

Vehicle access (dropped kerbs) information pack

Applications made under Section 184 of the Highways Act (1980) for a made up vehicular crossing of the highway (minor applications).

This document is designed to help you self assess whether or not you should apply for dropped kerbs. The process by which you can gain permission for a small change to the Highway that enables you to access an off road parking space.

There are many plus points if your property benefits from a driveway, the ability to charge an electric vehicle at home, increased home values and saleability, greater convenience and lower car insurance premiums. We recognise these benefits and want to help you, however in our capacity as the Highway Authority, Leicestershire County Council must firstly prioritise highway safety.

To avoid disappointment before making your application we advise you to carefully read our standard rules in relation to vehicle accesses, if you answer “yes” to any of the questions there is a high likelihood your application will be refused.

Before you start

This process is for minor applications only. Before continuing answer question 1 below.

Question 1:

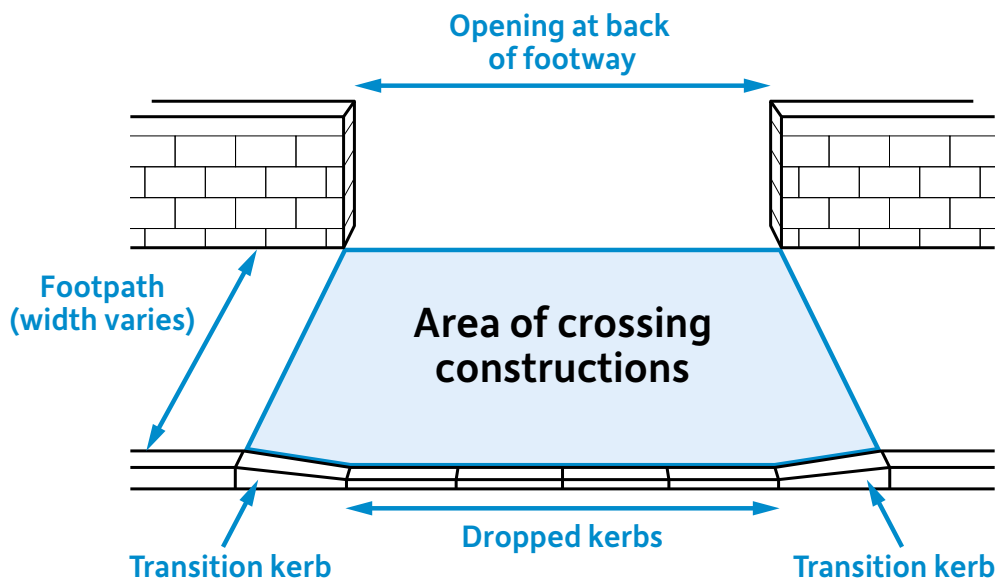
YES ■ or **NO** ■ Does the proposed access serve any of the following:

- Two or more dwellings
- A commercial or industrial development
- A single access that forms part of a multiple property development?

If yes, then this will not be classified as a domestic vehicle access and you cannot apply through this process. You must contact the infrastructure planning team to submit a 'major S184' application please email: road.adoptions@leics.gov.uk

What is a dropped kerb?

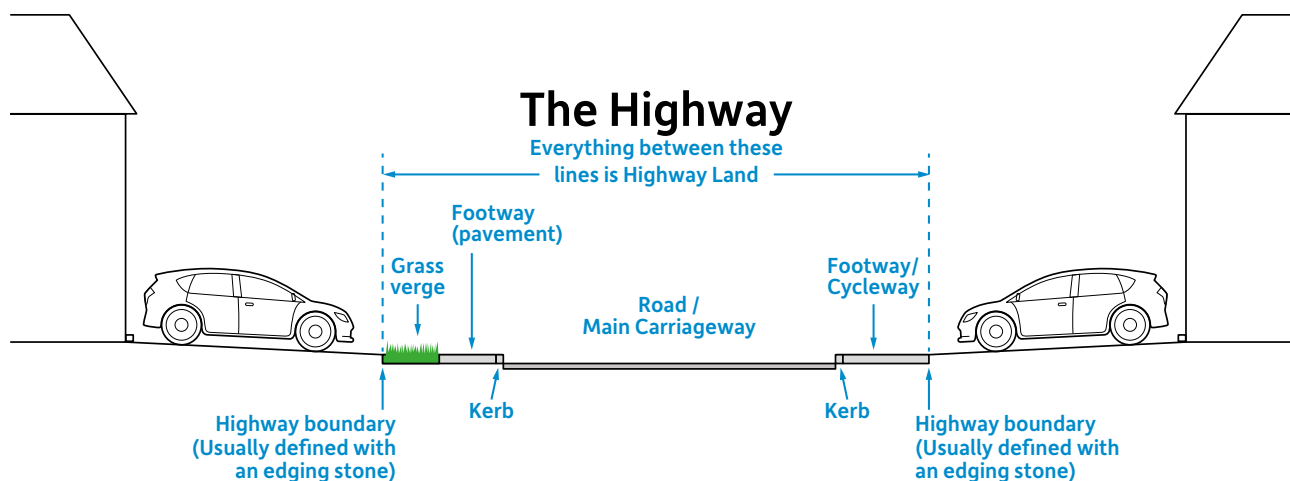
A dropped kerb is a common name for a vehicular crossing also referred to as a footway crossing. It is an area of lowered pavement and kerbstones which is used to give access to vehicles from a road, across the pavement, into a driveway or parking area.



