## Stage 1- Application for approval of a domestic dropped crossing (dropped kerb)

#### What is a dropped kerb (Domestic Dropped Crossing)?

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.

#### Do I need a dropped kerb?

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 <u>Highway Act 1980</u>, to cross a kerb, verge or pavement with a mechanically propelled vehicle, except at a crossing point that has been approved by Leicester City Council as the Highway Authority for that purpose.

#### How do I organise construction of a dropped kerb and what is the

#### timescale?

You will need to start an online application form for a dropped kerb. It may then appear that you will require planning permission before obtaining a permit for a construction of a dropped kerb. Planning permission is a legal document, issued by Leicester City Council, which allows specific development at a particular site, for example building works or a change of use. Visit the planning portal to find out more.

Once the application has been made, the current processing time for applications is 12 weeks. However, if you do not provide sufficient information, a maximum of 60 days will be allowed for submission of missing information. First request will give you 30 days and failure to provide us this information within 30 days, an email will be sent to you giving you a final opportunity to send your information in another 30 days, after which your application will be closed off and refused.

If your application for a dropped kerb is approved in writing, you will be sent a link to Stage 2-Permit to Construct - Application (Dropped Kerb) where you will need to submit additional information via the link provided. Leicester City Council no longer construct dropped kerb, therefore, you will need to find a suitable contractor that meets the criteria as set out in Stage 2- Permit to Construct - Application (Dropped Kerb). This link will remain live for 6 months.

Once you have submitted Stage 2- Permit to Construct- Application, the current processing time for applications is 12 weeks. However, if you do not provide sufficient information, maximum of 60 days will be allowed for submission of missing information. First request will give you 30 days and failure to provide us this information within 30 days, an email will be sent to you giving you a final opportunity to send your information in another 30 days, after which your application will be closed off and require you to make another application.

Once the permit to construct and your contractor is approved you will have 6 months to complete the work. Within this time, you must obtain a permit number from the permit scheme for road works. If not completed, in this time, the approval will expire, and a new application will have to be made and relevant fees paid.

The finished construction will be inspected by the Council and any defect found will need to be corrected by the permit holder or the City Council will charge you for any remedial works to ensure the safety of pedestrians using the footway. The permit holder will also be responsible for the maintenance of the crossing for a period of 24 months from the full completion until the final sign off.

## What are the requirements for hardstanding (driveway) before a dropped kerb can be built and used?

The dropped kerb cannot be used until the hardstanding is completed and meets the following parameters.

- You should ensure that a dropped kerb will be approved before you carry out your hardstanding construction, as it may be refused by the Council if it does not meet the criteria.
- The size of the hardstanding should normally be at least 4.5 metres long and 2.4 metres wide for a 3m dropped kerb, or to suit the width of your dropped kerb. It should set out at 90° to the carriageway. Hardstandings that are 4 to 4.5 metres long will be assessed seperately, but your application may be refused.
- Loose material may be used for the hardstanding with a hard strip of tarmac, concrete or block pavers at least 500mm wide at the property boundary with the footway and we also encourage use of a porous, bound material.

Wherever possible, you should only use permeable materials to construct your hard standing, 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.

#### Do I need planning permission to pave my garden?

From 1 October 2008 new rules apply for householders wanting to pave over their front gardens. 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 <u>guidance on permeable surfacing of</u> <u>front gardens</u>.

You will not need planning permission if a new driveway uses permeable (or porous) surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or if the rain water is directed to a lawn or boarder to drain naturally.

#### Can I apply for changes to the property which I rent?

If you are a tenant, you must contact your landlord\* as they will need to give permission.

\*A landlord may be a private person, a housing association, a building society or the Council. Please check your tenancy agreement to find out the name of your landlord.

If your property is owned by the Council, you will need to make a written request to either tenantsadvicecentre@leicester.gov.uk or to **91 Granby Street, Leicester LE1 6FG** for the attention of your housing officer. The response letter from your housing officer must confirm that they have given you permission to proceed with the application for a dropped kerb.

Please note that Leicester City Council will not be held responsible in full or part for any land or ownership issues/contraventions before or after issuing permission for a dropped kerb.

Be aware that if you provide false information and are not the freeholder, or do not have your landlord's (and any mortgagee's) consent to carry out the work, we have the right to carry out works to reinstate and charge for the costs of the works.

#### Do I need planning permission for a dropped kerb?

The applicant will be solely responsible for all planning permissions that may be required. Consultation with the Local Planning Authority must be made before any works commence. There are several scenarios whereby planning permission may be required as follows:

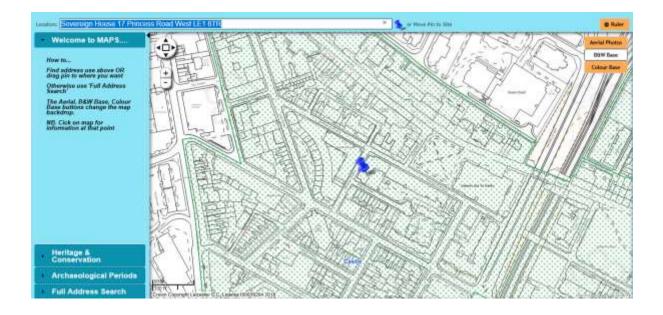
- Access is onto the classified road network (marked as A, B, C).
- Where no buildings are present on the land, for example when it is a field.
- Conservation areas.
- The property is listed (may not be required but the applicant shall check it).
- Your private hardstanding is more than 5sqm<sup>2</sup> and impermeable.

