

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 12 APRIL 2016

APPLICATION FOR ROAD CONSTRUCTION CONSENT

REPORT BY HEAD OF TECHNICAL AND PROPERTY SERVICES

ABSTRACT

This report concerns the consideration of an application for Construction Consent for a new road at Gardyne Street, Friockheim.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) agrees to note the objection received in response to the intimation of the application for Construction Consent to form a new road at Gardyne Street, Friockheim; and
- (ii) agrees to the conditional approval of the application for Construction Consent.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN

This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Angus is a good place to live in and visit;
- Our communities are safe, secure and vibrant; and
- Our communities are developed in a sustainable manner.

3. BACKGROUND

Report No 975/96 to the Roads Committee of 28 November 1996 delegated, to Head of Technical and Property the Director of Roads, the authority to grant Road Construction Consents (RCC) subject to conditions which have been agreed with the applicant and in circumstances where no representations have been received.

4. CURRENT POSITION

- 4.1 At its meeting on 10 March 2015 the Development Standards Committee resolved to grant planning permission for the erection of 80 (eighty) dwelling houses on the south side of Gardyne Street, Friockheim.
- 4.2 The application for Construction Consent seeks to provide the vehicular accesses into the site and to the proposed car parking area in the north-west corner of the site in accordance with Conditions 3 and 5 respectively, of the said planning permission.
- 4.3 Under the terms of Section 21 of the Roads (Scotland) Act 1984, any person other than a roads authority who wishes to construct a new road or extend an existing road must seek the consent of the roads authority to do so.
- 4.4 The applicant has made the requisite application to the Council for Construction Consent to form the first section of the new roads entering the housing site (Phase 1). Submitted Drawing No. 12208A/03/001: Revision F is provided in **Appendix 1** for reference.

- 4.5 In accordance with the Act, an application for Construction Consent must be intimated by the applicant to the owners of all land which would front, abut or be comprehended in the new road or extension of the existing road or as otherwise specified by the roads authority.
- 4.6 The Act also requires that the local roads authority shall consider any written representations, made to them, within 28 days of the date of intimation, by any person to whom an application has been intimated and before granting or refusing the consent the authority shall allow the person applying for the consent an opportunity to be heard by them, as regards the application.
- 4.7 The applicant's agent has carried out the appropriate intimation to neighbours of the proposals for the application and an objection has been received within the stipulated timescale. A copy of the objection letter and directorate responses is attached in **Appendices 2, 3 and 4**.
- 4.8 The objections to the proposals generally relate to a perceived lack of information supplied by the applicant with the notification to neighbours, including:
- a question as to the location of the roundabout at Westgate, its size and materials to be used;
 - a question as to why the layouts of the two access junctions differ from each other; and
 - no indication of location points for bus stops.
- 4.9 The neighbour notification procedures were carried out by the applicant's agent in accordance with the legislative requirements which directs interested parties to view all of the technical drawings associated with the application at County Buildings, Forfar.
- 4.10 The layout of the two vehicle access points into the site differ in accordance with the details contained in the planning permission granted by the planning authority.
- 4.11 A new bus stop layby is detailed close to the westernmost access point (see **Appendix 5**).
- 4.12 Road Construction Consent relates to the technical design details of a proposed road, including material specifications. In this case, the nature of the specific points of objection is not considered to be 'technical', as they basically raise matters of principle that have already been addressed through the granting of planning permission.

5. PROPOSALS

- 5.1 Application is made for new sections of road, as required by Section 21 of the Roads (Scotland) Act 1984.
- 5.2 Since the original submission, the application has been revised to take account of Roads officers' comments. The objectors have been offered the opportunity to withdraw the objection but have chosen not to do so. No further written communication has been received from the objectors prior to preparation of this report.
- 5.3 In consideration of the objections raised, reference had been made to the planning permission previously granted by the Council.
- 5.4 In all circumstances, I have considered the application and I am satisfied that the technical standards required by the Council are met.
- 5.9 It is recommended that Construction Consent be granted, subject to the conditions listed in **Appendix 6**.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no immediate financial implications arising from this Report. The financial implications in respect of the costs of annual maintenance of the new roads will be contained

within future Roads & Transport Revenue budgets, if the roads are added to the List of Public Roads.

7. CONSULTATION

7.1 The Chief Executive, the Head of Legal and Democratic Services, the Head of Corporate Improvement and Finance, the Head of Planning and Place and the Chief Constable have been consulted in the preparation of this Report.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No. 975/96 New Roads – Construction Consents, Roads Committee, 28 November 1996,
- Report No. 131/15, Land at Gardyne Street, Friockheim, Development Standards Committee, 10 March 2015.

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List of Appendices:

Appendix 1 – Objection Letter, 13 September 2015

Appendix 2 – Response to Objection Letter, 28 September 2015

Appendix 3 – Further Response to Objection Letter, 29 October 2015

Appendix 4 – Notification to Objectors of Amended, Finalised Drawings

Appendix 5 – Drawing No. 12208A/03/001: Revision F – Proposed Site Access Layout Phase 1

Appendix 6 – Draft Conditions of Construction Consent