

Aberdeen City Council

COMMITTEE	Enterprise, Strategic Planning and Infrastructure
DATE	13th March 2014
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Driveway Application Appeal – 53 Tollohill Drive, Kincorth, Aberdeen.
REPORT NUMBER:	EPI/14/021

1. PURPOSE OF REPORT

This report advises members of the details of an appeal against an officer decision to refuse an application to form a driveway at 53 Tollohill Drive, Kincorth, Aberdeen.

2. RECOMMENDATION(S)

That the Committee:

1. Reject the application for a driveway at 53 Tollohill Drive due to the formed slope being greater than the permitted 1 in 20 gradient, as it is against the approved policy for driveways.

3. FINANCIAL IMPLICATIONS

There are no financial implications as the applicant would be responsible for all costs involved in the construction of the driveway and associated footway crossing should the committee choose to allow the application.

4. SERVICE AND COMMUNITY IMPACT

The creation of a driveway to the current specifications at 53 Tollohill Drive will lead to additional road safety risks. A vehicle could slide on a gradient greater than 1:20 during severe inclement weather conditions. In this instance the driveway slopes towards the public road and would put pedestrians and other drivers at risk.

5. OTHER IMPLICATIONS

There is a risk that by approving a driveway at 53 Tollohill Drive, a precedent will be set and any future similar applications would be difficult to resist.

6. BACKGROUND

At its meeting of 27 September 2005 the Policy & Strategy Committee resolved to approve a revised Roads Consent Policy for the assessment of driveway applications. The foremost principle of the revised policy aims to reduce the Road Safety risks. The policy states that the gradient of a driveway should not generally exceed 1:20 although this may be relaxed to 1:15 in certain circumstances, however alternative surface texture treatments should be considered for 1:15 gradients.

In relation to the above it is recognised that approving a driveway steeper than 1:20 gradient will cause a road safety hazard on to a public road and public footpath as the vehicle may skid during frost conditions causing injury to the passing pedestrians and may collide with vehicles on the public road.

6.1 APPLICATION FOR CONSIDERATION – 53 Tollohill Drive

This application is within the ward of Councillor Callum McCaig, Councillor Andrew Finlayson and Councillor Neil Cooney and has been made from the resident of 53 Tollohill Drive for a driveway to be installed within the front and side area of the garden. (See appendix 1 and 2 for location plans)

When an application is received the normal procedure is for the application to be assessed for compliances with policy and standards and a site visit carried out. As part of this site visit Officers check compliance of the proposed driveway against the current driveway policy and standards. The driveway is required to meet standards relates to gradient, drainage, type of surfacing, length of the proposed driveway, proximity to a road junction and visibility.

In this instance there is no requirement for Planning Approval but the driveway application requires Roads Consent. This application for the driveway was refused on 18 March 2011 following a visit by roads officers who had become concerned regarding the work that was being carried out on site by an independent contractor employed by the applicant.

Officers advise applicants that they should not arrange for work to be carried out within their property in anticipation of permission being granted for a footway crossing. Work should only commence upon receiving written approval from the Roads Authority. It may be of interest to members that the driveway at 53 Tollohill Drive was nearly completed before any application was made and only after officers had visited the site. (See photograph – appendix 3)

Officers visited 53 Tollohill Drive after receiving information from the local roads inspector who had serious concerns over the work being carried out by the resident's contractor. In particular concerns were raised over the gradient and also on the workmanship being carried out on some of the other elements.

A level survey was carried out and officers found that the gradient ranged from 1:3 to 1:5 and significantly steeper than the desirable gradient of 1:20 or absolute max of 1:15. Based on the above survey the application for the driveway and footway crossing was refused due to the excessive internal gradient. Concerns were also raised that a vehicle would actually “ground” while entering and exiting the driveway. It also became clear that the contractor was not aware of the adopted standards and had never approached the Council in relation to forming the footway crossing.

From discussions it became apparent that the residents had been assured by their contractor that all permissions were in place and a large sum of money had already changed hands. Officers advised the residents to contact the Council’s Trading Standards team.

