responsibility to contact the utility company to seek approval for the alterations.

There is no guarantee that a utility company will agree to move their equipment or ironwork. If extra work is required by the utility company, you would need to bear the additional cost of these works. You will need to arrange the timescale for these works with the utility company. If this is the case, it will delay the application process and the construction of your vehicle crossover.

Drainage & Surface Materials

It is an offence to discharge any surface water from your driveway onto the public highway or into a highway drain. You must ensure that you install adequate drainage to take water away from your driveway so that it does not discharge onto the public highway or into a highway drain.

It is recommended therefore that driveways over 5 sq m should be constructed from a permeable material. Loose gravel or shingle is not ideal as such materials may be dragged onto the road/footpath and be detrimental to highway safety such as causing pedestrians to slip or vehicles to lose friction.

In such instances, liability for damage or injury could fall to the householder. If you do use loose gravel or shingle you must install a suitable measure that will prevent material spilling onto the road/footpath.

The strength of a vehicle crossover can vary considerably with moisture content, so it is extremely important to keep crossovers well-drained during its service life. Issues of drainage relate to ensuring adequate longitudinal falls, grips/gullies and level tolerances to prevent surface water ponding and to surface water run-off.

The Council's standard surfacing materials are bituminous (asphalt concrete, stone mastic asphalt or hot rolled asphalt), concrete or clay pavers and precast concrete (PCC) flags. It is not recommended that in situ concrete is used due to the difficulties of reinstatement caused when works by public utilities are carried out. Natural stone flags, cobbles and setts are not commonly used for new footways as they may create an unsafe walking surface, although they may be required in conservation areas.

The Application Process & Cost

Once you have completed and submitted an application and paid the Assessment Fee, which is non-refundable, Wokingham Borough Council will review your application and arrange for an appointed officer to carry out a site inspection.

If the inspector determines that a vehicle crossover is 'Approved in Principle' (AIP) with respect to traffic management, parking and road safety, you will receive a quotation for it to be constructed. This confirmation and quotation is valid for three months.

How much does it cost?

Each vehicle crossover is priced depending upon the measurements and materials involved, as well as the cost of moving anything that would block the new access, such as a lamppost, street sign or other furniture. Your quotation will include the cost to lower the kerbs, strengthen the ground beneath the footway to enable vehicle crossover and resurfacing of the footway.

The cost of a vehicle crossover depends on the amount of work that needs to be done to construct a robust crossover. The area is dug out to a depth of 230 mm. New kerbing is laid on a bed of concrete and is given time to cure, usually a minimum period of 24 hours. A sub-base course consisting of Type 1 granular material is imported and compacted to a depth of 150mm. A base course of tarmac is then constructed to a thickness of 60mm with a 20mm surface course laid on top.

In some locations, additional works will be required such as the provision of edging stone or strengthening to support drainage gullies or there may be a need for increased traffic management. This is likely to increase the cost. Payment is required to be made to the Council before an order to commence the works is authorised.

Commencement of the Works

Our current timescales for construction are up to 12-14 weeks after you have paid the sum set out in your quotation. Please note that the timescales do change from time to time and so you should check our website for the current timescales. Vehicle crossover works are also weather dependent.

We will try and give you an indicative date for your works. Approximately one week before we plan to construct your dropped kerb, you will receive notification in writing when the works are due to commence.

You must ensure that all works to your driveway/hardstanding are complete, that concrete edgings are in place and that any obstructions such as hedges/fences etc. on your property have been removed. In some cases, such as where construction work is in progress or for environmental reasons, authorisation will be given to construct a crossover in advance of any driveway and/or hardstanding works.

In such cases, applicants will be required to guarantee completion of their driveway works within 3 months of the crossover being completed or face removal of the crossover and liability for the cost of reinstatement of the footway.

Our contractor may not start the works if your driveway works are not complete and this could delay the vehicle crossover works. The crossover will be installed in phases over a period of approximately one week. The contractor may do some of the works and then leave the site. This is normal because they will plan the works to make best use of time, resources and materials.

Access to your property, if you already have off-street parking, may be affected throughout the works and you should take this into account. The contractor may need to leave traffic signs and safety barriers in place for an additional day to ensure that the works are safe for use before removing them.

Inspection & Certification

Upon completion, an Inspection Survey will be carried out, to ensure that the crossover works have been completed to a sufficient quality for adoption by the Council. There is no obligation imposed upon any person other than a highway authority to maintain a vehicle crossing, once adopted.

There is a fee payable for this inspection following receipt of which a Certificate of Completion will be issued and an entry made to the register of vehicle crossovers for your property. You should retain this document in order to prove that you have an approved crossover. You may need to provide this evidence when selling or moving house.

This Certificate concludes the process and confirms that a legal right of access has been created from the highway to your property.