If you intend to drive a vehicle over the pavement into your driveway off a highway (road), then you will need a dropped kerb. If you do not have a dropped kerb, you must not drive over the pavement (footway). If you do so, you are breaking the law* and enforcement action could be taken to prevent this. Furthermore:

- You may become liable for a collision with a pedestrian.
- You may become liable for damage to the pavement.
- You may face considerable costs as a result of damage to any utility apparatus under the pavement.

*It is an offence, under the Section 184 of the Highway Act 1980, to cross a kerb, verge or pavement with a mechanically propelled vehicle, except at a crossing point that has been approved by Leicestershire County Council as the Highway Authority for that purpose.



Do I need planning permission?

If needed, Planning permission must be obtained before making a Vehicle Access application. Applications for planning permission must be made to your local district or borough council planning team (www.leicestershire.gov.uk/find-your-district-council). Please note that it may take in excess of eight weeks for a planning application to be considered.

Whilst Planning permission is not always needed there are several scenarios whereby planning permission is required. Please answer questions 2 to 5, if you answer YES to any of these questions do not proceed with your Vehicle Access application.

Question 2:

YES ☐ or NO ☐ Is the access requested on a classified road? (A, B or C road)?

To check this, visit www.findmystreet.co.uk/map zoom in until blue centrelines appear and click on the street you're interested in. A box will appear that will tell you the classification (A-road, B-road, C-road or none). If you do live on an A, B or C road then planning permission will be required from your local district or borough council before you submit this form. Details of your local planning authority are available at www.leicestershire.gov.uk/find-your-district-council.

Question 3:

YES ☐ or NO ☐ Are no buildings present on the site?

Where no buildings are present on the land, for example when it is a field and you plan to redevelop the land.

Question 4:

YES ☐ or NO ☐ Do you live in a conservation area or a listed building?

Planning controls for development in the above instance is stricter. New development can still take place in conservation areas however, there is an expected level of high standard of design you are encouraged to maintain to be in keeping with the character of the area. Check with your local district or borough council at www.leicestershire.gov.uk/find-your-district-council.

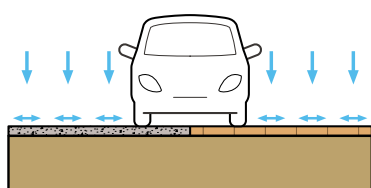
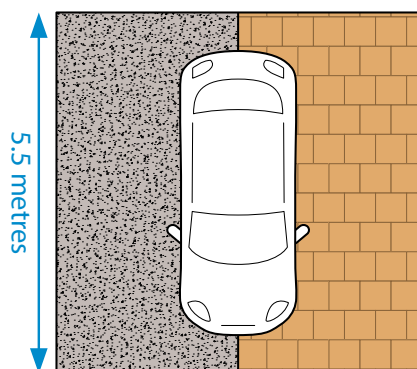
Question 5:

YES ■ or **NO** ■ Is your private hardstanding area (proposed driveway) more than five metres squared and impermeable?

