

## APPENDIX 1



# North Tyneside Council Vehicle Access Crossing Policy

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# 1. Introduction

North Tyneside Council is responsible for an extensive highway network and maintaining our roads and pavements is a key priority. This is underpinned by the Highways Asset Management Plan 2017 to 2032 (the 'HAMP'), previously approved by Cabinet.

An important aspect of highway maintenance is the effective management of vehicles crossing the footpath where damage will occur unless a properly constructed crossing is provided. This is consistent with the Elected Mayor's pledge to improve our footpath network.

Residents wishing to drive across the public footway to gain access to park on their property are required under Section 184 of the Highways Act 1980 to have in place a vehicle access crossing. This typically consists of a dropped kerb at edge of the road with a ramp to enable a vehicle to drive across the footway. If the footway is constructed from flagstones, then it is strengthened below with concrete to take the weight of a vehicle.

From a highway management perspective, it is desirable to control the number of new accesses (and associated stopping and turning manoeuvres) onto public roads in order to maintain the right balance of on-street and off-street parking and to ensure that there are no road safety issues.

This Vehicle Access Crossing Policy is intended to ensure that there is a consistent approach to considering applications for vehicle access crossings in North Tyneside. It relates only to domestic and light use vehicles up to a weight of 3500 kgs which applies to the majority of vehicle access crossing applications. Vehicle access crossings for heavy vehicles, for example at industrial premises, will normally require a non-standard type of construction and will therefore be considered outside this policy on a case by case basis.

This is North Tyneside Council's first formal vehicle access crossing policy and it supersedes any previous criteria and processes applied by the Highway Maintenance Team.

For those residents who wish to park their vehicles within their own property it is in their interests to have a properly constructed vehicle access crossing in place for the following reasons:

- It ensures a legal right of access to their driveway hardstand
- Legal enforcement can be undertaken if a vehicle obstructs passage of way in or out of the property
- Maintenance responsibility for the crossing lies with the Council and not the householder
- A properly constructed vehicle access crossing removes the risk of damage to vehicles by providing a smooth route across the public footway

If a vehicle access crossing is not put in place this creates the following problems:

- The householder may be liable for any damage to the surface or foundations of the footway or any utility services damaged as a result of illegally driving across the public footway.
- The householder may be subject to public liability insurance claims should someone have an accident as a result of damage from unauthorised crossing or inadequate construction in the public footway

- Driving across the public footway without a properly constructed vehicle access crossing could result in expensive repairs to the householder's vehicle such as wheel alignment repairs, damaged wheels, and bodywork due to "bumping up and down" the kerb

Residents wishing to apply for a vehicle access crossing can do so by contacting the **Highways Team** by telephone on **0191 643 4518** or by email at [highways@northtyneside.gov.uk](mailto:highways@northtyneside.gov.uk)

## 2. Vehicle Access Crossing Construction

In general, vehicle access crossings will be constructed using tarmac, flagstones, concrete, or block paving to match the existing footway. If the property falls within a conservation area, the vehicle access crossing will be constructed in keeping with the surface of the footway.

Once a vehicle access crossing has been constructed, it remains part of the public highway and will be maintained by the Council as part of the adopted public footway.

Technical details of the construction specification can be obtained by contacting the Highways Team.

## 3. Obtaining Council Approval for a Vehicle Access Crossing

If residents wish to have a vehicle access crossing, formal approval will be required from the Council's Highways Team (the Highway Authority). In some cases, approval will also be required from the Planning Department. Further detail is set out below.

### 3.1 Highways Approval

When assessing an application, the Highways Team must consider the need to prevent damage to the footway/verge/services and the requirement by law to have due regard to the following criteria:

- a) The ability for vehicles to enter and leave safely from the premises.
- b) The need for a suitably sized parking area within the property curtilage (as defined by the Council) to allow vehicles to enter and leave the space at right angles and in one movement from the road.
- c) The need for any necessary strengthening of the footway/verge to withstand the weight of vehicles to ensure statutory services under the footway/verge are protected.
- d) The requirement that a vehicle must be parked wholly within the property. Any vehicle overhanging the footway is committing an offence under the Highways Act 1980, section 137.
- e) The requirement to ensure that no surface water from the private property discharges directly onto the public highway.

### 3.2 Planning Approval

In certain circumstances, planning permission for a vehicle access crossing will be required in addition to highways approval. If the household is located on a classified road (A, B or C class road)

then a planning application will need to be made. The Council's Highways Team can advise on whether the road is classified.

There are certain other situations when a planning application might be required. Residents who wish to apply for a vehicle crossing are advised to seek advice from the Planning Department at the same time as applying to the Highways Team. The **Planning Team** can be contacted by telephone on **0191 643 2310** or by email at [development.control@northtyneside.gov.uk](mailto:development.control@northtyneside.gov.uk)

## 4. Vehicle Access Crossing Criteria

This section sets out the criteria that the Highways Team will consider when determining a vehicle access crossing application.

If the application does not meet the criteria set out below then the vehicle access crossing application will be refused.

When the application is refused, applicants will be informed in writing and will be provided with details of the reasons for the refusal.