Once the application was initially refused the contractor endeavored to carry out alterations to modify the work already completed. Officers did advise that it would be impossible to achieve the required gradient however the contractor insisted in carrying out this work and demanded officers carry out a further level survey. This survey was completed on 6th May and as predicted only a marginal improvement to the gradient was achieved but overall the gradient fell well short of the standard required. On this finding again officers refused to grant permission for the required footway crossing.

In the period since the refusals the completed driveway has remained as built with no access to it for the resident’s vehicle. However they have been working closely with our Trading Standards team which resulted with a successful court conviction on the contractor in March 2013.

On completion of this conviction the resident approached officers to discuss the previous work carried out in order to benefit from the use of the driveway. Moreover, the resident provided a proposal from a reputable contractor as a possible solution to create an anti-slip surface by replacing every third row of block paving with a deeper 60mm thick block. However, it is felt that the proposed alternative solution to create an anti-slip surface would not be successful and to be an impractical option.

It is of note that internally the driveways will not facilitate the turning of vehicles and that vehicle will either be reversed in and out of the driveway. The steep gradient associated with any reversing manoeuvre will significantly increase the risk to pedestrians. From a recent on street parking survey it is anticipated that on street parking is available in close proximity to 53 Tollohill Drive and whilst less convenient an accessible parking option.

Officers have significant sympathy with the applicants’ current situation; however the current driveway as built doesn’t comply with the adopted council policy and standards. The applicant has therefore requested through Councillor Callum McCaig to appeal the previous decision made by officers and have confirmed that if approved they would carry out the additional work to form ribs on the existing surface and create an anti skid surface.

Councillor McCaig supports the application and has requested that it be presented to Committee for consideration.

The driveway, as currently formed at this location will:

- Cause road safety problems during periods of severe inclement weather, potentially in the winter period due to the excessive gradient of the driveway.
- Be difficult for a person getting in and out of the vehicle on the driveway.
- Run off of rainwater from the property onto the adjacent footway and road during times of heavy rainfall could present an additional hazard, potentially in winter conditions if the road and footway was to freeze over. Whilst a drain has to be installed at the boundary of the driveway with the footway it is unclear if it is connected to an outfall and there are also significant concerns with the future maintenance of the drain leading to a continued overflow over the public road.
- If approved, set a precedent and so may bring the whole driveway policy into disrepute.

As a result of the above, it's not deemed possible to create a driveway at the front garden which does not comply with the current driveway policy and standards. Moreover, it will also create road safety hazards to other road users, especially pedestrians who may be disabled or children.

