

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Planning & Infrastructure
DATE	21 January 2014
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	The Aberdeen City Council (The Bush, Peterculter, Aberdeen) (Prohibition of Driving) Order 201(X) – Final Stage of Statutory Process Revised
REPORT NUMBER:	EPI/13/240

1. PURPOSE OF REPORT

This report deals with the traffic regulation order at the final statutory stage; that is to say, the main statutory advertisement period is now over in respect of each of these orders and this report presents the objections (where relevant) in each case. The public notice is attached (Appendix 1), from which members will be able to see the exact content of these proposals.

2. RECOMMENDATION(S)

It is recommended this Committee approve this order and that the order shall be made and implemented accordingly.

3. FINANCIAL IMPLICATIONS

The implementation of the proposed closure would be funded from the Cycling, Walking, Safer Streets grant funded budget. The estimated implementation cost of the works is £6,000 and requires minimal maintenance costs.

4. OTHER IMPLICATIONS

There are no other implications worthy of being identified in the abstract here.

5. BACKGROUND/MAIN ISSUES

5.1 **The Aberdeen City Council (The Bush, Peterculter, Aberdeen) (Prohibition of Driving) Order 201(X)**

5.1.1 Background

Members may recall that at its meeting 19 March 2013, the Committee overruled the objections received in relation to the proposed closure of The Bush, Peterculter and approved the recommendation to make this order as originally envisaged at its location situated at the boundary of No. 35 and 37 (Location shown in Appendix 2).

Since this approval there are concerns over an administrative anomaly between the draft order and the public advert due to a slight difference in the wording of the closure in reference to the location. It is therefore felt prudent following legal advice to recommence the public consultation, ensuring that the draft order and public advert correspond with each other. While this has resulted in a delay to the process, this will ensure the Council does not open itself up to any accusation of the regulatory procedures being incorrect and possible legal challenge.

5.1.2 Objection to the Proposal

Three statutory objections have been received in relation to this order. All objectors specifically advise of the negative impact the proposed closure at this location would have on access to their properties.

Two of the objections, from the properties Shawcroft and Inchrory, are on similar grounds, that should the proposed closure be implemented then this will block direct vehicular access to their garages from the front of their properties. As a result they would have to undertake a journey of approximately 1 mile along North Deeside Road, School Road and Hillside Road, to access their garages instead of the current 0.1 mile at present.

Both of these objectors also raise concerns that should vehicular access to the rear the garages be denied, along the Bush from the front of their properties, that this would make the property less attractive on the property market and devalue the properties.

Mr Yule, of Shawcroft, also raises concerns regarding the consultation process and communication with residents regarding the proposal due to him not being invited to a public meeting held at Peterculter Primary School.

Mr Verhamme and Mrs Menzal, of Inchrory, request that if the closure was to be implemented through the installation of bollards that they be set up as to be “unlockable by residents only “ and is interpreted as the residents having key access through the closure point.

In addition to the concerns expressed above, the residents of Inchrory have intimated that they propose for the closure to be installed after their access to their garage and before the junction with Hillside Road. Therefore the location of the closure is in a location that does not restrict direct vehicular access along The Bush between the front and rear of their property.

The third objection from Mr Batchelor, highlights the effects the closure would have on the above two objectors properties as well as his property being blocked off from the rest of The Bush. Mr Batchelor has noted in his objection that a section of The Bush south of Hillside Road to Brighton Grange is closed.

Mr Batchelor also expresses a concern that the closure of The Bush would increase the volume of traffic using School Road, which will create traffic conflicts at two points. The first being at the school gates where parents vehicles will stop to collect / drop off their children and the other being at the 45 degree bend just north of it junction with north Deeside Road due to residents parking on the west side reducing the carriageway to one lane.

Mr Batchelor has suggested that the logical solution to the problems associated with through traffic on The Bush would be for the closure to be located on Hillside Road.

Complete copies of all three objections are appended to the report (Appendix 3).