If an application is refused and the applicant wishes to challenge the decision, they will be asked to write to the Highways Team setting out their reasons. The Highways Team will review the case and communicate the outcome to the applicant. If the applicant remains unsatisfied, the matter will be referred to the lead cabinet member who will undertake an independent review and make the ultimate and final decision. The outcome will be communicated to applicant in writing.

### 4.1 Road Safety Considerations

A vehicle access crossing application will need to comply with road safety considerations if it is to be approved.

Applications will not be approved in the following circumstances:

- Where the proposed vehicle access crossing fronts directly onto a high-speed road (40mph and over)
- Where it is not possible to achieve the correct sightlines for drivers exiting the property
- Where the proposed crossing would require manoeuvring onto a roundabout
- Where the proposed crossing is within the zig-zag markings of pedestrian crossings
- Where the proposed crossing is immediately adjacent to pedestrian refuges, traffic islands etc which would prevent a vehicle turning in excess of 90 degrees in a single manoeuvre
- Where the proposed crossing is at a bus stop covered by a clearway
- Where the proposed vehicle access crossing is within 15m of a road junction.

The above list covers the majority of situations where a vehicle access crossing will not be permitted on the grounds of road safety, but it is not exhaustive. There may be occasions when a specific other road safety issue causes concern. In these circumstances, the Highways Team will determine

the application by seeking advice from the Road Safety Team and by referring to national road safety guidance.

## 4.2 Minimum Dimensions of Hardstand within the Private Property

In order to maintain full and unobstructed use of the public highway, no part of a vehicle parked within a property may project on to or over the highway. In order to ensure this is the case, this policy stipulates minimum dimensions required for a hardstand within the property boundary.

Vehicle hardstands within properties will be a minimum of 2.4 metres wide and a minimum perpendicular distance of 5m from the highway boundary to any house wall, garage door etc.

## 4.3 Angled Hardstands not Permitted

Requests for hardstands installed and accessed at an angle will not be permitted due to reduced visibility whilst emerging from the driveway.

## 4.4 Vehicle Access Crossing not to be used as a Parking Space

A vehicle access crossing may not be used as a parking area. The vehicle access crossing in its entirety, including any construction within a highway grass verge is solely for the purpose of accessing the private hardstand and cannot be used as a parking area.

## 4.5 Width of Vehicle Access Crossing

This section sets out the dimensions that will apply to the vehicle access crossing giving access across the public footway to the property hardstand.

The minimum width for a single vehicle access crossing will be 3.6 metres (3 centre kerbs plus 2 sloping transition kerbs either side). The maximum width allowed for a single vehicle access crossing will be 5.4m metres (4 centre kerbs plus 2 sloping transition kerbs either side).

Double size vehicle access crossings will be permitted where this is not detrimental to on-street car parking capacity. The maximum width allowed for a double vehicle access crossing will be 7.3m metres (6 centre kerbs plus 2 sloping transition kerbs either side).

Full frontage vehicle access crossings on residential properties will not be permitted. This is to prevent the loss of on-street parking space to ensure the right balance between on-street and off-street car parking provision.

Separate in/out drives will not be permitted. Again, this is to maintain the right balance of on-street and off-street parking space.

## 4.6 Distance between Vehicle Access Crossings of Neighbouring Properties

To minimise any impact on highway amenities, the vehicle access crossing will generally be sited to the side of the frontage, not in the centre. The minimum distance between vehicle access crossings of neighbouring properties will be 2.4 metres which will provide enough upstanding / pavement for a highway amenity such as a tree or lamp column.

Where this is not possible due to limited frontage width, the applicant's vehicle access crossing may adjoin a neighbouring existing vehicle access crossing. In such cases approval will be subject to a site inspection by a member of the Highways Team.

Further information on shared access driveways is set out in Section 4.8.

## 4.7 Second Vehicle access crossings

Occasionally it will be permissible to allow 2 separate vehicle access crossings at a single property. This will normally be when the property is a corner plot at the junction of two separate streets, each having a hardstanding for off-street parking (equivalent to a double driveway but in two separate locations).

## 4.8 Shared Access Driveways

Where the occupiers of two adjoining properties share a hardstand and wish to build a double width crossing to serve the two sites, both occupiers will be required to request permission from the Highways Team to do so.

Where there is an application to extend the width of a vehicle access crossing to a shared driveway, then the width of the vehicle access crossing shall be measured from the centre of the shared driveway. This is required to ensure that the vehicle access crossing width to a property does not exceed the maximum permitted width.

## 4.9 Avoiding Adverse Impact on Neighbouring Properties

Wherever possible and to limit the impact on neighbouring properties, a vehicle access crossing will be sited wholly within the section of footway fronting the applicant's property. The sloping transition kerb will not overlap the neighbouring property frontage.

## 4.10 Existing Highway Amenities

Wherever possible, the vehicle access crossing will be located so that it does not adversely affect any existing highway amenities, such as street furniture, lamp columns, trees, and parking.

In any case where an approved vehicle access crossing construction requires removal, replacement, or relocation of council-owned or third party highway amenities, the cost of such works will be borne by the applicant.