If your site needs planning permission, you must enclose a copy of the valid planning consent and approved site plans with your application

To find out if your property is located on a classified road, check the list of streets which is accessible from our website.

To check if your property is based in a conservation area, or near a listed building, see the map of Leicester City Council.

To search for a conservation area, please enter your property the location on the map. Any conservation area will be represented by green dots, as shown in the below example.



#### What is road classification? (See list of streets)

The system of roads classification is intended to direct motorists towards the most suitable routes for reaching their destination. It does this by identifying roads that are best suited for traffic. All UK roads (excluding motorways) fall into the four categories: A, B, classified unnumbered (also known as C roads) and unclassified. To find out if your property is located on a classified road, check the list of streets which is accessible from our website.

#### What is Permit Scheme for Road Work?

Leicester City Council operates a permit scheme for road work; anyone who wants to work on the public highway within Leicester City Council boundary is now legally required to obtain a permit prior to commencing work. The permit scheme gives Leicester City Council more control over works and helps us to minimise the disruption caused to road users.

The permit scheme does not include activities such as private works (Under Section 50 NRSWA), scaffolding, hoarding or skips, which will continue under the existing arrangements. We have the power to grant or refuse a permit, or to request the addition of any necessary conditions.

For further information on Permit Scheme for road works use link : Permit Scheme for Road Work. However the forms on the link are not required and we will send you relevant form at stage 2.

#### What is the cost of an application for a dropped kerb?

There is an initial, non-refundable application fee of £50 paid when submitting the online form. If your application is approved, then a further, non-refundable payment of £100 (permit to construct fee) will be required when Stage 2- Permit to Construct - Application (Dropped kerb) information is submitted.

#### Are there any additional costs?

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.

#### What should I do if there is a tree in the way or close to my proposed

#### dropped kerb?

If the proposed dropped kerb is near to a tree or in the way, then you must provide written confirmation from the Trees & Woodlands Team that either this tree needs removing or it will not be impacted on during the construction of the crossing and can be maintained. You will be responsible for any works/cost deemed necessary. You can contact them by emailing treesandwoodlands@leicester.gov.uk.

Once you have received a written confirmation from the Trees & Woodlands Team, please attach a copy before submitting the online application form.

#### What should I do if there is a lamp column in the way to my proposed

#### dropped kerb?

If the lamp column is in the way of your proposed dropped kerb, then you must provide written confirmation from the Public Lighting Team whether the lighting column is affected. You will be responsible for any works/cost deemed necessary. You can contact them by emailing lighting.client@leicester.gov.uk or contact customer service on 0116 454 1000 and request to get in touch with an officer from the Street Lighting Team.

Once you have received a written confirmation from the Public Lighting Team, please attach a copy before submitting the online application form.

## Before instructing works with either Trees and Woodlands or the Public Lighting Team, please ensure that your crossing is approved first.

#### Can I receive financial assistance to pay for my dropped kerb?

The Highway Authority does not offer any financial assistance to subsidise a dropped kerb.

#### What supporting documents must I provide with my application for

#### approval?

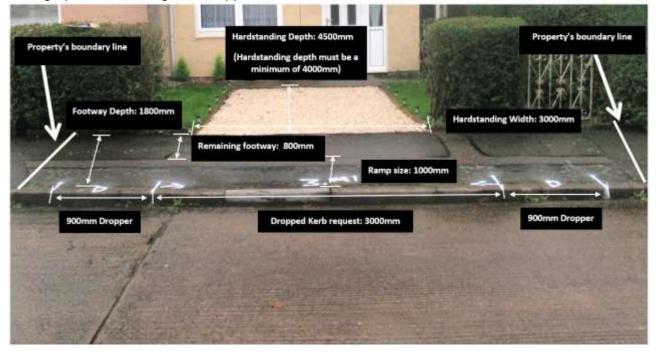
For all applications, the following must be submitted:

- a photograph of the site marked to show the location of the proposed crossing (please see photograph 1 & photograph 2)
- a sufficiently detailed drawing with measurements (please see drawing 1 & drawing 2).
- agreement from third party landowners

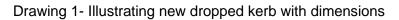
If your site requires a planning permission (which will be checked via the application process), you will need to submit a copy of a valid planning consent.

