

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Planning & Infrastructure
DATE	31 May 2010
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Albury Mansions Road Un-adoption
REPORT NUMBER:	EPI/10/135

1. PURPOSE OF REPORT

A request has been received from the residents of Albury Mansions for the access road to Albury Mansions to be un-adopted and removed from the list of public roads. This report deals with the reasons for this request and explains the implications involved in the un-adoption of a road.

2. RECOMMENDATION(S)

It is recommended that the Committee note the contents of this report and :

- 1) make a decision with regard to whether the access road leading to Albury Mansions from Albury Road may be un-adopted by Aberdeen City Council and removed from the list of public roads ; and
- 2) if it is agreed in principle that the road may be removed from the list of public roads instruct officers to carry out the procedure in accordance with the Roads (Scotland) Act and if no representations are received to remove the road from the list of public roads without returning to Committee. If representations are received a follow-up report be presented to Committee for further consideration.

3. FINANCIAL IMPLICATIONS

There is the cost of publishing a notice in a local newspaper which is not considered significant and could be absorbed by the Council in their costs for advertising road traffic orders, road closures, etc.

There will be a saving due to the removal of the cost of maintenance of the access road and lighting along with the winter maintenance costs.

4. SERVICE & COMMUNITY IMPACT

The Community Plan encourages people and communities to be engaged in decisions made on services which will affect them.

5. OTHER IMPLICATIONS

None

6. REPORT

Albury Mansions is a short cul-de-sac serving a development of 62 flatted properties and takes direct access from the northern end of Albury Road within the Ferryhill residential area. The road is currently adopted and forms part of the controlled parking zone of the Ferryhill area.

Private car parking areas at the end of the cul-de-sac serve the development and due to the close proximity of the site to the commercial area of the city centre, indiscriminate parking by non-residents has impacted on the availability of residents parking and the general environmental amenity enjoyed by the residents of Albury Mansions.

A planning application was submitted in July 2009 on behalf of the residents for the erection of a gate across the access road leading to the car parks to ensure that they were only used by residents and the application was subsequently approved on the 16th September 2009.

At the time of the application Roads officers did not raise an objection to the application as there were no road safety implications and the gate was set back far enough back from the carriageway of Albury Road so that it would not cause any obstruction.

It will be noted that the erection of a gate within the adopted public road requires that the road be removed from the list of adopted roads. The planning permission does not in its own right allow for a change of status of the cul-de-sac and can only be implemented following the agreement of the Roads Authority to un-adopt the road which would then be seen to form a private access to the development.

However, following the planning approval the residents proceeded to purchase a gate and their contractor started to erect the gate on site. This work was stopped by a roads inspector working for the Street Occupations Section of the Council who advised the contractor that the road was adopted and they did not have the necessary permission to carry out works within the adopted road and effectively block the road with a gate.

Discussions were held with the Factor representing Albury Mansions and it became very clear that they were not aware of the adopted status of the cul-de-

sac serving Albury Mansions and was an oversight by the agents. Pre-application enquiries or discussions with officers would have brought this to their attention and avoided the problems that arose. It is acknowledged that the response of the Roads officer, at the time of the planning application, should have advised of the adopted status of the road but this was not picked up at the time of the application. However this omission does not remove or diminish the responsibility of the applicant to make the appropriate pre-application enquiries.

The situation was considered further by the Factor representing the residents with regard to other possible options and a further planning application was submitted locating two separate gates at the entrances to the car parks so that they were outwith the adopted road. Whilst this application was approved the majority of residents did not feel that the solution resolved all of the amenity issues and that it would also involve significant extra expense as two gates were now required. The preferred solution of the residents to the problem is for the access road to be un-adopted and removed from the list of public roads so that the residents may erect a gate at the original location in line with the first planning permission.

Members will be aware that an adopted road is a road which is managed and maintained by the local authority and has been constructed to certain standards specified by the Council. It is generally recommended that an access road serving more than 3 properties is adopted by the Council so that the interests of the residents are looked after with regard to the maintenance of the road and lighting, access for refuse vehicles and snow clearing all of which could result in significant costs to residents if the road is not adopted.

For many property developments such as Albury Mansions where a general access leads to private parking, the access is not adopted and considered to be a private access under the ownership and management of the properties that it serves. In such cases the road is not offered for adoption by the council.

At a recent meeting all 15 residents in attendance voted in favour of the un-adoption of this access road along with 17 mandatory votes from residents who were unable to attend the meeting giving a total of 32 residents in favour of the un-adoption of the road. They all agreed to accept any consequential expense resulting from the un-adoption of this road as they will have to take over the responsibility of all the future maintenance of the road and lighting. There were 2 postal votes from residents against the un-adoption of the road.

Roads officers have concern and reservations with regard to the un-adoption of the road as this will place a potential future burden on the residents should maintenance issues arise. However given the background to the matter, officers would not offer objection to the request for the road to be removed from the adopted list of roads due to the minimal extent of the adopted road and that the residents have clearly decided that they would rather have the access road un-adopted and are prepared to take over the management and maintenance of the road along with the associated financial responsibilities.