5.1.2 Response to the Objections

With respect to the objections raised by the residents of Inchrory and Shawcroft regarding accessibility between the front and rear of the properties and garages, this will only be restricted to vehicular movements with full pedestrian and cycle access maintained at all times. Whilst it is accepted that on some occasions extended journey times will be experienced in accessing the rear garage it is considered this will be nominal and in the order of a few minutes, journey times will also relate to the direction of approach and the origin of the journey.

The objections raised with regard to a loss of property value or the level of interest should they be marketed in the future is questionable as it could be equally argued that the closure and calming of traffic would enhance the environment of The Bush, particularly as family homes, and be reflected in both interest and valuation. It is felt that issues related to property values are not directly relevant to the traffic regulation order process for the proposed closure.

Mr and Mrs Yule have indicated that they did not receive an invitation to the informal consultation meeting and therefore did not attend. It will

be noted that this meeting was arranged by the local member to gauge the level of support for a closure and does not form part of the formal statutory process. During an initial informal consultation period carried out by officers Mr and Mrs Yule were kept fully informed. Officers distributed packs to all properties within the The Bush containing options for the closure and all were given the opportunity to comment on these. Throughout the period over which consideration has been given to the proposed closure officers have been available to provide advice and guidance. It will be noted that Mr and Mrs Yule responded to the informal consultation by the officers. The formal statutory consultation provides all parties with the opportunity to express their views, which Mr and Mrs Yule have done accordingly and are given due attention in the context of this report.

With regard to the suggestion made by the residents of Inchrory for the potential bollards to be unlockable by residents only, so for this to be operated fairly each resident of The Bush would be provided with a key. Previous experience at locations where lockable bollards have been provided, this practice has proven to be very difficult to manage and is not considered to be a practical solution. The use of lockable bollards would open the system up to abuse with the bollards being left down for prolonged periods of time and the closure falling into disrepute. Therefore this solution would not be one that would be supported by officers.

Concern has been raised with regard to the increased traffic that will be generated onto School Road and how it will conflict with existing parking practices and traffic associated with the local primary school. The level of traffic within the general area will not increase as a result of the proposed closure but will be redistributed with traffic utilising School Road, Coronation Road and Craigton Crescent to access the wider network via the A93 as an alternative to the Bush.

The volume of redistributed traffic during daily school times is considered to be negligible in scale and unlikely to have any impact on the existing roads over which it would be diverted. However the removal of the through traffic from the Bush would significantly improve the environment of this link and particularly the safety of pedestrians and children. The Bush does not have or the ability to accommodate segregated pedestrian provision and is a principle reason for the promotion of the proposed closure.

Should problems relating to parking on School Road arise, then this would be investigated and consideration would be given to the possibility for additional restrictions to alleviate the issues highlighted by Mr Batchelor.

6. IMPACT

Section 5 above – and also the public notice attached - will allow members to consider the possible impact on communities compared with the intended virtue of the original proposals.

7. BACKGROUND PAPERS

'The Aberdeen City Council (The Bush, Peterculter, Aberdeen) (Prohibition of Driving) Order 201(X)'; Enterprise, Planning & Infrastructure Committee, 19 March 2013.

<http://committees.aberdeencity.gov.uk/documents/s25054/190313%20The%20Aberdeen%20City%20Council%20The%20Bush%20Peterculter%20Pro.pdf>

'The Bush, Peterculter – Proposed Road Closure'; Enterprise, Planning & Infrastructure Committee, 22nd January 2013.