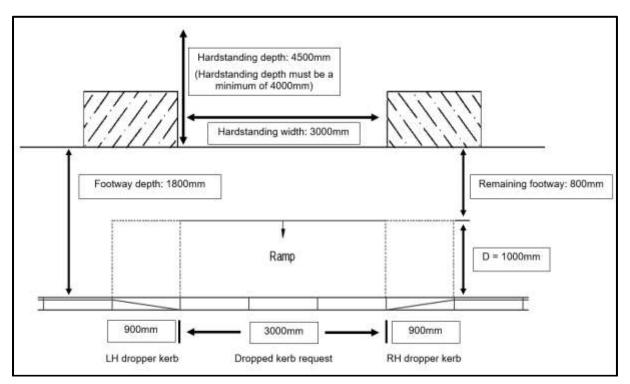
**Please note:** You need to ensure that the proposal for a vehicle crossing to access your property meets Leicester City Council's current guidelines. It is important that you provide sufficient detailed drawings and photos (as shown on the examples on the FAQs). If you do not provide sufficient information, we will request the missing information twice and failure to submit will mean the application will be refused. Therefore, if you are unable to provide sufficient detailed drawings and photos, you may need to seek professional help.

Examples illustrating the location of the proposed dropped kerb with dimensions for new and extensions



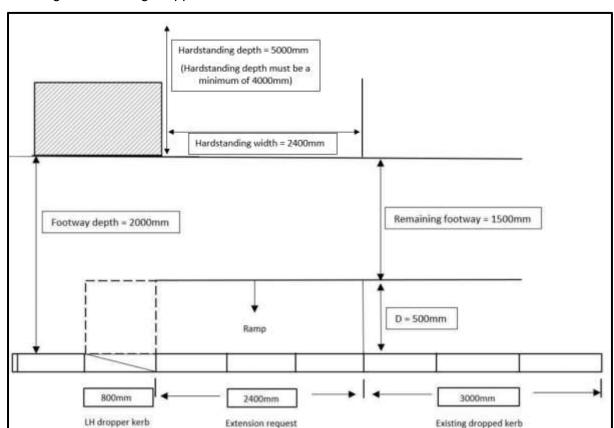
Photograph 1- Illustrating new dropped kerb with dimensions





Photograph 2- Illustrating dropped kerb extension with dimensions

MARKARIA	Hardstanding depth: 5000mm (Hardstanding depth must be a minimum of 4000mm)	
sotway depth: 2000mm	Hardstanding width: 2400mm	Remaining footway: 1500mm Ramp: 500mm
	and the second s	And the second se
800mm dropper	Extension request: 2400mm	Existing dropped kerb: \$000mm
	Extension request: 2400mm	Existing dropped kerb: 3000mm



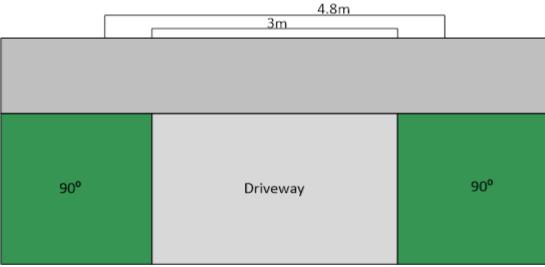
#### Drawing 2- Illustrating dropped kerb extension with dimensions

#### What are the design criteria for a dropped kerb?

If planning permission is not required, the following apply:

<u>Width:</u> The dropped kerb should be a minimum of 3m driveway width at your carriageway boundary (maximum 6m per property). Together with the adjoining sloped (taper) kerbs the lowered crossing should be 4.8m overall. Dropped kerb would need to be contained within the property boundary. <u>Alignment:</u> Access should emerge onto the highway at right angles, as far as possible, to the road.

Please see an illustration below.



<u>Gradient:</u> pavement crossings should generally be no steeper than 1 in 12 (approx. 8%) and extend from the road to your boundary.

1		
	12	

#### How to work out the pavement access gradient?

To work out the gradient of an existing slope you will need the distance of the slope (run) and the height of the slope (rise).

Gradient = 1: (RUN / RISE)

-

Example: We want to work out the gradient of a ramp that has a run of 10m and a rise of 500mm.\*

Gradient = 1: (10m / 500mm) = 1: (10,000mm / 500mm) = 1:20

\*Remember to convert units so they are the same.

#### Can my application for a dropped kerb be refused?

Your application for a dropped kerb can be refused and reason are individual to that location. The factors below may lead to the refusal of a proposed dropped kerb:

- Your property is on a bend or at a road junction.
- A tree is in the proposed crossing.
- Street furniture or a street lamp may obstruct access.
- Your property is close to traffic signals or a pedestrian crossing.
- There is a steep slope between your property and the road.
- There is insufficient area to construct a hardstanding.

• There is insufficient visibility for pedestrians or drivers when entering and leaving the property.

- Your crossing would compromise part or all of an existing traffic calming feature.
- Your crossing would access a classified road or would be within 15 metres of a junction with
- a principal or classified road.
- Your crossing is within 10m of a junction.
- Your crossing might create a path for rainwater to run-off onto the applicant's and/or neighbours' property, triggering flooding.

