

**Decision Maker:**      **Environment Portfolio Holder**

**For Pre-Decision Scrutiny by the Environment PDS Committee on:**

**Date:**                      **15th March 2018**

**Decision Type:**      Non-Urgent                      Executive                      Key

**Title:**                      **VEHICLE FOOTWAY CROSSOVERS REVIEW**

**Contact Officer:**      Garry Warner, Head of Highway Network Management  
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**Chief Officer:**              Nigel Davies, Executive Director of Environment & Community Services

**Ward:**                      (All Wards);

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1.    Reason for report

Review the policies for the provision or new or extended vehicle crossovers

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2.    **RECOMMENDATION(S)**

**That the Environment Portfolio Holder:**

- i)    **Approves changes to the policies for the provision or new or extended vehicle crossovers.**

### Impact on Vulnerable Adults and Children

1. Summary of Impact: None
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### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Excellent Council Quality Environment Supporting Independence:
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### Financial

1. Cost of proposal: All costs are recovered from residents
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Highways
  4. Total current budget for this head: N/A
  5. Source of funding: N/A as all costs are recovered from residents
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### Personnel

1. Number of staff (current and additional): 1 fte
  2. If from existing staff resources, number of staff hours: 1 fte
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### Legal

1. Legal Requirement: Statutory requirement. There is a requirement under s184 of the Highways Act 1980 to consider applications for footway crossovers, but no requirement for policy or guidelines to be in a particular form.
  2. Call-in: Applicable:
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### Procurement

1. Summary of Procurement Implications: None
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 250 applicants a year
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

#### **Background**

- 3.1 As a Highway Authority and using powers in Section 184 (11) of the Highways Act 1980, the Council is responsible for granting and constructing vehicle crossovers to allow off-street parking, following a request from a property owner. In discharging these powers the Council needs, in accordance with the Act, to have regard to:
- The need to ensure, so far as practicable, safe access to and egress from premises;
  - The need to facilitate, so far as reasonably practicable, the passage of vehicular traffic in highways.
- 3.2 In order to ensure that applications are dealt with consistently and fairly, they are considered in accordance with policy and guidelines as determined by the Council from time to time. Members received a report in January 2012 reviewing the policy and guidance for the provision of new or extended vehicle footway crossovers to residential properties, and this report considers further changes to the policy and guidance for crossovers.

#### **Grass Verges**

- 3.3 In June 2005 Members approved a policy for the provision of vehicle crossovers which involved works to an existing grass verge. I was agreed at that time that requests for vehicle crossovers to be constructed over any highway verge or amenity land greater than three metres in depth would be refused, based on the likely harm such crossovers, both singly and cumulatively, would cause to the communal benefit of the amenity land.
- 3.4 The current policy allows for a new vehicle crossing to be constructed, or an existing crossing extended, to a maximum width at the property boundary of 4.8 metres, with a similar width at the kerb line (3.0 metres of lowered kerbs with 0.9 metre ramp kerbs on either side). A crossover across a grass verge would therefore involve the loss of amenity land of up to 14.4 square metres.
- 3.5 In recent years a number of crossovers have been refused where the width of the grass verge marginally exceeds the three metre limit, and in many cases the decision is appealed on the grounds that other properties in the road have existing crossovers. These appeals have always been upheld in line with current policy.
- 3.6 It is suggested that the policy be varied to allow more flexibility in the assessment of applications for new or existing vehicle crossovers, without increasing the impact of such provision on the amenity land involved. Current guidance recommends the minimum width of a crossover to be 3.6 metres, consisting of 2.4 metres lowered kerbs with 0.6 metre ramp kerbs on either side. It is proposed that the revised policy limits the overall area of a crossover across a grass verge to 14.4 square metres, which would, for example, allow a crossover 3.6 metres wide to be provided over a grass verge 4.0 metres deep.
- 3.7 Members have previously considered the issue of parking on vehicle crossovers, which is an offence under the Greater London Act 1974. The proposed policy revisions should not increase the risk of this occurring as the maximum depth of 4.0 metres would still be less than that required to park a standard size car.

### **4. POLICY IMPLICATIONS**

- 4.1 The revised Guidelines, if approved, would represent a change in Council policy.

## 5. FINANCIAL IMPLICATIONS

- 5.1 Although the crossovers that have been provided across amenity land have in the past been at the applicants' expense, they do bring with them a maintenance liability that, over the long term, probably exceeds that of maintaining grass. Certainly, retaining the areas of grass in fact makes for easier, and thus cheaper, maintenance than where they are crossed by a number of drives. However, it is not possible to quantify the scale of any savings that might accrue in these circumstances.
- 5.2 It should be noted that unless specifically provided for within the approved budget for a scheme or when permission is not granted, the Authority will continue to recover its costs in considering the application and providing a vehicle crossing. Fees and charges will be regularly reviewed by Officers, in light of relevant legislation/regulation, changes in contracts and changes in resource costs, and update them as considered necessary under delegated powers.

## 6. LEGAL IMPLICATIONS

- 6.1 Under section 184 of the Highways Act (1980), the Highway Authority has powers to regulate the way access is taken over the footway, not to prohibit it. Permission for a vehicle crossover conveys no property rights and is limited to the granting of a licence to cross over the highway and highway verge only.
- 6.2 Landowners of land adjoining a highway have a right of access from their land onto the highway subject to certain statutory controls in order to balance the rights of the landowner and to guarantee the safety of the public. Planning permission for vehicle crossovers may not always be necessary but crossover applications can still be rejected for non-compliance with highway legislation: different legislation applies to the Planning and Highway functions of the authority.
- 6.3 The Council has a duty, as a Highway Authority, "to assert and protect the rights of the public to the use and enjoyment of any highway" (section 130 Highway Act 1980). Under these powers the Council can also deal with infringements such as obstructions and nuisances on the highway, in order to avoid dangers to road users arising from traffic turning on and off the road.

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| <b>Non-Applicable Sections:</b>                       |  |
| Background Documents:<br>(Access via Contact Officer) | Criteria for approval of footway crossovers (ES 11110) – 18 <sup>th</sup> January 2012 |