Wherever possible, you should only use permeable materials to construct your hard standing (private driveway), to ensure that rainwater is contained within your property boundary. Where non-permeable surfacing such as tarmac or blocks are to be used, a drainage system will need to be installed to manage rainwater within the property boundary. You will need planning permission to surface your parking area with a non-permeable material such as traditional tarmac or blocks. For more advice please see guidance on permeable surfacing of front gardens at www.planningportal.co.uk/info/200130/common_projects/45/paving_your_front_garden



- Impermeable asphalt (Tarmac)
- Impermeable block paving (Blocks)

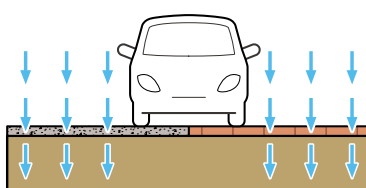
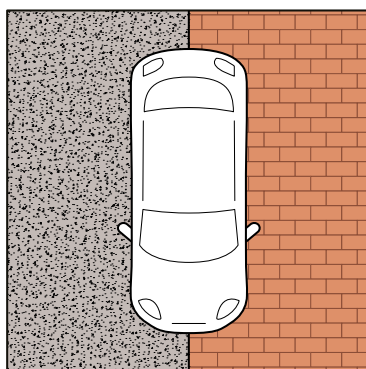


Rainwater is not able to permeate into the ground.

Planning permission needed.



- Permeable asphalt (Specialist Tarmac)
- Permeable block paving (Specialist blocks)

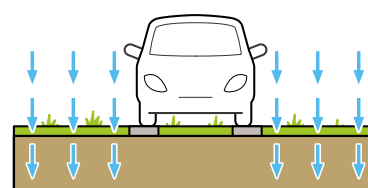
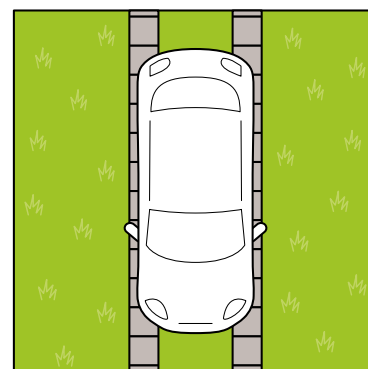


Rainwater is able to permeate into the ground.

No planning permission needed.



- Grass (Permeable surface)
- Slabs are impermeable but make up less than 5m.sq)



Will my access meet all the key safety rules?

Questions 6 to 15 show common examples of locations where we are likely to refuse a vehicle access (dropped kerb) application. Consider carefully if your access proposal is like this. It's possible that you know of examples of accesses that don't meet the standard (your close neighbours perhaps?), we will not take existing precedent into account when making our decision about your access regardless of how unfair you think this is, all new access applications must be in accordance with the rules set-out below.

Question 6

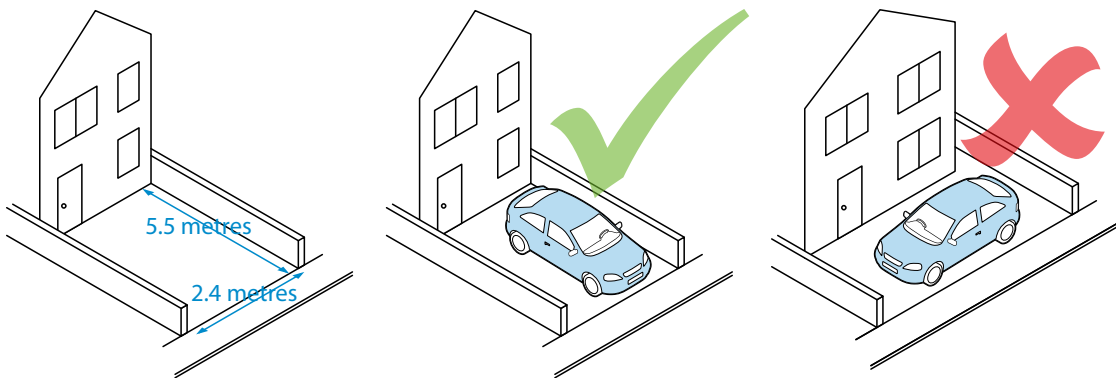
YES ☐ or **NO** ☐ Is the access requested at a bus stop?

The access could cause conflict with traffic and pedestrians. Bus stops may need to be re-sited at the expense of the applicant.

Question 7

YES ☐ or **NO** ☐ Is the area you propose to use for a parking space less than 5.5 metres deep x 2.4 metres wide and can you drive forward onto the highway?