<http://committees.aberdeencity.gov.uk/documents/s23913/EPI.12.276%20-%20The%20Bush%20Peterculter%20-%20Propsoed%20Road%20Closure.pdf>

8. REPORT AUTHOR DETAILS

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Consultees comments

Enterprise, Strategic Planning and Infrastructure Committee

Convener: Councillor Barney Crockett – has been consulted 29/11/13

Vice Convener: Councillor Angela Taylor – has been consulted 29/11/13

Councillors

Councillor Marie Boulton – has been consulted 29/11/13

Councillor Aileen Malone – has been consulted 29/11/13

Councillor M. Tauqeer Malik - has been consulted 29/11/13

Council Officers

Lorna Inglis, Secretary to Head of Finance, Corporate Governance – ***has been consulted and has no comments with regard to finance on this report***

Jane MacEachran, Head of Legal and Democratic Services, Corporate Governance - ***has been consulted***

Ciaran Monaghan, Head of Service, Office of Chief Executive – ***has been consulted***

Gordon McIntosh, Director of Enterprise, Planning and Infrastructure – ***has been consulted***

Hugh Murdoch, Head of Asset Management and Operations, Enterprise, Planning and Infrastructure - ***has been consulted***

Margaret Bochel, Head of Planning & Sustainable Development, Enterprise, Planning and Infrastructure - ***has been consulted and has no comments on this report***

Mike Cheyne, General Manager Operations, Enterprise, Planning and Infrastructure – ***has been consulted***

Neil Carnegie, Community Safety Manager, Housing and Environment – ***has been consulted***

Dave Young, Account Manager, Corporate Governance – ***has been consulted***

Laura Watson, Service Co-ordinator

Appendix 1

ABERDEEN CITY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE ABERDEEN CITY COUNCIL (THE BUSH, PETERCULTER, ABERDEEN) (PROHIBITION OF DRIVING) ORDER 201(X)

Aberdeen City Council proposes to make the above-named order in terms of its powers under the Road Traffic Regulation Act 1984. The effect of the order will be to introduce a prohibition of driving on The Bush, Peterculter, Aberdeen, over a distance of five metres, with the exception that emergency vehicles and pedal cycles will be exempt from this prohibition. This proposal effectively closes The Bush as a through route that connects Malcolm Road and Hillside Road. The physical measures to achieve this purpose will be installed adjacent to the boundary between property nos.35 and 37 The Bush, and take the form of a raised road hump (5m in length) on which bollards will be installed. The extent of this proposal is defined in the schedule below. This order will also revoke an existing enactment for a prohibition of driving, except for access, on a length of Hillside Road, Peterculter, Aberdeen.

Full details of the proposal are to be found in the draft order, which, together with maps showing the intended measures and an accompanying statement of the Council's reasons for promoting them, may be examined during normal office hours on weekdays between 27 November to 17 December 2013, in the offices of the roads officials in the Enterprise, Planning and Infrastructure department, at 74-76 Spring Garden, Aberdeen.

It is recommended that anyone visiting Spring Garden to view any of the documents should make an appointment to do so, in order that a member of staff can be present to offer an explanation if necessary. Anyone unable to visit Spring Garden can telephone (01224 538069) to speak to one of the officials.

Anyone wishing to object to the proposed order should send details of the grounds for objection, including their name and address, in writing to the undersigned or to trafficmanagement@aberdeencity.gov.uk during the statutory objection period which also runs from 27 November to 17 December 2013, inclusively.

