

ABERDEEN CITY COUNCIL

COMMITTEE	Operational Delivery Committee
DATE	13 January 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Driveway Appeal
REPORT NUMBER	OPE/20/245
DIRECTOR	Rob Polkinghorne
CHIEF OFFICER	Mark Reilly
REPORT AUTHOR	Jack Penman
TERMS OF REFERENCE	1.1.1

1. PURPOSE OF REPORT

- 1.1 To consider an appeal on behalf of the owner of 108 Corrennie Circle, Dyce, against the decision by the Council as Roads Authority to refuse permission for the creation of an additional footway crossing to serve a new driveway.

2. RECOMMENDATION(S)

That the Committee:-

- 2.1 Agree that officers correctly applied the Council's approved driveway regulations; and
- 2.2 Uphold the decision to refuse permission for an additional footway crossing at 108 Corrennie Circle, Dyce on the grounds that it does not comply with the above regulations.

3. BACKGROUND

3.1 Driveway Regulations and application

- 3.1.1 A report titled "Review and proposed amendments to the driveway regulations" was considered by the Operational Delivery Committee on the 29 May 2018, where the proposed regulations were agreed, and officers instructed to apply these to new applications.
- 3.1.2 The regulations cover conditions relating to the internal site, e.g. the construction material of the driveway and the dropped kerbs used to access the driveway – the footway crossing.
- 3.1.3 No internal works should be undertaken before permission has been granted by the Roads Authority for the footway crossing. This is to ensure applicants do not spend money creating an internal site before finding that permission for the footway crossing is refused.

- 3.1.4 The regulations and application form are available on the Aberdeen City Council website where applicants are required to check and tick a box stating they have read and understood the regulations when applying.

Whilst Aberdeen City Council as Roads Authority may grant permission for new/alterations to footway crossings it should be noted that all costs related to the application are borne by the applicant.

3.2 **Application for Consideration – 108 Corrennie Circle**

- 3.2.1 An application was received to form a new footway crossing at 108 Corrennie Circle, Dyce, Aberdeen. The property has an existing single footway crossing serving a driveway to the garage. It should be noted the existing driveway is far below current standards in terms of driveway length. Any vehicle parking on the driveway whilst not in the garage will overhang and obstruct the footway. The property also has a lighting column in front of it approximately 1 metre offset from the existing driveway and garage.

- 3.2.2 The applicant had completed the internal works of creating a new additional driveway on their property prior to making the application.

- 3.2.4 Appendix 1 shows the previous situation, Appendix 2 shows the newly constructed driveway and Appendix 3 shows the location plan.

3.3 **Reason for refusal**

- 3.3.1 The application was refused as it does not comply with regulations which state:

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.

- 3.3.2 The property’s frontage is approximately 8 metres and therefore the relaxation cannot be applied.

- 3.3.3 This regulation is in place to ensure there are no lengths of road which have extensive sections of dropped kerbs. 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. Extensive lengths of kerb that have been lowered can cause confusion and road safety concerns.

3.4 **Alternative Options and appeal**

- 3.4.1 Officers had proposed two alternative options which would allow the applicant to make use of the newly formed driveway whilst complying with the regulations:

- 3.4.2 Option 1

The applicant can have the existing dropped kerbs which service the driveway and garage reinstated to full height and new access formed at the new driveway.

3.4.3 Option 2

Arrange for the lighting column which lies between the existing and new driveways to be relocated to the boundary line of 106 and 108. The moving of street furniture is permitted under the regulations if the applicant meets all the associated costs. The repositioning of the column would allow the existing footway crossing to be extended to the maximum of 4.5m (double crossing). This coupled with some internal modifications to the new driveway would allow access to both old and new driveways.

Without the repositioning of the lighting column officers could not permit the extension of the existing crossing, as owing to its position the likelihood of it inadvertently being struck is high.

To move the lighting column would cost approximately £1200 +VAT. An additional cost of £250 + VAT is also charged to cover for any potential damage to the column during moving as aluminium columns are extremely difficult to remove without damaging. This cost covers the purchase of new column.

3.4.4 These options were considered but not deemed agreeable by the applicant. On behalf of his constituent Councillor Neil MacGregor has appealed this decision and requested that committee consider a relaxation in the regulations in this instance.