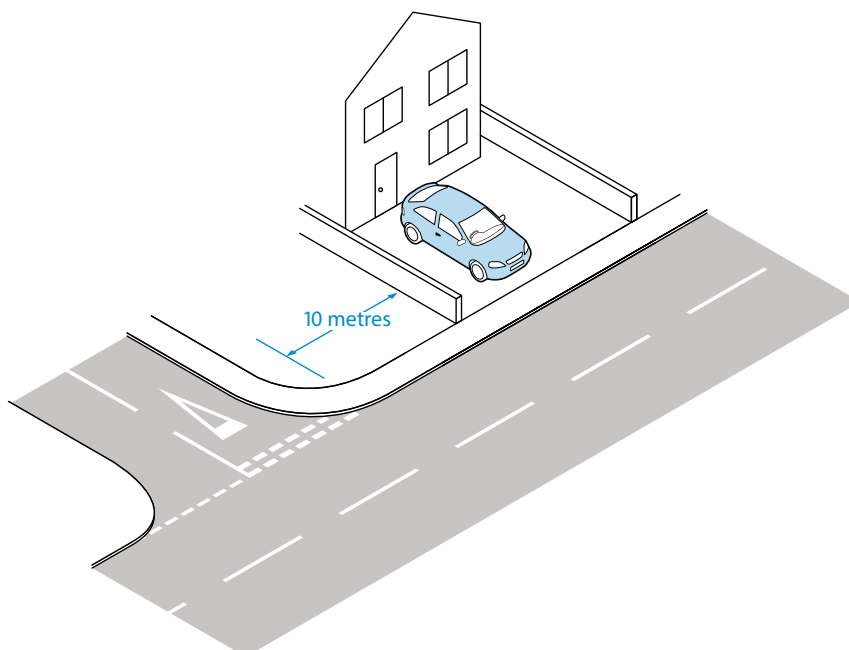
Not having adequate space is the most common reason for refusal. This requirement is in place to prevent vehicles overhanging onto the footway, but also to ensure vehicles can cross the highway footpath in a safe manner. A parking space must measure at least 5.5 metres from the highway boundary to the property or other obstruction (we will consider 4.8 metres as an absolute minimum), your parking space must not be parallel to the highway as shown opposite. Accesses should emerge onto the highway at 90 degrees or as close as possible (i.e. when parked your vehicles doors should not be facing the highway).



Question 8

YES ☐ or **NO** ☐ Is the access at or within 10 metres of a junction?

Access needs to avoid conflict with turning traffic at junctions; if it is nearer than 10 metres it is likely to be refused.



Question 9

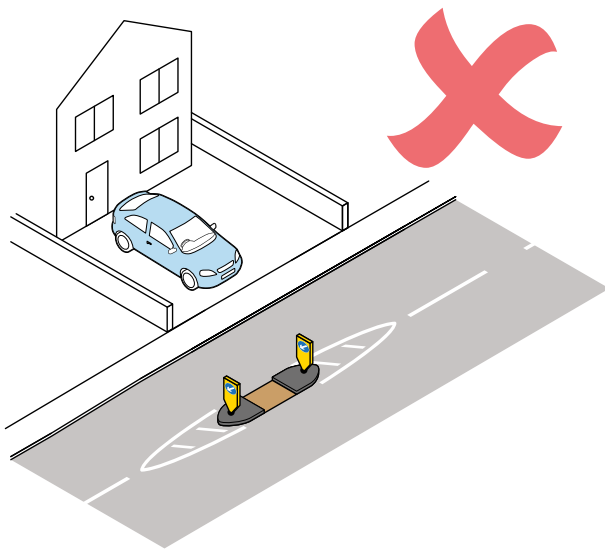
YES ☐ or **NO** ☐ Will the access consist of the standard four dropped kerbs and two transition kerbs?

Raised kerbs are the very first highway safety feature and protect users of the footway, whilst we will consider accesses wider than the above standard they may not always be granted.

Question 10

YES ☐ or **NO** ☐ Is the access requested within 15 metres of a pedestrian or cycle refuge?