• Your crossing would exceed the maximum size of a dropped kerb allowed: 6 metres, including existing dropped kerb per property.

• Where a proposed crossing is requested on bay parking area and more than one parking space will be lost.

#### How can I appeal against a refusal?

Most applications are successful. However, if your proposed crossing puts other road users at risk or seriously interferes with the free flow of traffic on a busy road, it may be turned down. Notwithstanding the guidelines above, in certain circumstances it will be necessary for the Council, as Highway Authority, to refuse to allow the construction of a footway crossing to your premises. In these circumstances you will be informed in writing of the reason why permission has been refused. Reasons for refusal may include:

- Insufficient or no detailed drawing and photos provided when submitting your application.
- Land ownership objections
- Local parking implications (laybys and double accesses)
- Safety implications such as poor sight lines at the proposed access point, the proposed access is near a road hump, road safety feature etc.
- Insufficient hardstanding area

If your application is refused, you will receive a letter/email stating the reasons why and that you have a right to appeal. Your appeal would have to be made in writing to the City Highways Director, 90 Leycroft Road, Leicester LE4 1BZ, or via email to <u>highwaysmaint.design@leicester.gov.uk</u> (this email is only for appeals, no other emails will be responded to). Please ensure that the subject line has APPEAL and the drop crossing number beginning with DK.

An appeal will not be considered due to:

- parking conditions in your area or
- where you feel that an access that has already been built to a property in your road or
- others do not comply with the current criteria for approval and should not have been approved. The presence of other historic substandard accesses cannot be accepted as a reason to approve your application.

The policy of the Highway Authority in relation to minimum depths has changed over time. This may mean that properties in your road have a vehicle access crossing that does not comply with the criteria set out in this document and appears in all respects to be very similar to your own proposals. Nevertheless, you will need to comply with the standards set out here and the fact that someone else may have a shorter parking space will not be considered when assessing your proposals.

#### Who owns the dropped kerb on completion?

The construction of a vehicle crossing remains part of the highway and does not give the resident/occupier any legal right of ownership to the land or license to control that crossing in any way. However, your new crossing does provide full acceptable rights to drive across the pavement /highway land to gain access to your (or your landlord's) property or use of land developed and deemed suitable for off road parking.

#### Who maintains the dropped kerb?

The dropped kerb will be maintained by you (the applicant) for the period of 24 months from the full completion of all works agreed in the drawings. During the time, you will be responsible for carrying out any necessary remedial works. However, the Council reserves the right to carry out any corrective works and to charge all costs arising from such actions to you. After 24 months and final sign off, the dropped kerb will be inspected and maintained by the Leicester City Council.

#### What type of vehicles can be used on the dropped kerb?

A domestic vehicle crossing may only be used by a private light goods or a similar vehicle which does not exceed two tonnes gross laden weight. It may not be used by a heavy goods vehicle or any form of mechanical equipment. If a delivery, such as a skip, is made into the property, and in doing so damages the crossing, any repairs to the crossing will be the responsibility of the owner/occupier.

#### Are there any legal considerations?

Gates or any other obstructions across the vehicle entrance to your property or land may under no circumstances open outwards across a footpath or carriageway [Highways Act 1980 – section 53]. Any land that is a not a dedicated highway, unclassified or unadopted roads may require a legal land easement if the dropped kerb crosses that land. Land title, rights of way or ownership issues may also have to be considered. Please consult your solicitor to clarify the above. Leicester City Council will not be held responsible in full or part for any land or ownership issues/contraventions before or after construction of a dropped kerb. The occupier/resident takes full responsibility for the instruction given to build a dropped kerb. Please consult your solicitor to clarify it. The Council reserves the right to alter your dropped kerb in the future to accommodate dropped kerbs to neighbouring properties or any highway refurbishment the Council deems appropriate. If you or a contractor is carrying out the installation you must ask for special permission to excavate and an application for an Opening Up Notice must be requested [Section 171 of the Highways Act 1980].

# Stage 2- Permit to Construct- Application (Dropped Kerb)

#### What is Permit to Construct for Dropped Kerb and who can build it?

Dropped kerb can only be constructed once the permit to construct is issued by Leicester City Council. The permit is issued once satisfactory evidence is submitted to ensure the chosen contractor is suitably experienced and has the relevant credentials to work on the highway.

Leicester City Council no longer construct dropped kerb, therefore, you will need to find a suitable contractor that meets the criteria as set out below.

We cannot recommend any specific contractors. Potential contractors can be located in the local newspaper, directories or via an online search. You will need to approach them directly about the quotes and work schedule. Your contractor will need to provide:

- A proof of your contractor's public liability insurance, a minimum of £5 million.
- A proof of your contractor's employer's liability, a minimum of £5 million.
- A copy of the NRSWA (New Roads and Street Works Act) identification card for all contractor's personnel working on the highway, undertaking the dropped kerb construction works. The face must be identifiable as this will be checked during the inspection at the construction stage.
- Construction details of the proposed dropped kerb in line with Highway Authority Standard Drawings. The contractor can either reattach the standard drawing sent in the dropped kerb application confirmation or attach their own drawing.
- A letter from your contractor confirming they will construct the dropped kerb to Highway Authority Standard Drawing's.
- A copy of the Risk Assessment and Method Statement relating to the construction of the dropped kerb.
- A photo illustrating the location of dropped kerb and hardstanding if it has changed since your application for dropped kerb.