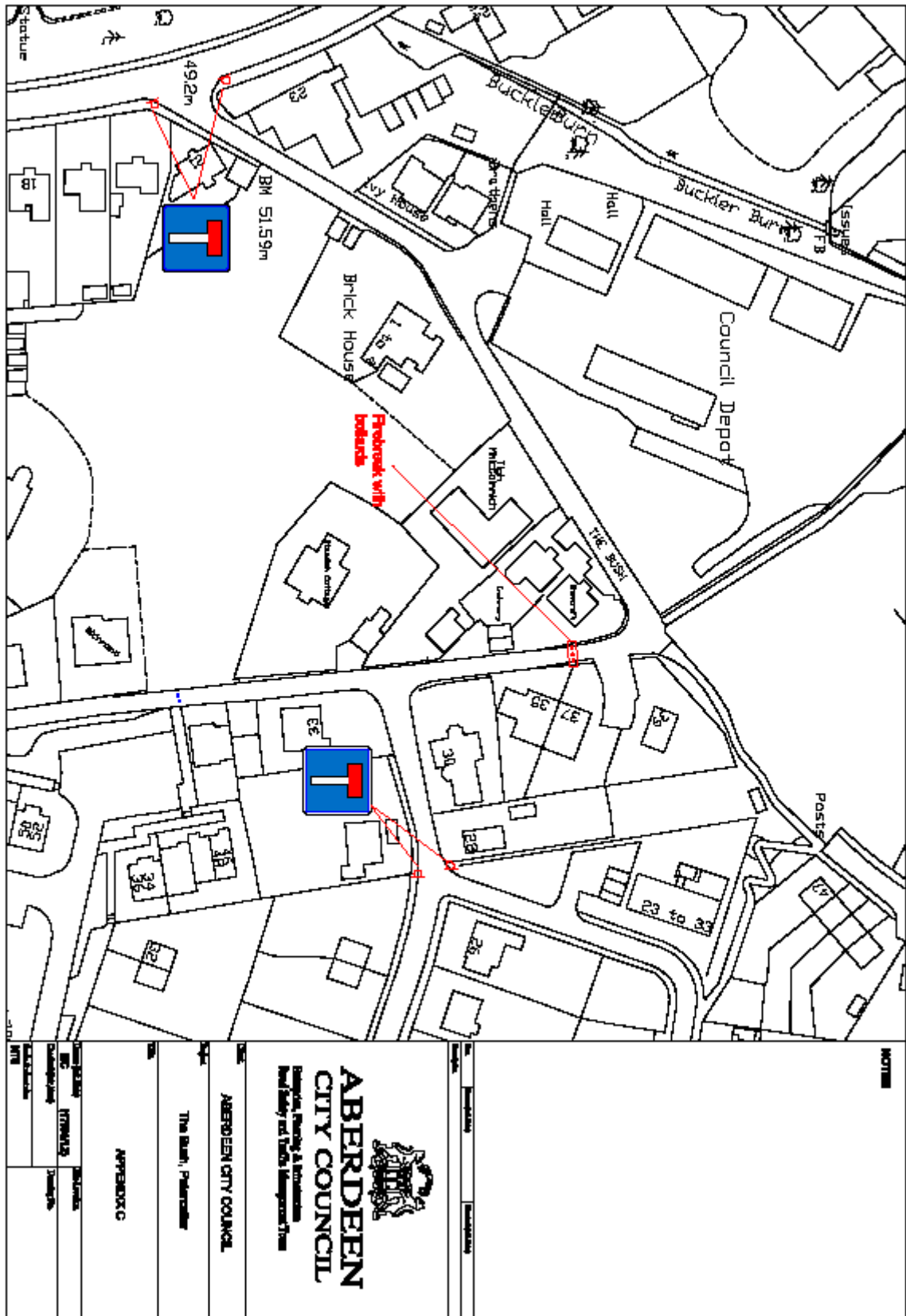
Any person who submits an objection to a road traffic order should be aware that any objection made will be available to members of the Committee, available for inspection by members of the public, distributed to the press, and will form part of the agenda pack which is available on the Council's website. To that extent, however, they are redacted, with e-mail addresses, telephone numbers and signatures removed from this correspondence.

Jane MacEachran, Head of Legal and Democratic Services, Aberdeen City Council, Town House, Aberdeen

Schedule

No person shall drive, or cause or permit to be driven, any vehicle on that length of The Bush, Peterculter, Aberdeen, from a point thirty-five metres north of its junction with Hillside Road, northwards for a distance of five metres. The aforementioned shall not apply to a pedal cycle; to a vehicle being used for police, ambulance, or fire and rescue authority purposes; or to anything done with the permission, or with the direction, of a police constable in uniform.