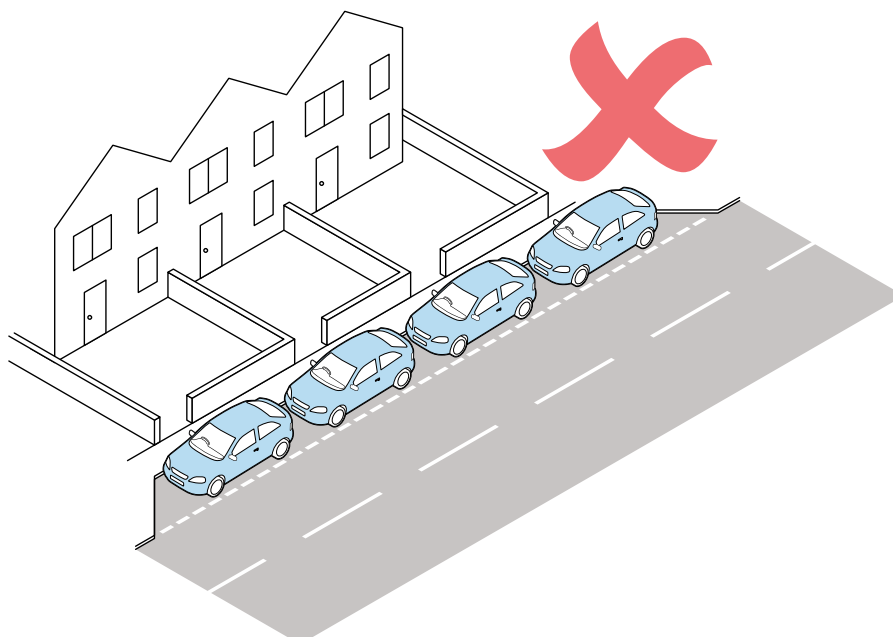
Access must avoid conflict with traffic, pedestrians and cyclists; if it's nearer than 15 metres it's likely to be refused.



Question 11

YES ☐ or **NO** ☐ Is the access requested in a designated parking area?

Accesses will need to avoid conflict with parked traffic and have suitable visibility.



Question 12

YES ☐ or **NO** ☐ **Have you less than 45 metres clear visibility along the road from the proposed access?**

This is the minimum standard for a road with a speed limit of 30mph.

Have you also considered Pedestrian visibility? The visibility splay should be 2 metres x 2 metres above a height of 600mm and taken from 2.4 metres behind the highway boundary.

Question 13

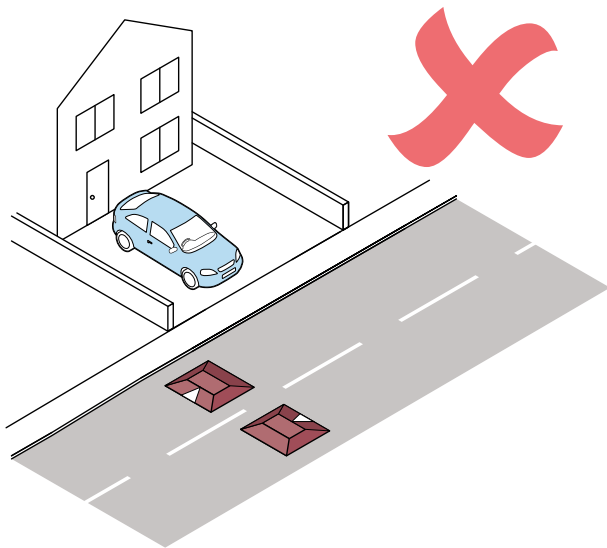
YES ☐ or **NO** ☐ **Is the proposed access from a road with a speed limit above 40mph?**

The forward visibility requirements for the access are of a much higher standard (than question 12 above) and a turning facility may also be required.

Question 14

YES ☐ or **NO** ☐ **Is the access requested within 15 metres of a traffic-calming feature?**

Access must avoid conflict with existing features i.e. speed tables and chicanes, traffic lights etc; if it is nearer than 15 metres it is likely to be refused.



Question 15

YES ☐ or **NO** ☐ **Is the drive gradient greater than 1:20 for the first 5m?**

Vehicles may ground when using the access if it is steeper than 1:20.

Other considerations I should think about?

The immediate vicinity around your property might contain utility apparatus or cables, bus shelters, telephone kiosks, post boxes, street lighting, street name plates, direction signs, traffic signals bollards, highway drains and trees etc. If any of these obstructions need to be moved, then you will have to pay for its relocation, if this is not possible your application may be refused.

Question 16

YES ☐ or NO ☐ Are there any service boxes in the area? (e.g. Media boxes, stop tap covers, manholes etc.)

If yes, then the utility provider may need to be contacted to review the apparatus location. The applicant must pay for any relocation of existing apparatus or street furniture. Relocation of utility apparatus must be carried out before we plan construction of a vehicle access (dropped kerbs).

Question 17

YES ☐ or NO ☐ Is there a street lighting column or any other feature that may obstruct the proposed access?