The submitted paperwork will be checked and, if the criteria are met, a permit will be issued.

#### When can I start the work?

Once your permit to construct is approved, we will send you a form requesting details from your contractor. This form is a legal requirement and must be completed and returned to us. This will generate a permit number from the permit scheme for road works which allows your contractor to work on the highway. Please note, the permit will take a minimum of 2 weeks to process on receipt of your form.

### Please note that Permit to Construct for Dropped Kerb does not cover Permit Scheme for Road Works - these are two separate permits.

You must not allow your contractor to commence work until you have received permit number from the permit scheme for road works from us.

#### What is Permit Scheme for Road Work?

Leicester City Council operates a permit scheme for road work; anyone who wants to work on the public highway within Leicester City Council boundary is now legally required to obtain a permit prior to commencing work. The permit scheme gives Leicester City Council more control over works and helps us to minimise the disruption caused to road users.

The permit scheme does not include activities such as private works (Under Section 50 NRSWA), scaffolding, hoarding or skips, which will continue under the existing arrangements. We have the power to grant or refuse a permit, or to request the addition of any necessary conditions.

For further information on Permit Scheme for road works use link : Permit Scheme for Road Work. However the forms on the link are not required and we will send you relevant form at stage 2.

#### How long is my permit to construct valid for?

Once the permit to construct and your contractor is approved you will have 6 months to complete the work. Within this time, you must obtain a permit number from the permit scheme for road works. If not completed, in this time, the approval will expire and a new application will have to be made and relevant fees paid.

It is important that you pass a copy of the approval from us to the contractor.

The finished construction will be inspected by the Council and any latent defect found will need to be corrected by the permit holder or the city Council will charge you for any remedial works to ensure the safety of pedestrians using the footway.

As the applicant and potential permit holder, you will be responsible for the correct construction of the crossing and be liable for its maintenance for 24 months. The guarantee period shall begin on completion of the work and it is your responsibility to inform the Council that the work is complete.

#### Does the hardstanding (driveway) need to be signed off?

The dropped kerb cannot be signed off and used until the hardstanding is completed to the required standard and signed off.

#### Can the officer stop onsite works?

The footway is a land monitored by the Highway Authority and if the dropped kerb is not constructed to a satisfactory level or is deemed unsafe for members of public, the officer may - at any stage - stop the works and or request that the appropriate changes are applied.

#### What are the different types of footways dropped kerb can be constructed

#### on?

There are various type of footways and verges within the Leicester City Council boundary. Please see some of the examples below of different types of footways and verges. Photo 1: Example of a photo illustrating a flexible footway (tarmac)



Photo 2: Example of a photo illustrating a blocked footway



Photo 3: Example of a photo illustrating a slabbed footway



Photo 4: Example of a photo illustrating a grass verge on flexible footway.

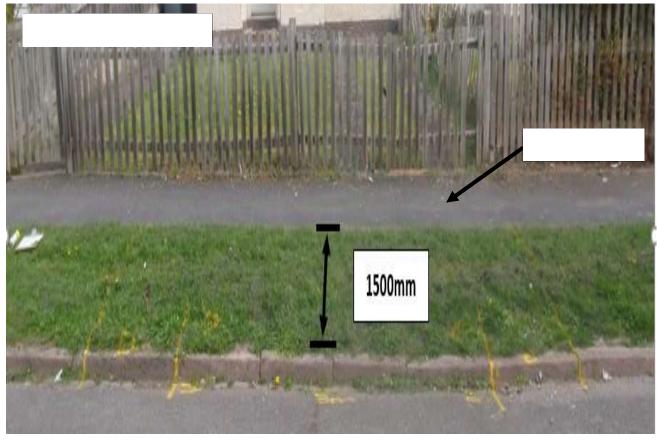


Photo 5: Example of a photo illustrating a grass verge on slabbed footway.



### Are there any standard drawings which we must comply by for different

#### type of footways?

You must comply to Leicester City Council requirements for standard drawings.