3.5 **Officers Recommendations**

3.5.1 Officers believe that the refusal of the application should be upheld. The regulations have been applied as approved by the Committee. It should be noted that there are many similar properties in the local vicinity. A relaxation of the regulations at this location may set a precedent for future applications and lead to additional requests for appeal where applications have been declined.

4. **FINANCIAL IMPLICATIONS**

4.1 There are no financial implications related to the recommendations of this report as all costs associated with new driveways and footway crossings are met fully by applicants.

5. **LEGAL IMPLICATIONS**

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

5.2 The formation of footway crossings is covered by the Roads (Scotland) Act 1984.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	N/A	N/A	N/A
Compliance	Depending on the decision it takes, the Council may be perceived not to be complying with its own regulations.	L	To apply the regulations fairly and consistently.
Operational	N/A	N/A	N/A
Financial	N/A	N/A	N/A
Reputational	The Council may receive criticism for any decision which is perceived to be wrong or unreasonable.	L	The regulations are available on Aberdeen City Council's website and are applied fairly and consistently across the city.
Environment / Climate	N/A	N/A	N/A

7. OUTCOMES

The proposals in this report have no impact on the Council Delivery Plan.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

Link to driveway regulations and application on Aberdeen City Council Website:

<https://www.aberdeencity.gov.uk/services/roads-transport-and-parking/apply-dropped-kerb-or-driveway/regulations-governing-driveways>

Link to Committee Report outlining revised driveway regulations:

<https://committees.aberdeencity.gov.uk/documents/s83583/Review%20and%20Proposed%20Amendments%20to%20the%20Driveway%20Regulations.pdf>

10. APPENDICES

Appendix 1 shows the previous situation at the address.

Appendix 2 is the current situation.

Appendix 3 is the location plan.

Appendix 4 includes the original application.

Appendix 5 is the rejection which was provided to the applicant.

11. REPORT AUTHOR CONTACT DETAILS

Name	Jack Penman
Title	Technical Officer
Email Address	Jpenman@aberdeencity.gov.uk
Tel	01224 (52)2303