### Utility Apparatus

It may be that there are assets in the public footway which do not belong to the Council such as utility apparatus. If these are in the location of the proposed vehicle access crossing, there may be additional work required to relocate or lower the apparatus. The Highways Team will liaise with the asset owner and advise the applicant of what is required and the additional cost. Before the vehicle access crossing work can be undertaken, the applicant will be required to pay the asset owner and provide evidence to the Highways Team that this has been done. The Highways Team will then work with the asset owner to coordinate the relocation / lowering of the apparatus during the vehicle access crossing work.

### Street Furniture

Regarding existing street furniture e.g. lamp columns, traffic sign etc, a minimum distance of 1.2 metres will be required between a proposed vehicle access crossing and any existing street furniture. If this is not feasible, a decision will be made by the relevant council department to determine whether the item can be practically removed or relocated at the applicant's expense. If this cannot be done, the application will be refused.

### Green Amenities

When considering the layout of a hardstanding and the position of a proposed vehicle access crossing, the Highways Team will consider any existing green amenities such as public grass verges and flowerbeds.

Applications for vehicle access crossings where there is an adverse impact on flowerbeds or shrubs in the highway will be refused. It may be possible to relocate green amenities to facilitate a vehicle access crossing in which case any costs of alterations will be borne by the vehicle access crossing applicant.

### Trees

Vehicle access crossing applications in close proximity to a highway tree will be referred to the Council's arborist who will advise on any issues / concerns and whether the application has any implications with respect to the Council's Tree Policy.

No healthy tree will be removed in order to facilitate a vehicles access crossing. If a tree is unhealthy / diseased and the Council's arborist deems it can be removed to facilitate a vehicle access crossing then the applicant will bear the costs of removal of the tree.

## 4.11 Controlled Parking Zones and Pay & Display Bays

Applications for vehicle access crossings in streets with controlled parking such as pay and display bays will be considered on an individual basis. The Highways Team will seek advice from the Parking Team on the feasibility of granting approval, giving due regard to parking legislation and policy.

## 4.12 Gates Across Property Boundary

Section 153 of the Highways Act 1980 states that driveway gates are not permitted to open out onto the public highway unless agreed with the Highway Authority. As such, vehicle access crossing applicants who propose to fit gates will be requested to ensure the gates open inwards. Where this cannot be practically achieved, for example, if gates cannot be closed with a vehicle parked on the hardstand, then the applicant will require permission from the Highways Team. This will be dealt with as part of the vehicle access crossing application process.

## 5. Application Process

Householders wishing to have a vehicle access crossing installed will be required to make a formal application to the **Highways Team** by telephone on **0191 643 4518** or by email at [highways@northtyneside.gov.uk](mailto:highways@northtyneside.gov.uk). The applicant will be contacted by the Highways Team and an appointment will be made for a member of the team to visit the site to assess the feasibility of the application. If the application is approved, the dimensions of the crossing will be agreed and marked on site and the applicant will then be advised on the next steps around construction, options for undertaking the work and costs.

## 6. Timescales

The Highways Team is committed to processing vehicle access crossing applications in a timely manner and will aim to meet with applicants on site within 10 working days. Whilst the Team will make every effort to meet the target timescales, there may be occasions when this might not be achievable due to fluctuations in workload. On these occasions, applicants will be kept informed.

## 7. Construction Options for an Approved Vehicle Access Crossing

Applicants who receive approval for a vehicle access crossing will initially be recommended to have the work done by the Council Highways Operations Team. A quotation for the work will be provided. If the applicant prefers, they have the option to have the work done by a privately appointed competent contractor. The contractor will be required to adhere to the Council's highway specification and vehicle access crossing dimensions and the applicant will be required to provide proof of the contractor's public liability insurance. Advice on this will be given to the applicant at the appropriate time.

## 8. Costs and Fees

Following approval of a vehicle access crossing application and agreement from the applicant to go ahead with the work, the applicant will bear the full costs of the construction work, whether the works are undertaken by the Council or a contractor appointed by the applicant. If the applicant chooses to use the Council for the work, the Highways Team will advise the applicant on the method of payment at the appropriate time.

## 9. Coordination with Council Footway Renewal Works

When the council is planning to carry out wholesale footway refurbishment works in a street then there will be an opportunity for residents to have a vehicle access crossing installed at a reduced cost by virtue of the workforce already being mobilised in the street. Before undertaking planned footway schemes, the Highways Team will proactively contact all householders meeting the criteria for a vehicle access crossing and offer a crossing at a discounted price. The level of discount will be determined on a scheme by scheme basis depending on the nature of the footway improvements.

## 10. Removal of Redundant Vehicle Access Crossings

Occasionally, an existing vehicle access crossing may become redundant, for example, when a hardstand is removed and converted back to a garden. Any redundant vehicle access crossings will be removed during planned highway works and the property owner will be notified accordingly. When a property owner requests the removal of a vehicle access crossing to enable an alternative vehicle access crossing access to be created and planned works are not taking place then the footway at the redundant crossing location will be reinstated at the applicant's expense.