

ABERDEEN CITY COUNCIL

COMMITTEE	Operational Delivery
DATE	29 May 2018
REPORT TITLE	Review and proposed amendments to the driveway regulations
REPORT NUMBER	OPE/18/023
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TERMS OF REFERENCE	3

1. PURPOSE OF REPORT

To report on proposed revisions to the Driveway Regulations to reduce the stringency of driveway requirements where road safety will not be compromised and to make the application process easier for customers.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 agree the revised Driveway Regulations as updated in Appendix 1 of this report; and
- 2.1.2 instruct the relevant officers to apply the revised Driveway Regulations and Driveway Application going forward.

3. BACKGROUND

- 3.1 On 27th September 2005 a committee agreed the current version of Aberdeen City Council's policy for footway crossings (DR). These regulations guide people to the conditions which should be met before a footway crossing point will be agreed by the Roads Authority.
- 3.2 Since these regulations have been introduced changes have been made to Roads and Planning guidance, and it was felt that a revision of the regulations was now due.
- 3.3 Policy Setting
 - 3.3.1 Manual for Streets (Department for Transport) 2007 (MfS) – providing technical guidance for lightly-trafficked residential streets. MfS states that “A

clear distinction can be drawn between streets and roads. Roads are essentially highways whose main function is accommodating the movement of motor traffic. Streets are typically lined with buildings and public spaces, and while movement is still a key function, there are several others, of which the place function is the most important.”

- 3.3.2 Manual for Streets 2 (Chartered Institution of Highways and Transportation) September 2010 (MfS2) – builds on the guidance set out in MfS to cover the wider built environment outwith residential areas but lesser than trunk road network.

Whilst the guidance is directed at new development, the principles can be used within existing street layouts.

- 3.3.3 Aberdeen Local Development Plan Supplementary Guidance: Transport and Accessibility (SG) – supplementary guidance forms part of the Development Plan and is a material consideration in the determination of planning applications.

3.4 Current Situation

- 3.4.1 Throughout Aberdeen there are residential areas which were created in times of lower car ownership. These streets can become overwhelmed as vehicle ownership increases and kerbside space comes under pressure to accommodate these vehicles. On-street parking has both positive and negative effects on neighbourhoods. The bays provide a common resource for residents, visitors and service vehicles; they add activity to streets; they are generally overlooked, providing improved security; and can provide a buffer between pedestrians and traffic. However they also limit points for pedestrians to crossing safely; vehicles can dominate the streetscape; it may lead to footway parking; and vehicles are vulnerable to crime.

- 3.4.2 A miscellaneous transport bill is currently being prepared ahead of its introduction to the Scottish Parliament later this year. This Bill is expected to set out footway parking and double parking restrictions, requiring Local Authorities to exempt streets where footway parking may remain, if very particular criteria can be met. The introduction of this Bill is expected to create increased pressure on officers to address parking issues in high density residential areas.

- 3.4.3 An alternative parking provision can be made in gardens by the introduction of a footway crossing point.

3.5 Proposed Changes

- 3.5.1. Aberdeen City Council operates two sets of driveway regulations dependant on whether an applicant requires planning permission for the on-site works or not.

- 3.5.2 These are referred to as Driveway Regulations (DR) and Statutory Guidance: Transport and Accessibility (SG).

3.5.3 Proximity to a junction

To address road safety concerns about carrying out complex manoeuvres in close proximity to a junction, the proximity of the driveway access to a junction is stated within each guidance, as follows.

DR - The footway crossing/driveway should not be situated within 15 metres of a road junction.

SG - Driveways should be a minimum of 15 metres from a junction, although there may be circumstances where this may be relaxed when not deemed a road safety issue. In no circumstances, however, will a driveway be permitted within 10 metres of a junction.

Proposed change – In situations where the junction is an access point into a parking area or on to a low volume and speed residential route, the requirement for 15 or 10 metres separation can be onerous. However inter-visibility to ensure safety of pedestrians and other road users is paramount. Whilst the 15 metres minimum distance is applicable in most applications, it is proposed to provide road safety officers with the discretion to reduce this distance when taking into account visibility, turning manoeuvres and traffic volumes/ speeds on the adjacent carriageways.