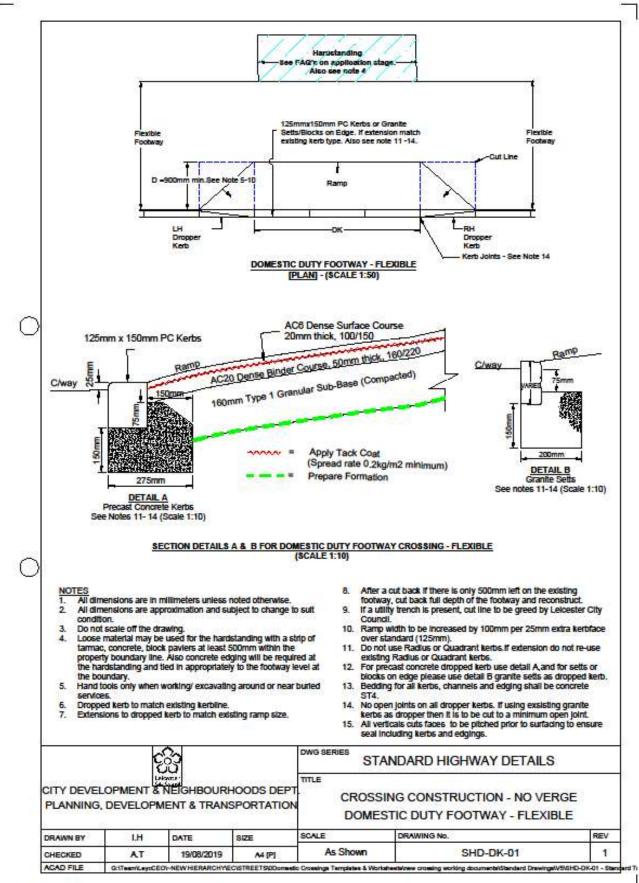
Failure to comply with the requirements will cause a delay to the construction and approval of your completed dropped kerb.

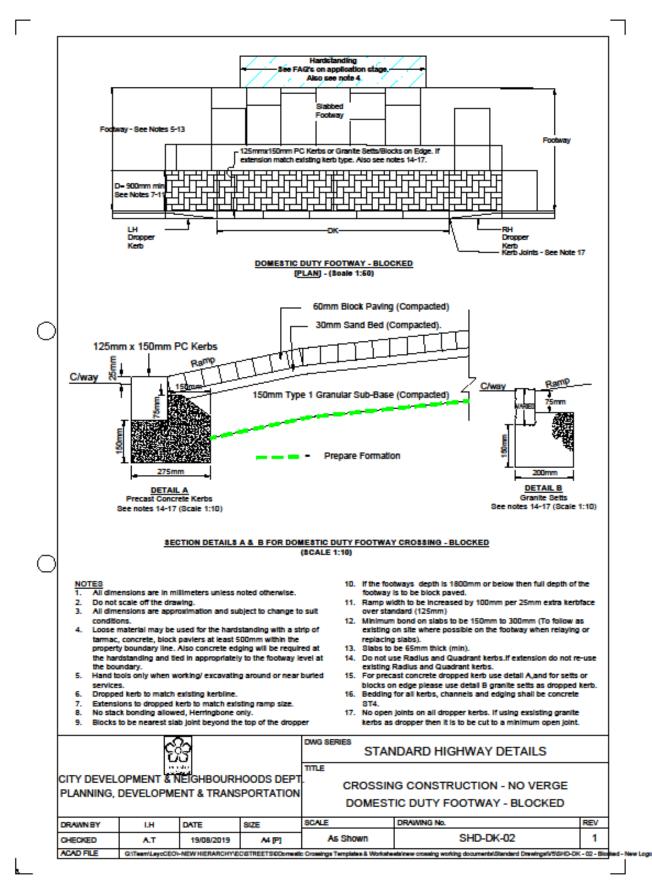
The following standard drawing must be complied by: -

- SHD-DK-01 For flexible (tarmac) footways
- SHD-DK-02 For blocked and slabbed footways
- SHD-DK-03 For grass verges on flexible footway with depth below 2000mm
- SHD-DK-04 For grass verges on slabbed footway with depth below 2000mm
- SHD-DK-05 For grass verges on flexible footway with depth over 2000mm
- SHD-DK-06 For grass verges on slabbed footway with depth over 2000mm

Please familiarise yourself with them and comply with the relevant drawing standards which suits your footway.

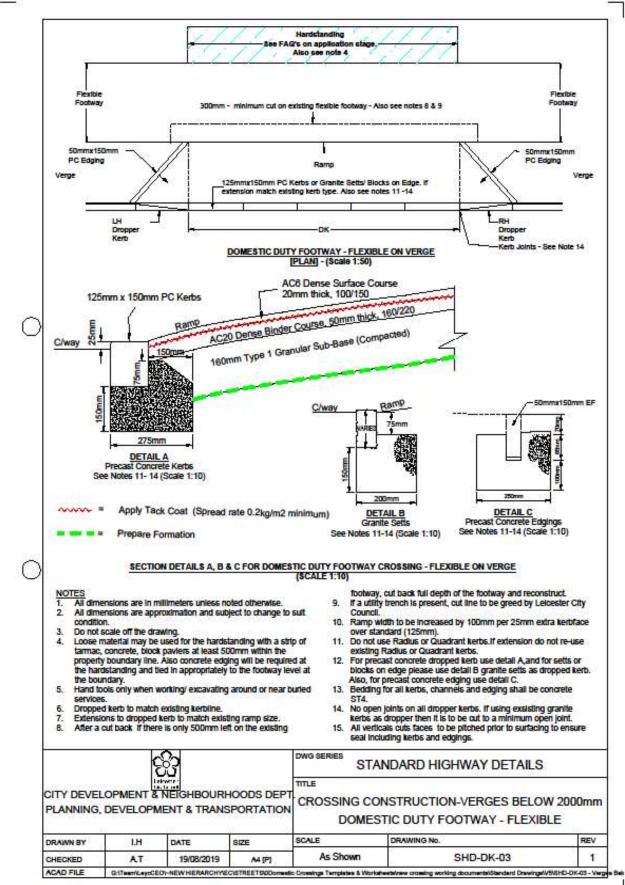
Drawing 1: SHD-DK-01 – Standard drawing for construction of dropped kerb on flexible (tarmac) footway