7. BACKGROUND PAPERS

N/A

8. REPORT AUTHOR DETAILS

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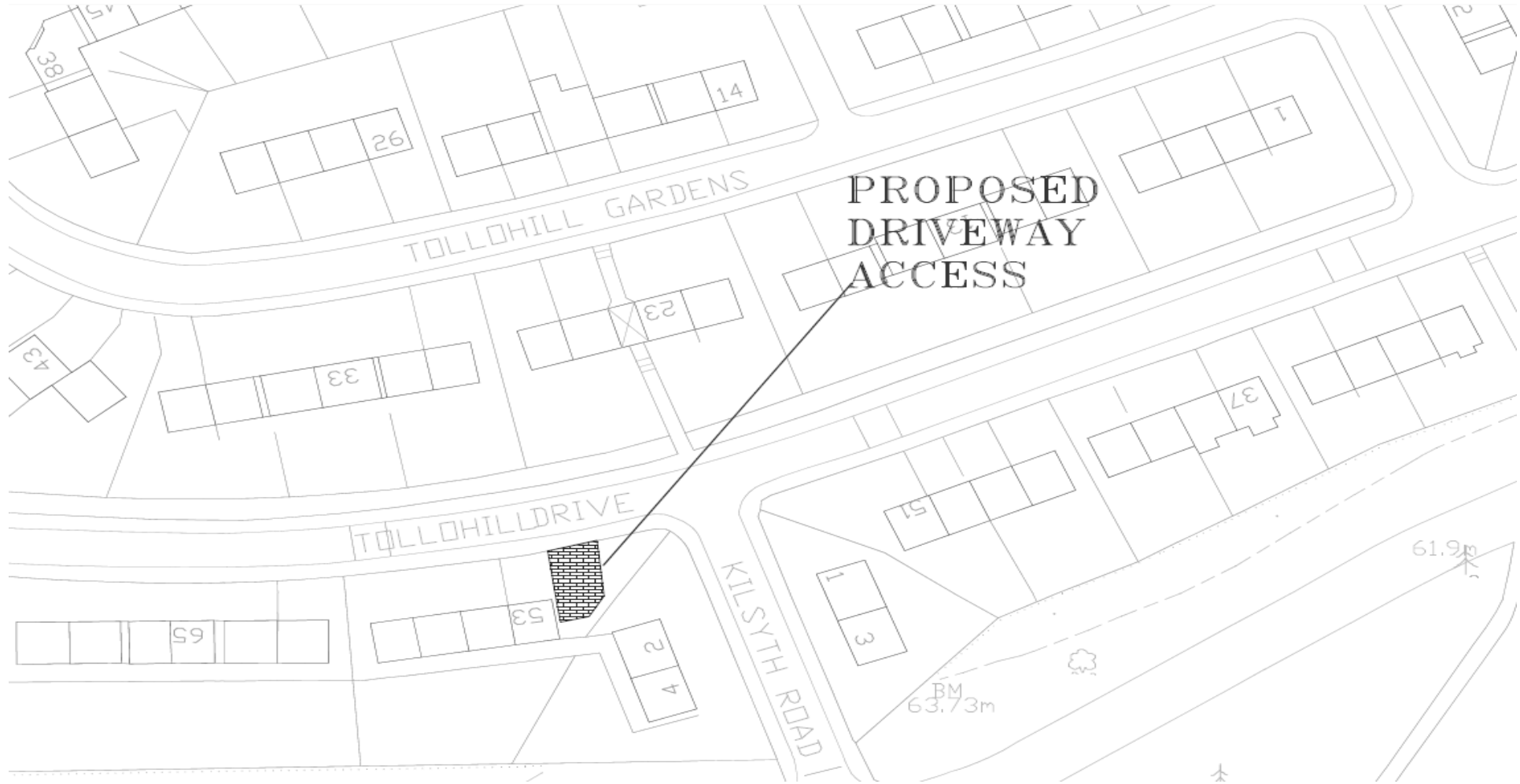
APPENDIX 1:

53 TOLLOHILL DRIVE, KINCORTH, ABERDEEN – DRIVEWAY ACCESS



APPENDIX 2:

53 TOLLOHILL DRIVE, KINCORTH, ABERDEEN – DRIVEWAY ACCESS



APPENDIX 3:



Consultees Comments

Enterprise, Strategic Planning and Infrastructure Committee

Convener: Councillor Barney Crockett – has been consulted

Vice Convenor: Angela Taylor– has been consulted

<u>Council Officers</u>
Councillor Callum McCaig - emailed 07 February 2014 and has no comments on this report
Councillor Neil Cooney - emailed 07 February 2014 and sympathies with the applicant situation, however he believes that the end result is highly dangerous and to approve this would set a very dangerous precedent.
Councillor Andrew Finlayson - emailed 07 February 2014 and has no comments.
Lorna Inglis, Secretary to Head of Finance – emailed 07 February 2014 and has no comments on this report no comments
Jane MacEachran, Head of Legal and Democratic Services, Corporate Governance - - emailed 07 February 2014 and has no comments on this report
Ciaran Monaghan, Head of Service, Office of Chief Executive – emailed 07 February 2014 and has no comments on this report
Gordon McIntosh, Director of Enterprise, Planning and Infrastructure - emailed 07 February 2014 and has no comments on this report
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 - emailed 07 February 2014 and has no comments on this report
Mike Cheyne, General Manager Operations, Enterprise, Planning and Infrastructure – has been consulted and requested additional information regarding the marginal improvement achieved by the resident. <i>I can confirm that after the alterations in the driveway the contractor achieved a marginal improvement of 1:4.8 (average).</i>
Neil Carnegie, Community Safety Manager, Housing and Environment - emailed 07 February 2014 and has no comments on this report
Dave Young, Account Manager, Corporate Governance - emailed 07 February 2014 and has no comments on this report