Appendix 2



NOTES



ABERDEEN CITY COUNCIL

Planning, Housing & Environment
 Building and Works Department

ABERDEEN CITY COUNCIL

The Barch, Parliament

APPENDIX C

NO.	REVISION	DATE
1	ISSUED FOR TENDERS	1/1/2010
2	REVISED	1/1/2010
3	REVISED	1/1/2010
4	REVISED	1/1/2010
5	REVISED	1/1/2010
6	REVISED	1/1/2010
7	REVISED	1/1/2010
8	REVISED	1/1/2010
9	REVISED	1/1/2010
10	REVISED	1/1/2010

Appendix 3

Mr & Mrs Yule
Shawcroft,
The Bush
Peterculter
AB14 0UX
14th December 2013

Jane MacEachran
Head of Legal and Democratic Services
Aberdeen City Council
Town House
Aberdeen

Dear Ms MacEachran:

Re: The proposed position of closure The Bush, Peterculter.

I would like to object to the proposed order on the following grounds:

- The proposed closure will block access to our garage with a car from the front of our property. (Shawcroft, The Bush)
- This would require us to go a 1 mile trip down Malcolm Rd, along Northdeeside Rd, up School Rd, along Hillside Rd & on to The Bush (this route includes 2 pedestrian crossings & a school), Instead of the 100 yard trip it is currently.
- I have been advised that this would devalue our house for any future sale & could also put off any potential buyers looking for a house with garage as it would be such a distance to travel to put a car in the garage.

Please also note that during the process that the decision was taken for this proposed position of closure, we were not at the meeting as we were not invited as ACC could not find our letter box (I was told this by Doug Ritchie & again when we met with Alison Swanson & two of her colleagues). There for we did not get a say in the proposal.

Yours faithfully,

Mr & Mrs Yule.

To: Aberdeen City Council
Jane MacEachran, Head of
Legal and Democratic Services
Town House
Aberdeen, AB10 1AQ

Peterculter, Nov-Dec 2013

Subject: **objection to order 201(X)**, where, how and whether to close The Bush

Dear Ms MacEachran *et al.*,

We are writing regarding (the position of) the planned closure of The Bush in Peterculter: we object to the proposed order.

We believe that a 'fixed' closure of The Bush between numbers 35 and 37 is not appropriate. It disables vehicle access to the garage buildings via the front of Inchrory, Shawcroft and Tigh MhicCoinnich. We would then have to drive through the village in order to get to our garage site. Looking ahead, without convenient vehicle access (being via the front) to garages the properties will become less attractive on the housing market.

We propose the closure to be installed before the corner with Hillside Road (with a warning at the top end of Hillside Rd!), i.e. at the 'garage corner' of Tigh MhicCoinnich. This makes much more sense. Madge McKenzie, our neighbour from Tigh MhicCoinnich, and the residents at the top end of the Bush will still be able to access their houses via their supposedly favourite entry, from Hillside Road. But it would be good/pro-active to have the closure set up in a flexible way ('unlockable' by residents only), if in case of snow & ice conditions the Hillside Rd climb is hazardous/impossible to ascend. Alternatively, flexible closure halfway the Hillside Rd climb should be considered, leaving one entry (from Malcolm Road) for all residents of The Bush on 'our' side of the closure towards Brighton Place.

Closure at any position unavoidably affects driving routine of residents (access flexibility from both sites, Malcolm and Hillside Roads). However, it's a choice for more safety and less disturbance: annoying (excess) go-through vehicle traffic has to be terminated. So last but not least: has it ever been properly evaluated whether a serious 'no go-through entry' warning (incl. consequences) signboard at both sites would be effective? By now, this could have been tested for ages! The current small note obviously does not do the job at all.

Yours sincerely,

Diana Menzel & Daniel Verhamme
(family-of-five residents of Inchrory, The Bush, Peterculter, AB14 0UX, since March 2012)

NB: Let's put behind historical claims/responsibility (Barrat houses, City Council, Culter Estate) regarding 'The Bush connection' and strive for proper paving as well.

