

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Infrastructure
DATE	19 May 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Footway Crossing Extension (Appeal Against Refusal) - 46 Newburgh Crescent, Bridge of Don
REPORT NUMBER:	CHI/15/112

1. PURPOSE OF REPORT

This report advises Members of the appeal against officers decision to refuse the application to extend the existing driveway at 46 Newburgh Crescent, beyond the maximum length permitted in the current Roads Consent Policy.

2. RECOMMENDATION(S)

That the Committee:

- i. Reject the application for an extension to the existing driveway at 46 Newburgh Crescent, where the length requested exceeds that specified in the Footway Crossing Regulations which were approved by the Policy and Strategy Committee on 27 September 2005.

3. FINANCIAL IMPLICATIONS

If the Committee choose to allow the application there would be no financial implications as the applicant would be liable for all costs involved in the construction of the driveway and associated footway crossing.

4. OTHER IMPLICATIONS

There is a risk that by approving an extension to a footway crossing which is outwith the maximum permitted length set out in the approved policy document that a precedent will be set. This will make it difficult to refuse similar applications in the future.

Extending the footway crossing to the front of 46 Newburgh Crescent would be detrimental to general on-street parking provision as well as having the potential to lead to road safety risks. Wide sections of footway crossing cause uncertainty for pedestrians particularly the visually impaired and also increase the likelihood of vehicle conflict with pedestrians and other road users due to

vehicles reversing. An increased risk of flooding of the property, due to the lower kerb height is also a consideration.

5. BACKGROUND / MAIN ISSUES

At its meeting of 27 September 2005, the Policy & Strategy Committee resolved to approve a revised Roads Consent Policy for the assessment of footway crossings (driveway) applications. The revised policy aims to highlight the road safety issues caused by a proliferation of footway crossings and addresses the regulations which allow Officers to permit footway crossings in a consistent manner by adhering to the constraints of this policy. The section relevant to this case is as follows

A footway crossing may be widened to a maximum of 5 metres if necessary to accommodate more than one off-street parking space, or at the discretion of Road Officers.

This report also sets out the 'Refusal Appeal Process' which states that "where the Local Member strongly supports the introduction of a driveway or an on-street disabled parking space, where there has been a refusal made in terms of Road Consents standards and policies, that a report on the matter be presented to committee for final determination"

5.1 APPLICATION FOR CONSIDERATION – 46 NEWBURGH CRESCENT

This application is within the ward of Councillor Muriel Jaffrey, Councillor Willie Young, Councillor John Reynolds, Councillor Sandy Stuart and this appeal has been requested from the resident of 46 Newburgh Crescent to extend the existing single footway crossing to 7 metres which is greater than the maximum permitted length of footway crossing of 5 metres. As required by the approved policy this report has been requested by Councillor W. Young to go before the Communities, Housing and Infrastructure Committee for a final decision.

Approval was given to extend the existing single (3 metre) footway crossing to a double (5 metre) footway crossing and the request to extend the footway crossing to 7 metres was refused, as it did not meet with the current policy. A compromise was suggested to the resident that the 5 metre length of dropped kerbs could be centred to the property, this would have allowed 3 cars to park side by side in the driveway. As the kerb height would have been required to be raised adjacent to the garage for this layout to be permitted, this was not accepted by the applicant.

In his defence the resident of 46 Newburgh Crescent requested that 6no. driveways were investigated on the street as he believed them to be in contravention to the policy. It should be noted that applicants are advised not to compare existing crossings as they may have been constructed prior to the current policy being adopted. Four out of the six footway crossings appear to have been carried out by contractors who did not have the appropriate council consents.

These driveways will be taken forward through the unlawful driveway process as it is an offence under section 56 of the Roads (Scotland) Act 1984, for any work to be carried out in the footway without prior consent from Aberdeen City Council. The owners have been contacted to commence this process.

The fifth footway crossing was found not to be in contravention of the criteria.

The sixth crossing was granted approval in 2011 by Council Officers for the work to be carried out on the footway crossing and to move an associated lighting column. Although the work carried out did not meet the current criteria and comprises of a length of 6.3 metres of dropped kerbs, it is of the understanding that there were good reasons at the time to go ahead with the work which is outlined as follows:

1. The lighting team were restricted to the final position that the lighting column could be moved to, given the public utility services in the footpath and the proximity of the BT manhole cover.
2. The consequence of item 1 above required a larger area of footpath to be reinstated; hence it was widened back to the existing MH cover.
3. In the vast majority of cases, the purpose of a property owner widening his driveway is to extend the existing footway crossing to allow two vehicles to park side by side. In this case, the owner cannot park a vehicle in the middle of his footway crossing due to the location of his front door. It was considered reasonable that due to the issues with the lighting column, this would allow the owner to park a total of two vehicles within his property.

- 5.2 The Traffic Management and Road Safety Team deal with a number of applications on a yearly basis to extend their footway crossings over the 5 metre length. Permitting a 7 metre footway crossing would set a precedence within the city and would mean that future applications would be difficult to reject. The current policy has been set out to strike a balance between road safety, on-street parking provision and the provision of residential driveways and officers are keen to enforce these regulations in order to maintain fairness for all applicants.

6. IMPACT

The recommendations of the report meet with the local community plan objectives to continually improve road safety and maximise road accessibility for pedestrians and all modes of transport.

The recommendations are in line with the Council's Transportation Strategy to improve safety for all road users by continuing to reduce the number of casualties in traffic collisions.

An Equality and Human Rights Impact Assessment is not required as this report does not affect a specific user group and is in-line with the current Roads Consent Policy approved by Policy and Resources Committee, 27 September 2005.

7. MANAGEMENT OF RISK

Where the recommendations of this report are not accepted there is the risk that road safety levels and traffic management could be compromised and approval of footway crossings which do not meet with policy become the norm, thereby resulting in on-going public concern, negative media reporting, and reputational damage.

8. BACKGROUND PAPERS

Amendment to Roads Consent Policy – Conditions of Driveways, 27 September 2005, Policy and Resources Committee.

http://committees.aberdeencity.gov.uk/acc_data/committee%20reports/cs_pol_r5a_050927.pdf

Minute of 27 September 2005, Policy and Resources Committee – Article 22

[http://committees.aberdeencity.gov.uk/Data/Policy%20and%20Strategy%20Committee/20050927/Minutes/SubIndex\\$Minutes.pdf](http://committees.aberdeencity.gov.uk/Data/Policy%20and%20Strategy%20Committee/20050927/Minutes/SubIndex$Minutes.pdf)

Footway Crossing Regulations -

http://www.aberdeencity.gov.uk/web/files/roads/driveway_regulations.pdf

9. REPORT AUTHOR DETAILS

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APPENDIX 1
DRIVEWAY ACCESS (FOOTWAY CROSSING) - 46 NEWBURGH CRESCENT