A road may be removed from the list of public roads under the Roads (Scotland) Act Part 1 Section 1. The local authority must :

- (a) give notice of their intention to the frontagers of the road ; and
- (b) publish a notice of such intention in at least one newspaper circulating the area.

The authority should then consider any representations received within 28 days prior to deciding whether to proceed with the removal of the road from the list of public roads.

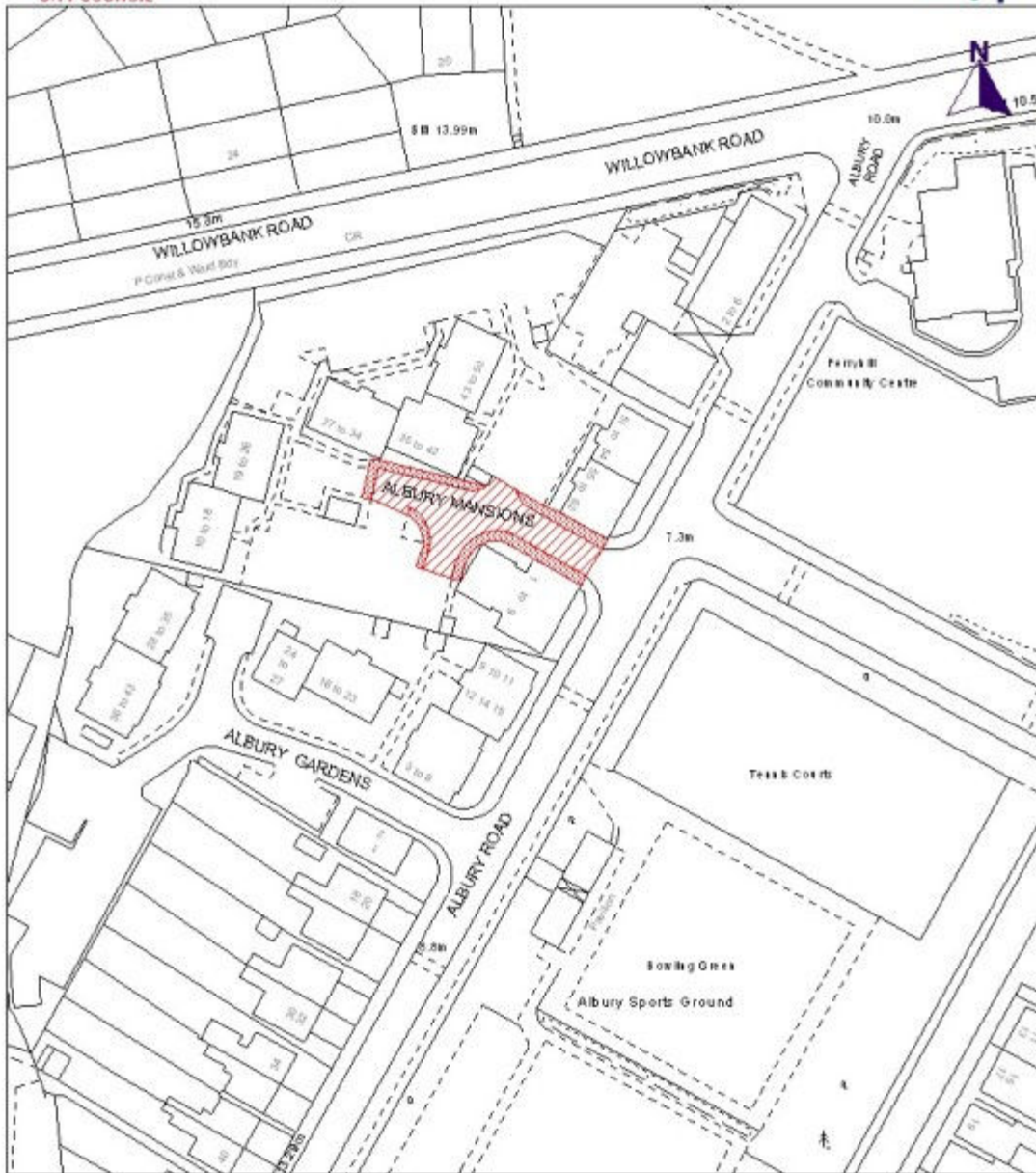
Councillor Irene Cormack, one of the local members, was in attendance at the meeting with the residents and fully supports the residents in their request to have the road unadopted and removed from the list of public roads. Councillor Cormack is satisfied that they are aware of the implications involved.

7. REPORT AUTHOR DETAILS

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8. BACKGROUND PAPERS

Plan of Site



Title: Albury Mansions, Aberdeen
Un-adoption of Access Road

Scale: 1:1000

Date: 27 April 2010

Map Ref: NJ9305SE