3.5.4 Adjoining Driveways

Raised kerbs define the edge of carriageway, provide protection to pedestrians and guidance to the visually impaired who may use a stick or dog to guide them to safe walking areas. Confusion and road safety concerns can be caused by the lowering of extensive lengths of kerb in order to provide footway crossing points for vehicles therefore parameters are set within our guidance as follows.

DR – A single crossing of 3 metres or double crossing of 5 metres is permitted per property. It should be noted that this can lead to adjoining neighbours seeking consecutive driveways which creates long stretches of lowered kerb.

SG – Single driveways must be at least 3 metres in width. Double driveways must be at least 5 metres in width. The normal width of a footway crossing is 3 metres but this may be increased to 6 metres for a double driveway. This limits neighbouring properties with adjoining driveways to single driveways.

Proposed changes – it is proposed that a maximum dropped kerb length of 10 metres be permitted thus enabling two neighbouring properties to have double driveways. To minimise the disruption to pedestrians, the kerb will return to full height for a minimum distance of 2 metres prior to the next permitted driveway.

3.5.5 Internal drainage of driveway

Proposed change – It is proposed to notify applicants that the use of porous lock block will not be sufficient to meet the internal drainage requirements for a driveway. It has been found that this system of drainage is unsuited to many sites and does not provide adequate drainage provision in the longer term.

3.5.6 Disabled parking bays

DR – States that “Where an application for a footway crossover is received and a disabled parking bay is already marked out on the public road adjacent to the proposed crossover, this bay, and any associated signposts, will have to be removed.”

Proposed change – It is proposed to clarify the situation in relation to applications impacting on an existing disabled bay. The revision clarifies the need to relocate or remove the bay, dependant on whether the bay is allocated to the applicant or another resident.

3.5.7 Unapproved footway crossings

DR – States that “If a driveway is used without a footway crossing and the owner refuses to agree to pay the costs for a crossing then the Council will be at liberty to uplift and remove the driveway and recover the costs for doing so from the owner.”

Proposed change – it is proposed to amend this sentence to say that the Council will be at liberty to take appropriate measures to stop access to the driveway and recover the costs for doing so from the owner.

3.6 Driveway Application

It is proposed to amend the Driveway Application form in line with the guidance provided above.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from the recommendations of this report.

4.2 Driveway Guidance currently states “Within a Controlled Parking Zone (CPZ), the loss of on-street parking will need to be taken into account when assessing crossover requests. A vehicular crossing may, therefore, be refused in areas where there is high demand for on-street parking.” There is no proposal to amend this view and as such the proposals above are not expected to impact on parking revenue where control parking zones may be affected.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from the recommendations of this report.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	No risks identified		
Legal	No risks identified		
Employee	As there is some proposed relaxation of the existing regulations, there may be a small increase in the number of driveway applications being made as more are likely to be successful. There is a resultant low risk of increased workload for staff.	L	None proposed.
Customer	No risks identified		
Environment	No risks identified		
Technology	No risks identified		
Reputational	No risks identified		

7. OUTCOMES

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The amended regulations seek to make the application process clearer for applicants.
Workforce	The amended regulations seek to make determination of applications more flexible for officers and consistent within the organisation.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Full EHRIA required. The above proposed changes provide greater protection for the visually impaired by restricting the length of kerb that will be dropped to enable vehicles to cross a footway.
Privacy Impact	Not required

Assessment	
Duty of Due Regard / Fairer Scotland Duty	Not required

9. BACKGROUND PAPERS

Regulations governing driveways -
<https://www.aberdeencity.gov.uk/services/roads-transport-and-parking/driveway-application/regulations-governing-driveways>
Statutory Guidance: Transport and Accessibility -
<https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/5.1.PolicySG.TransportAccessibility.pdf>

10. APPENDICES (if applicable)

Appendix 1: Revised Driveway Regulations

11. REPORT AUTHOR CONTACT DETAILS

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Appendix 1: Revised Driveway Regulations

Footway crossing – Regulations

(A dropped kerb to permit vehicular access)

Roads Consent for new vehicular crossing over a footway or verge of a public road based on the Aberdeen City Council's policy agreed by the committee on the 30 May 2018.

DRIVEWAYS/FOOTWAY CROSSING REGULATIONS

A. Council Houses

Applications for approval in the first instance should be made to Sales and Consents, Early Intervention and Community Empowerment, Lower Ground West, Marischal College, Broad Street, Aberdeen, AB10 1AB or on 01224 522136 or 523645.