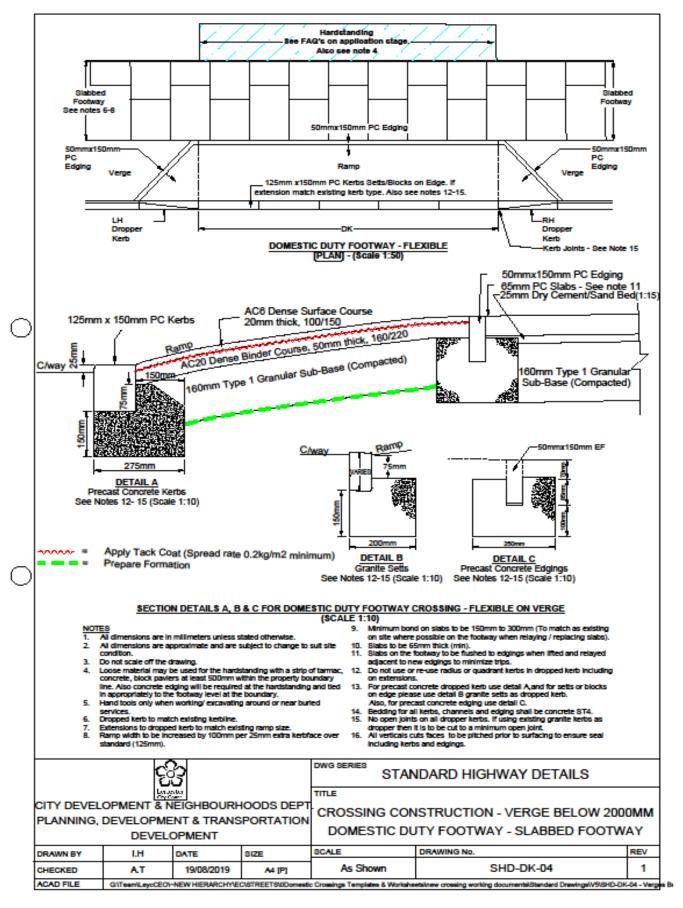


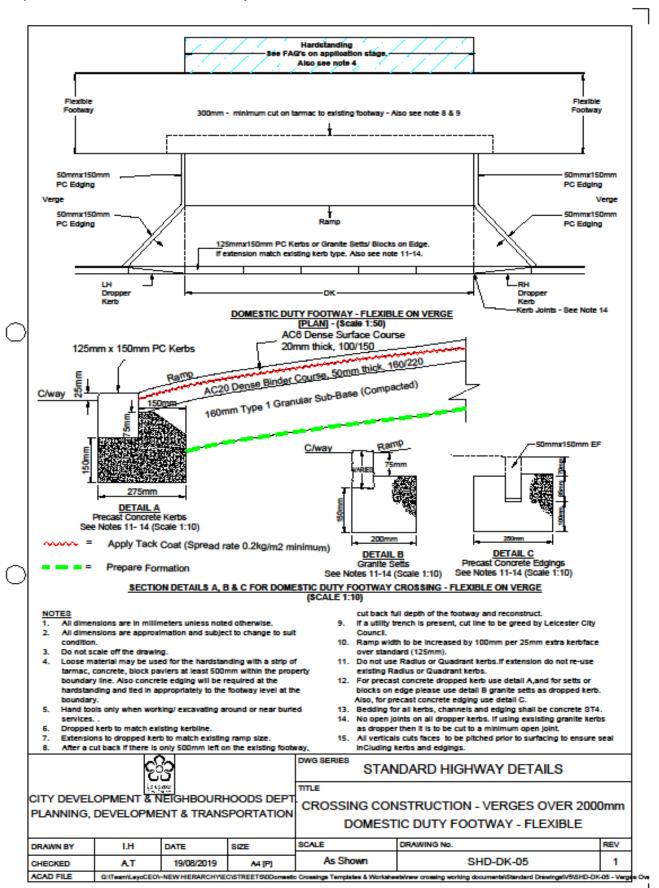
Drawing 2: SHD-DK-02 - Standard drawing for construction of dropped kerb on blocked or slabbed footway. (Note: All slabbed footway to be blocked paved including extensions)

Drawing 3: SHD-DK-03 - Standard drawing for construction of dropped kerb on grass verges with depth below 2000mm - flexible footway.



