

ABERDEEN CITY COUNCIL

COMMITTEE	Communities, Housing and Infrastructure
DATE	24 January 2017
DIRECTOR	Pete Leonard
TITLE OF REPORT	101 Caiesdykes Road – Appeal Against Footway Crossing Decision
REPORT NUMBER	CHI/16/315
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report advises members of the details of an appeal against an officer decision to refuse a footway crossing application at 101 Caiesdykes Road, Kincorth, Aberdeen.

2. RECOMMENDATION(S)

That the Committee reject the appeal for a footway crossing at 101 Caiesdykes Road as it does not meet the standards set in the Council's approved policy.

3. FINANCIAL IMPLICATIONS

There are no financial implications for ACC as the applicant would be required to meet the costs of the installation of the footway crossing and driveway alterations.

4. OTHER IMPLICATIONS

Approving a footpath crossing at this location risks undermining the approved policy and all the contributory factors involved in its application. This would make similar future applications difficult to reject.

5. BACKGROUND/MAIN ISSUES

An application was received in June 2016 with regards to a footway crossing at 101 Caiesdykes Road, Kincorth.

This application was reviewed against the Council's Footway Crossing Policy, as detailed on the Aberdeen City Council website and as agreed by the Policy and Strategy Committee on 27 September 2005.

This policy is in place to ensure that all footway crossings are implemented with due consideration to road safety and are applied consistently.

A location plan for the property is available in Appendix A.

All applications are assessed for compliance with the policy and standards which include gradient, drainage, type of surfacing, length of the proposed driveway, proximity to a road junction and visibility.

In this instance there was also a requirement for Planning Approval.

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 works at 101 Caiesdykes Road were completed before any application was made. (See photographs – Appendix B)

Officers met with the applicant to discuss the ongoing issues and were advised of the history behind the driveway application as follows:

Many years ago the applicant excavated out part of the front garden and lock blocked an area to form an off street parking bay. At this time, roads officers would not grant a footway crossing due to the excessive gradient and the length of the driveway being too short in relation to the guidance.

Unfortunately the house owner was approached by a rogue builder / landscape gardener who agreed to resolve the previous issues, and install a driveway which he said met the current requirements. On commencing the work and without contacting roads officers the builder excavated a large area of garden and exposed the main sewer running along the front of the property. At this point he realised he couldn't achieve the required standards and abandoned the site.

The house owner at this point appointed another builder, once again without contacting the roads department, and installed the current driveway that you can see in appendix B.

Given the location of the sewer, the current builder had no option but to construct the retaining wall, which severely restricts the length of the driveway which can be achieved.

There are four main areas where the application does not meet the current policy.

1 - Planning Permission

-The construction work involves over 0.5m depth of excavation or infill.

The construction of the driveway required the excavation of the front garden and the construction of a retaining wall. Where the excavation exceeds 0.5m in depth, permission from the Planning Authority is required. There has been **no** application made for Planning Permission.

2 - Length of the Driveway

Section1 - a minimum parking area measuring 3m wide by 5m deep will ensure a vehicle will not commit an offence by overhanging the footpath.

Although the width of the driveway has been constructed 6m wide the length of the driveway varies between 3.9m and 4.1m in length. All driveways must be a minimum of 5m to accommodate an average vehicle. Otherwise they will overhang the footpath causing an obstruction to pedestrians and have serious issues to partially sighted or blind people.

Not having the depth of drive to park at right angles to the road there would be a temptation to enter the area of desired parking at an angle. This in turn causes issue to a driver being able to see pedestrians using the footpath.

3 - Road Safety.

-Must be internally drained with no surface water discharging on to the public road

Although the driveway has been constructed in a bituminous material with a drainage channel to collect some run off, officers are of the opinion that the drainage channel is not connected to any soakaway or the existing drainage network. This will result in water discharging onto the public road / footpath with subsequent freezing hazards occurring during winter periods.

-The gradient should not exceed 1 in 20 or 1 in 15 as the absolute maximum gradient.

This site has a gradient of 1 in 10 exceeding both the recommended and absolute maximum.

-Dictates that no crossing should be situated within 15m of a junction.

Reversing movements in or out of a driveway would be in conflict from vehicles manoeuvring close to a junction, causing a safety concern to both road and footpath users.

This application is 7 metres from the junction which is substantially less than the prescribed requirement.

Existing Driveways/Footpath crossings – Do Not Compare.

This section of the guidance explains that existing footway crossings which do not meet the current criteria will have been constructed before the new criteria was adopted by the council and do not set a precedent when assessing new applications.

This has been explained to the applicant on this and the previous occasion.

In summary this application falls short on a number of the approved conditions.

The applicant's position is that they had not been made aware (by either contractor) on the Council's requirements for the formation of a driveway.

The current situation at 101 Caiesdykes Road is such that the works falls short of the criteria set by the Council due to:

- The presence of a main sewer running immediately behind the newly constructed retaining walls, resulting in the applicant not being able to meet the minimum length for a driveway. The vehicle either then overhanging the footpath or driving across at an angle.
- The applicant has no Planning permission for the works constructed
- Proximity of the driveway to a junction.
- The gradient of the driveway is beyond the maximum allowed and there are concerns that it has no drainage connection.

Surveys undertaken in the area have shown that on street parking is available for residents, during both the day and at night.

Additional Information

This report was initially reviewed by this Committee in November 2016. During the Committee, it was highlighted that one of the occupants of

the property had a disability. A check of the Blue Badges database shows no Blue Badge allocated at this address.

This matter has been considered along with the evidence previously submitted, however the non-conformances of the driveway remain the outstanding issue and officers stand by the decision to recommend refusal of the application.

6. IMPACT

Improving Customer Experience – As the recommendation is to reject the appeal, customers will see that the regulations are being upheld and applied fairly across the board.

Improving Staff Experience – Not applicable.

Improving our use of Resources –

Refusal of this appeal would demonstrate that the council has a sound policy on footpath crossings that are applied consistently and fairly.

Corporate – The contents of this report link to the Community Plan vision of creating a “sustainable City with an integrated transport system that is accessible to all”. With respect to the delivery of the Smarter Mobility aims of Aberdeen – *The Smarter City*: “We will develop, maintain and promote road, rail, ferry and air links from the city to the UK and the rest of the world. We will encourage cycling and walking”, and “We will provide and promote a sustainable transport system, including cycling, which reduces our carbon emissions.”

Public –

Interest to the public in that it is a test of the policy regarding footpath crossings.

7. MANAGEMENT OF RISK

Approving a footpath crossing at this location risks undermining the approved footway crossing policy and all the contributory factors involved in its application. This would make similar future applications difficult to reject.

8. BACKGROUND PAPERS

Aberdeen City Council
Footway Crossing-Regulations
27th September 2005

9. REPORT AUTHOR DETAILS

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Appendix A – Location Plan



<p>Committee, Housing and Infrastructure Public Infrastructure and Environment Traffic Management & Road Safety Team</p> <p>Business Unit 1/2/3/4/5/6/7/8/9/10/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100</p>		<p>Client: ABERDEEN CITY COUNCIL</p> <p>Project: 101 CALEDONIAN ROAD</p>		<p>Location Plan</p>	
<p>ST</p>	<p>CALEDONIAN ROAD</p>	<p>101</p>	<p>102</p>	<p>103</p>	<p>104</p>
<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>

Appendix B – Photos of Driveway



Driveway and retaining walls.



Typical on-street parking arrangements during the day.



This photo shows the driveway at the right hand side of the junction and the close proximity of the driveway to the junction.