Dear Sir/Madam,

I wish to object to the location of the closure of the Bush for the following reasons.

The two principal reasons that I do not wish the point of closure to be located at nos. 35/37 The Bush are – (1) it would have a detrimental effect on the properties Inchrory and Shawcroft by separating their garages from the houses themselves and (2) it would isolate Siglavik and Standish Cottage from the rest of The Bush which is already closed in the other direction. Positioning the closure on Hillside Road would not impact on any property in the same way.

Additionally closing The Bush would increase the volume of traffic using School Road which is currently down to one lane as the residents park on the West side, this is now to be compounded by the fact that the old Police Station has been converted into flats, with minimal parking spaces, so we have a situation where, on approaching the 45 degree bend heading North you are on the wrong side of the road and if a car is coming down School Road there is nowhere to go, are we to reverse onto North Deeside Road? This will also increase the volume of traffic passing the school and having to negotiate the parents vehicles stopping at the gates.

The logical solution to the rat-run problem, as previously intimated to myself by your own Graeme MacKenzie, is to close Hillside Road and leave the residents who live on The Bush to access it freely.

I have attached a copy of a recent letter sent to the local councillors by a majority of the residents directly affected by the proposed point of closure from which it can be seen that their preference is for closure on Hillside Road.

Kind Regards,

George Batchelor

Dear Councillors

Closure of The Bush, Peterculter

We have been advised that the Order promoted by the Council for closure of The Bush adjacent to nos. 35/37 has been halted due to a procedural irregularity and the Traffic Management team is now considering the next step. We are hopeful that the opportunity will be taken to listen to the majority of the affected residents who wish the point of closure to be located on Hillside Road and are writing to enlist your support.

We are the residents of Siglavik, Standish Cottage, Inchrory, Shawcroft and no. 39 The Bush ie 5 of the 9 properties directly affected by any closure. The two principal reasons that we do not wish the point of closure to be located at nos. 35/37 The Bush are – (1) it would have a detrimental effect on the properties Inchrory and Shawcroft by separating their garages from the houses themselves and (2) it would isolate Siglavik and Standish Cottage from the rest of The Bush which is already closed in the other direction. Positioning the closure on Hillside Road would not impact on any property in the same way.

Closure adjacent to nos. 35/37 The Bush has previously been presented to the E, P & I Committee as being the residents' preferred point of closure. This is based upon the results of a residents' consultation in November 2011 and a public meeting on 22 March 2012. However, closure at that specific location was **not** one of the 8 options put before residents in the consultation letter and when it was put forward at the meeting, none of us were present. We were only advised of it in a letter dated 14 May 2012 by which time the statutory consultation period had passed. Two of our number have been formally opposing the proposal ever since.

We attach a table which has been prepared by Traffic Management at our request. They have narrowed down the results of the November 2011 consultation to the 9 directly affected properties. Although the total points for closure on Hillside Road (Options D/E) are less than for closure on The Bush (Option F), more people selected Hillside Road as their first choice than selected The Bush. Another point worthy of note is that under Option F, closure of The Bush was at a different location than adjacent to nos. 35/37. It is true to say that some of us voted for a measure other than Options D/E and Option F at the time of the original consultation but, now that closure is the preferred option, none of us want it to be located on The Bush itself.

In any event, two years have passed since the residents were originally consulted in relation to a range of possible options. We would therefore suggest that the fairest thing to do now would be to consult the residents again on the two closure options. This would ensure that the Council's decision on how to proceed can be based on current information.

We would appreciate your help in being heard on this issue and invite you to visit The Bush so that you can see for yourselves that the logical solution to the rat-run problem is to close Hillside Road and leave the residents who live on The Bush to access it freely.

We look forward to hearing from you and confirm that you can respond to George Batchelor george.batchelor@subsea7.com on our behalf.