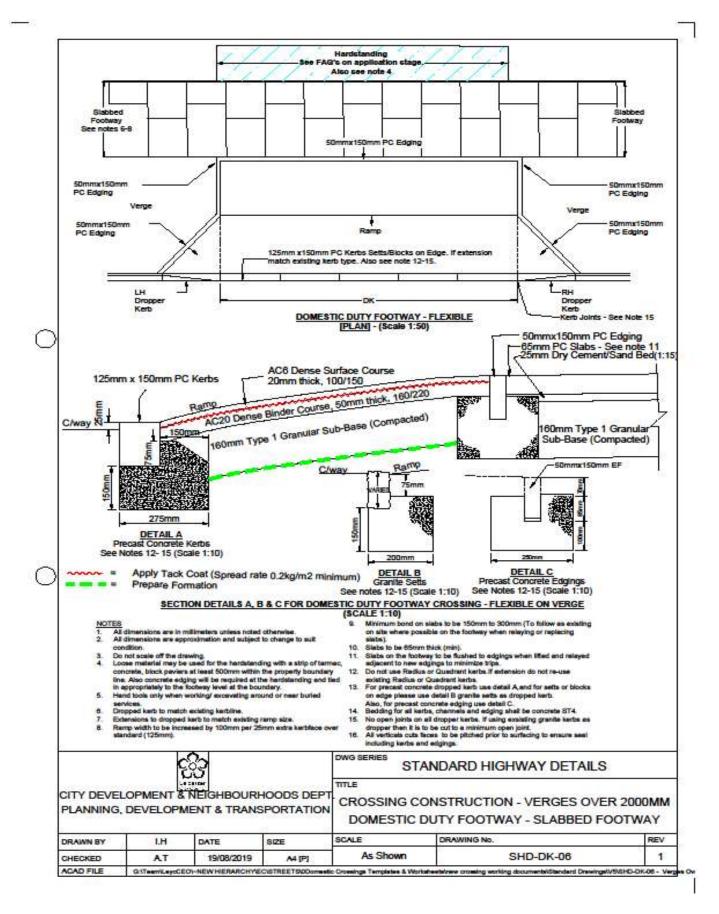
Drawing 4: SHD-DK-04 - Standard drawing for construction of dropped kerb on grass verges with depth below 2000mm - slabbed footway.





Drawing 5: SHD-DK-05 - Standard drawing for construction of dropped kerb on grass verges with depth over 2000mm - flexible footway.

Drawing 6: SHD-DK-06 - Standard drawing for construction of dropped kerb on grass verges with depth over 2000mm - slabbed footway.

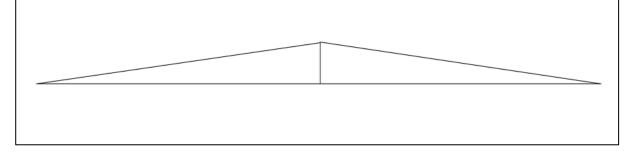


#### What to consider when marking and positioning the crossing?

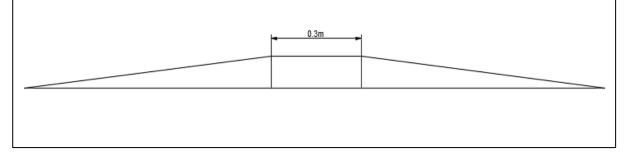
The following rules should be followed:

- All crossing, including dropper kerbs, must be within the property boundary.
- Crossings should be central to access, where possible.
- Back-to-back dropper kerbs are not allowed, a minimum of 0.3metres (300mm) gap must be left.

#### Drawing of a back-to-back dropper kerbs that are not allowed



#### Drawing of a 0.3 metre (300mm) lifted kerb positioned between two dropper kerbs



#### When will the works be inspected?

The construction of the crossing will be checked at the following stages:

- 1. At the time of excavation to ensure the contractors have excavated to the accurate level. If inspecting officer cannot make it onsite, then the customer must provide clear photos of the excavation showing the depth using a measuring tape or ruler.
- When the hardstanding and dropped kerb is completed. Inspecting officer may request photos of completed dropped kerb and hardstanding, if he cannot visit the site.
- 3. Two years after completion to ensure the dropped kerb is still in good condition.

A certificate will be issued to resident to say they no longer have to maintain the dropped kerb.

Also, during the construction, the contractor will need to ensure they meet the requirement below:

- An appropriate marking for vehicles used by them during the construction works and they shall conform to all chapter 8 guidelines for working on the highway.
- Traffic management plan, if the road works do not meet chapter 8 guidelines (Safety at Street Works and Road Works A Code of Practice).

#### Please see the below examples of photos that might be required.

Photo below shows the whole area of Excavation including the property hardstanding.



Photos must clearly show the depth of excavation





Example of a photo illustrating a completed hardstanding and dropped kerb