B. Housing Association Houses

The consent of the Housing Association should be received prior to submitting an application for approval to: Traffic Management Team, Aberdeen City Council, Business Hub 11, Level 2 West, Marischal College, Broad Street, Aberdeen AB10 1AB.

C. Privately-Owned Houses

Applications for approval should be made to: Traffic Management Team, Aberdeen City Council, Business Hub 11, Level 2 West, Marischal College, Broad Street, Aberdeen AB10 1AB.

All applications must include a suitable plan clearly showing the location of the proposed driveway and the dimensions along with the construction details.

PLANNING PERMISSION

Applicants will be advised if planning permission is required and application forms will be sent to them by the Strategic Place Planning, Business Hub 4, Ground Floor North, Marischal College, Broad Street, Aberdeen if necessary.

Reasons for requiring planning permission include:

1. The property is a flat.
2. The construction work involves over 0.5 metres depth of excavation or infill.
3. The verge to the footway has grass over 2.5 metres wide.
4. The driveway accesses on to a classified route (e.g. an 'A' class, 'B' class road etc).
- 5. The property is a listed building or is situated in a conservation area.**

There is a standard charge for the submission of a planning application and so it would be advisable to ensure compliance with the following conditions prior to applying for planning permission.

POLICY APPLICABLE TO FOOTWAY CROSSINGS

All applications must satisfy the following standard conditions or the application may be rejected:

ROAD SAFETY

1. The footway crossing/driveway should not be situated within 15 metres of a road junction. **Officer discretion may be applied to quiet roads where road safety is not compromised by a reduction in this distance.**
2. The application will be refused if the crossing would not meet adequate visibility. Greater visibility may be required on busier roads. Pedestrian visibility is very important on popular pedestrian routes, especially near schools.
3. The driveway must be internally drained with no surface water discharging on to the public road. **Please note that due to previous difficulties we have experienced with porous lock block, this will not be considered to be internally drained.**
4. Generally only one frontage footway crossing per property will be allowed, except for larger houses with a long frontage of 30.0 metres wide, where this may be relaxed and an "in" and an "out" may be permitted.
5. The crossing may not be used as a parking area and no part of it is exempted for the purpose of footway crossing.
6. Loose material (e.g. stone chippings) must not be used to surface any of the first 2.0 metres length adjacent to the footway.
7. The gradient should not generally exceed 1:20 (in certain circumstances this may be relaxed to 1:15). However alternative surface texture treatments should be considered for such steeper gradients.
8. **A maximum dropped kerb length of 10 metres will be permitted across neighbouring properties. The kerb must return to full height for a distance of 2 metres prior to the next permitted driveway.**

SIZE OF PARKING AREA

1. Generally a minimum parking area measuring 3.0 metres by 5.0 metres will ensure that most cars currently on the market will not overhang the footway, which is an offence.
2. The length of the driveway must be a minimum of 5.0 metres or 6.0 metres if parking area is in front of a garage or door contained within the property. If a driveway is longer than 7.0 metres then it must be at least 10.0 metres long to prevent two vehicles parking with the second car overhanging the footway.
3. The driveway should be installed at a right angle to the public road.
4. If the access to the driveway is off an 'A' or 'B' class road, District and Local Distributor Road Network then vehicles must be able to enter and exit in a forward gear. However, the above condition may be relaxed on a Local Distributor Road.

COMMUNAL CAR PARKING

1. A driveway will not generally be allowed access from a parking lay-by if that lay-by is regularly used by parked vehicles, and locally available parking would be reduced detrimentally by creating a driveway access.

ON-STREET PARKING BAYS

1. Within a Controlled Parking Zone (CPZ), the loss of on-street parking will need to be taken into account when assessing crossover requests. A vehicular crossing may, therefore, be refused in areas where there is high demand for on-street parking.

DISABLED BAYS

1. Where an application for a footway crossover is received and a disabled parking bay is already marked out on the public road adjacent to the proposed crossover, this bay, and any associated signposts, will have to be **relocated**.