Appendix 1



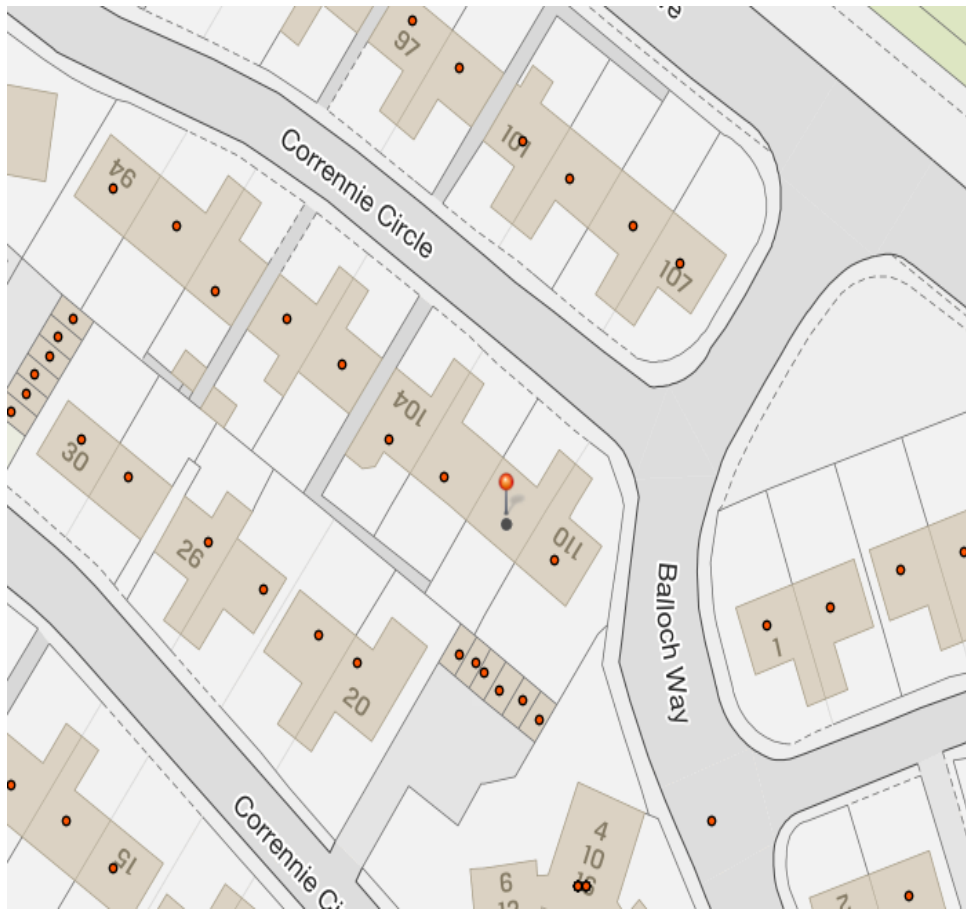
Previous situation

Appendix 2



Current situation

Appendix 3



Location Plan

Appendix 4

Before You Begin	Your Details	Details of Site	Type of Crossing	Proposed Site Layout	Declaration
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Details of Site

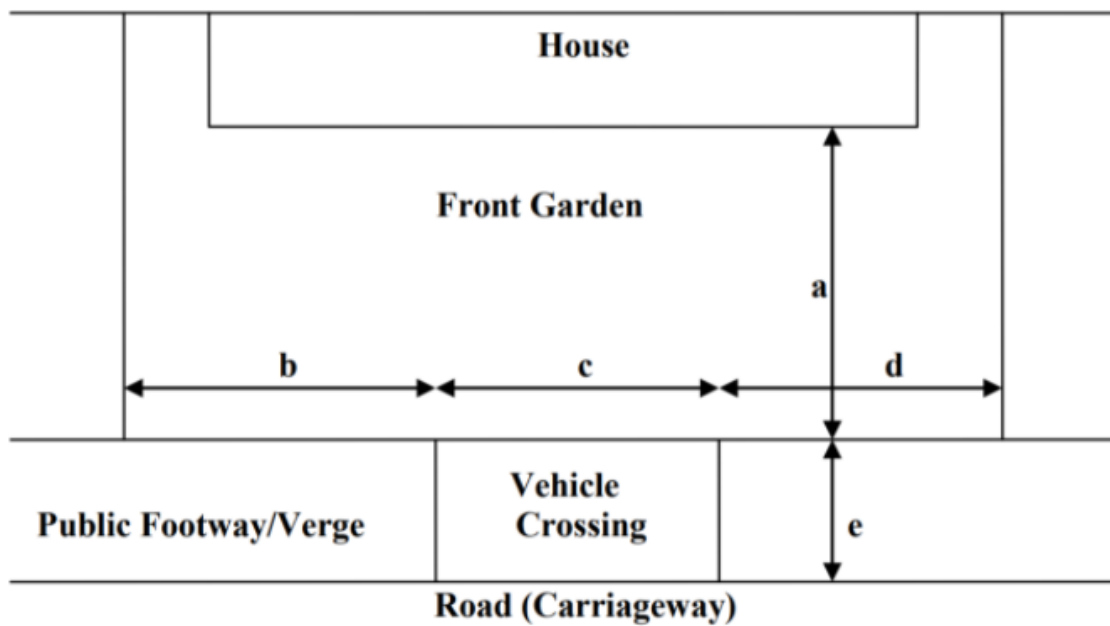
Is your property a Council House? *	No
Is the property a flat/maisonette? *	No
Is the proposed driveway a minimum of 5 metres long? *	Yes
Is the proposed driveway at right angles to the road? *	Yes