If so then additional costs need to be met by the applicant for Leicestershire County Council to re-locate the street lighting column, or other obstruction, if feasible to do so. (Typical Additional Costs to be given and explained)

Question 18

YES ☐ or NO ☐ Is there highway drainage, a gully in front of the access, or a ditch between the road and your property?

If so then additional costs need to be met by the applicant for the drainage to continue to work.

Drainage

It is illegal for water to flow from a private property onto the highway. The reduction of a natural drainage area can contribute to local flooding. If the proposed hard standing area is to be constructed from a non-porous surfacing material, surface water from the area will need to be directed to a drain within the property. If the proposed area is non-porous and over five square metres, planning permission will be required. Useful guidance can be obtained by searching for 'paving front gardens' on the following websites:

- Royal Horticultural Society: www.rhs.org.uk
- Government website: www.gov.uk
- Planning portal: www.planningportal.co.uk

If the road has a ditch or stream running alongside it you must ensure that the water can flow unrestricted. A bridge or pipe (culvert) may be needed, this must be installed as part of the works.

The applicant will pay any costs incurred. Following the works, the maintenance responsibility of the ditch remains with the owner of the land. Under Common Law they are referred to as the riparian owner. The landowner must ensure that the culvert and associated ditch remains in good condition and free from obstruction.

For any watercourses in Leicestershire advice should be sought from us regarding works required and to agree a specification. Consent for watercourse works cannot be given retrospectively and we may ask you to remove any works carried out without consent. Applicants may also be liable for any flooding damage caused by unconsented works on a watercourse/ditch.

In some instances, e.g. where apparatus such as highway drainage is present and would require alteration, Leicestershire County Council may be unable to provide a quote for the works or an additional fee for design and investigation can be provided.

In these cases, the applicant would need to commission the design of an appropriate solution and have this design approved by Leicestershire County Council prior construction. All pertinent fees would be payable by the customer.

Question 19

YES ☐ or NO ☐ Is there a highway tree that may obstruct the proposed access?

If so we may not allow construction of your vehicle access or additional costs need to be met by the applicant to Leicestershire County Council to cover the loss of social and amenity value from felling the highway tree.

Protecting highway trees

Trees are a valuable environmental asset, they support wildlife, help combat climate change and add beauty to our towns, villages and countryside. Leicestershire County Council recognises the value of these living organisms and as such our current ambition is to help to plant 700,000 trees across Leicestershire – a tree for every person, over the next ten years (for more information see www.leicestershire.gov.uk/environment-and-planning/conservation-and-sustainability/tree-for-every-person).

35% of trees managed by Leicestershire County Council are part of the highway, every effort must be made to avoid damage to them. A vehicle access may be refused if excavation will unduly disturb the root protection area of any trees located on the highway. The root protection area being that covered by the tree canopy.

If a proposed crossover will cross a large highway verge, this may be refused. Consideration will be given to the aesthetics of the local area. If the proposed vehicle access falls into this area, it may be necessary for a trial excavation. This will establish if there will be undue root disturbance. The applicant will pay the cost.

Around the county there are many examples of urban trees that are surrounded by hardstanding surfaces. Some of these trees will be relatively old and the surfacing may have been done at a time when the standards in relation to trees were different. Conversely the younger a tree is, the less extensive its root system and construction can take place closer to it, without causing damage.

As an absolute last resort in certain circumstances we may offer the option to fell or replace a Highway Tree.

When a healthy tree is felled without the option of replacement in the same location the full amenity value for the tree must be paid. This is calculated using a system called CAVAT (Capital Asset Value for Amenity Trees). This value is different for every tree and changes as the tree ages, a small tree may be removed at a minimal cost, as similarly an old tree within the last ten years of it's life might also be removed for a smaller cost. However a healthy mature tree with many years of life remaining will carry a very high value far in excess of the cost to build your vehicle access.

If it's possible to fell and replant a tree in the same location (e.g. the tree is either side of the your proposed access) it may be possible to offer lower cost option where a new tree is planted with dedicated tree pit with cellular confinement system, and aftercare is paid for as part of the vehicle access (typically £1,500 to £2,000).

Note

In some places, space or safety considerations or steep slopes will make it impossible to construct a driveway or parking space within a garden.

Whilst we've tried to cover all the major things you should consider before paying for an assessment, this Information is only intended as a summarised guide for members of the public and is purposefully not exhaustive. There may be further requirements we need to consider in certain circumstances. For all requirements that may relate to your vehicular accesses please see the Leicestershire Highway Design Guide at the following web address:

www.leicestershire.gov.uk/leicestershire-highway-design-guide