2. If the bay is for the use of the applicant or member of the household then the bay will be removed.

3. The cost for removing and relocating the disabled parking bay will have to be met by the applicant(s).

STREET FURNITURE

1. The council is prepared to arrange for the relocation of its street furniture to allow the construction of a footway crossing as long as the applicant(s) agrees to meet the costs involved in moving said equipment and assuming a suitable alternative location can be found.

TREES AND LANDSCAPING

1. The Council is committed to the preservation of street trees and that the existence of an established mature tree remains a consideration for refusing permission to construct a footway crossing.

2. In the event that an application for a footway crossing is granted which requires the removal or replacement of a tree, such removal or replacement will be undertaken at the expense of the applicant(s).

EXISTING DRIVEWAYS/FOOTWAY CROSSINGS – DO NOT COMPARE

1. Please note that existing footway crossings which do not meet the current criteria will have been constructed before these new criteria were adopted by the council and do not set a precedent when assessing new applications.

APPLICATION PROCESS

1. If your application is approved, we will write to you advising the driveway conditions and to arrange a detailed estimate for the footway crossing work be sent to you.

2. Please note that the process itself can take up to 10-12 weeks. However, applications where trees, lamp columns, etc. are affected may take longer to process.

3. If your proposal does not meet our criteria, we will let you know the reasons and, where possible, suggest an alternative.

4. After your application has been approved, you must complete any necessary works to create the parking area, e.g. removing any boundary wall or fence and construction of hard-standing. Your vehicular crossover will not be built until these works have been completed.

FOOTWAY CROSSING CONSTRUCTION

1. All approved driveways with access across a footway should have a footway crossing constructed by Aberdeen City Council at the expense of the applicant.
2. Only contractors approved by the council can undertake works on the public road/footpath. For vehicular crossovers, all work on the public footpath will be done by our appointed contractor. The contractor has been appointed after competitive tendering each year by the council, with the aim of providing good value for money.
3. If a driveway is used without a footway crossing and the owner refuses to agree to pay the costs for a crossing then the Council will be at **liberty to take appropriate measures to stop access to the driveway** and recover the costs for doing so from the owner.
4. Before the construction of the footway crossing is undertaken the applicant must make full payment of the cost of the footway crossing works.
5. The normal width of a footway crossing is 3 dropped kerbs (2.7 metres) but this may be increased to an absolute maximum of 5 dropped kerbs (4.5 metres) per property.
- 6. In order to minimise disruption to pedestrians, a maximum of 10 metres of consecutive dropped kerbs to be permitted over the frontage of adjacent properties. A 2 metres minimum length of raised kerb will be required before the next permitted driveway.**

ADDITIONAL CONDITIONS FOR COUNCIL HOUSE TENANTS INCLUDE

1. The driveway must be constructed entirely on ground of which the applicant is the sole tenant.
2. The applicant establishes to the satisfaction of the Chief Officer Early Intervention and Community Empowerment, that at the date of the application the applicant owns or otherwise lawfully possesses a private car or such other vehicle approved by the Council to be parked on the proposed driveway.
3. The applicant must include in the application a site plan of the garden ground attached to the applicant's house or block of terraced or flatted houses of which the applicant's house forms part, as the case may be, and illustrating the proposed driveway in relation to the building and the street or rear access lane, as the case may be.

ADDITIONAL REGULATIONS FOR COUNCIL TENANTS

1. The tenant shall maintain the driveway in a proper state of repair and in a clean and tidy condition and shall, within seven days of being called upon by the council to do so, remedy any defects therein or any deterioration in its condition.
2. An approved driveway may only be used as a parking space for a private car or other approved vehicle belonging to or lawfully possessed by the applicant or member of the household. It must not be used for any other purpose.
3. Where an approved driveway has been constructed the applicant shall not park or permit parking of any vehicle elsewhere within the garden ground other than on the approved driveway.
4. The tenant shall have no right of property in an approved driveway and in the event of the tenant's removal from the house for whatever reason the tenant shall have no claim for compensation for the expense incurred in the

construction and maintenance of the driveway or in the construction of the footway crossing.

5. The Statutory Undertakers shall have right of access at all times to any service affected by the existence of the driveway.

6. In the event of a tenant knowingly or wilfully contravening any of the Regulations governing the use and maintenance of an approved driveway, the Council shall be at liberty, after seven days' written notice of their intention to do so, to uplift and remove the driveway and footway crossing and to recover the cost of so doing from the tenant.