Type of Crossing

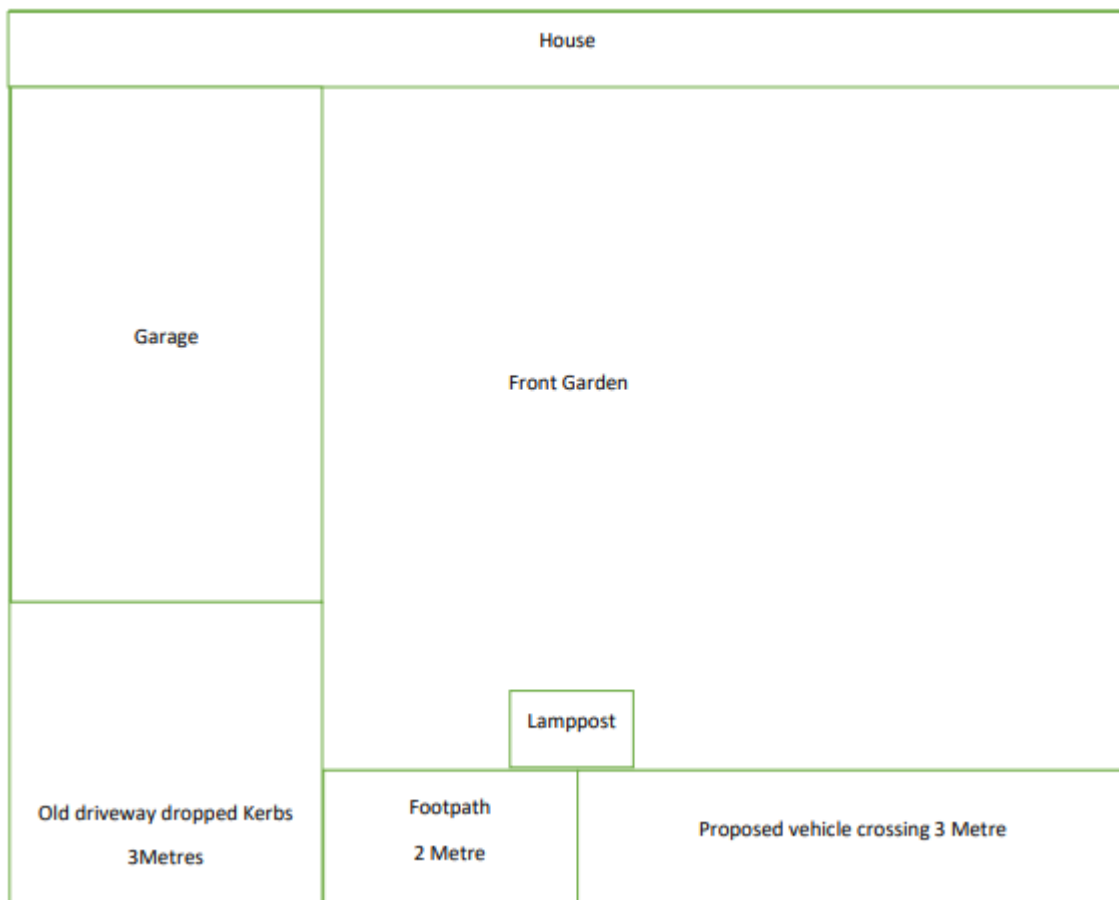
What type of crossing is the proposed driveway? * Single (serves 1 vehicle)

Proposed Site Layout

Please use the diagram and provide the measurements labeled in metres.



a - Distance from the house to the public footway (front garden length) must be a minimum of 5 metres or 6 metres if parking area is in front of a garage door. *	8.4	m
b - Distance from the far left of the property to the upper left corner of the crossing (length of your front left fence, if you have one) *	4.7	m
c - The width of the crossing must be a minimum of 3 metres for 1 vehicle and 5 metres for 2 vehicles. *	3.0	m
d - Distance from the upper right corner of the crossing to the far right of the property (length of your front right fence, if you have one) *	0.0	m
e - Width of verge / footway *	1.8	m



Declaration

Please review the below points and confirm you agree with the Terms and Conditions.

I certify I have read and understood the driveway regulations and I declare that all the information given by me on this form is true to the best of my knowledge.

I understand that if any information given is false the application will be cancelled.

I give permission for officers to visit the site to confirm any details provided within this application and to determine any relevant factors relating to the proposed construction works.

Ticking this box deems this form to be signed and carries the same legal obligation as a written signature.

I agree to all of the above statements.

Appendix 5

Choose Action

Action *

Close

Closure outcome *

Application declined

Why has the application been unsuccessful? (This will be sent to the customer) *

When assessing footway crossing requests, we ensure they meet the current regulations governing driveways. Applicants are advised to read and understand these before making an application.

As per the regulations generally only one footway crossing per property is allowed. There are exceptions to this but only if the frontage of the property is greater than 30 metres. This allows the driveway to operate as an in and out.

It is noted from the images and plan supplied there is an existing crossing point to a garage and separately a newly constructed driveway. The aforementioned condition does not apply at this location where the frontage is ~ 8m and therefore two crossing points would not be permitted.

Additionally, it is noted the new driveway appears to also be lacking a drainage channel which unless modified would mean it was not suitable under the regulations.

An alternative to a new crossing point would be to extend the existing access to the maximum permitted 5 dropped kerbs. I however note that there is a lighting column which would prevent this being possible.

I therefore cannot grant permission for a new crossing or extension at this location

Should you wish to discuss this further please contact Trafficmanagement@aberdeencity.gov.uk

