

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 3 MARCH 2015

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 the extension of an existing public road associated with a flatted development at Church Street, Arbroath.

1. RECOMMENDATION(S)

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 extend the existing road for a new flatted development at Church Street, Arbroath, and
- (ii) agrees to the conditional approval of the application for Construction Consent.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE 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
- Our communities are developed in a sustainable manner

3. BACKGROUND

3.1 Report No 975/96 to the Roads Committee of 28 November 1996 delegated to the Director of Roads the authority to grant Road Construction Consents (RCC's) 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 11 March 2014 the Development Standards Committee resolved to grant planning permission for the erection of a four flatted housing development on a vacant site at the west end of Church Street, Arbroath.

4.2 The planning application contained within it a proposal to form a small turning head for cars, partly within the planning permission site.

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 requires 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 extend the existing road to form the turning head.

- 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.
- 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 has carried out the appropriate intimation of the proposals for the application and an objection has been received from a notified person within the stipulated timescale. A transcription of the objection letter and further correspondence is attached at **Appendix 1 and 1A**.
- 4.8 The main technical objections to the proposals relate to:
- A perceived lack of space which would prevent the provision of the turning head and parking spaces shown in the planning permission; resulting in vehicles manoeuvring dangerously close to the objector's property,
 - The design fails to meet the Council's Road Standards, and
 - Potential for parked vehicles to block access to the flats.
- 4.9 Further points of objection relate to matters such as, lack of parking for cyclists and no allowance being made for future conversions of the parking spaces for disabled persons' parking places or electric vehicle charging points.
- 4.10 Road Construction Consent relates to the technical details of a proposed road. The nature of these further matters of objection are not generally considered within the Road Construction Consent process but are instead regarded as Planning matters.

5. PROPOSALS

- 5.1 Since the original submission, the application has been revised to take account of Roads officers' comments. The objector has been provided with a copy of the revised proposals but wishes to maintain the objections submitted.
- 5.2 The main point of objection which requires to be considered is that the proposals do not conform to the Council's Road Standards.
- 5.3 During the intervening period, between the granting of planning permission and the submission of the application for Road Construction Consent, the Council's Road Standards have changed. At its meeting on 19 August 2014 the Communities Committee considered Report No. 331/14 and agreed to adopt the new National Roads Development Guide (SCOTS) as its road standards document, thereby superseding the previous Angus Council Road Standards document.
- 5.4 In response to Scottish Government policies, the new road standards document does not generally provide rigid guidance on geometrical road layout standards but instead seeks to, "encourage high-quality environments that place a focus on people and enable developments to be designed on an individual methodology rather than following standard and rigid specifications where possible".
- 5.5 The new document includes recommended guidelines for turning head sizes for new development roads. These guidelines are in excess of that proposed by the current application and are reproduced in **(Appendix 2)**. Notwithstanding, the document also recommends that the dimensions of turning areas should suit the characteristics of the largest vehicles which will use the facility on a regular basis.
- 5.6 In consideration of the objections raised, reference had been made to the planning permission previously granted by the Council and the former Angus Council Road Standards which prevailed at that time. These former standards were used by Roads officers in consideration

of the planning application and provide additional, material guidance on the provision of turning heads for cars. This guidance is provided in Figure 78 in **Appendix 3**.

- 5.7 Additionally, consideration has also been given to both the existing traffic movements and road layout (cul-de-sac) serving the development site. The provision of a turning head, albeit, designed for the use of cars only, is commensurate to the scale of housing development proposed and is considered to be an improvement to the existing public infrastructure that would otherwise not be provided.
- 5.8 In all circumstances, I have considered the matter and I am satisfied that pedestrian and traffic safety will not be unduly compromised by the proposed improvements to the existing public road.
- 5.9 A relaxation of the new standards required for housing development roads is acceptable as the scale of development is small and no new road is proposed, only an extension to the existing road. It is recommended that Construction Consent be granted, subject to the conditions listed in **Appendix 5**.
- 5.10 The revised application drawing, detailing the proposed turning head, is attached in **Appendix 4**.

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 extended road will be contained within future Roads & Transport Revenue budgets, if the extension is 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: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

REPORT AUTHOR: Ian Cochrane, Head of Technical and Property Services

EMAIL DETAILS: CommunitiesBusinessSupport@angus.gov.uk

List of Appendices:

Appendix 1 – Objection Letter

Appendix 1A – Latest Objection Correspondence

Appendix 2 – National Roads Development Guide (SCOTS), Figure 18, Dimensions for Turning Heads

Appendix 3 – Former Angus Council Road Standards, Figure 78, Minimum Turning Heads for Cars

Appendix 4 – Application Drawing No. 3724/WD/09, Revision H

Appendix 5 – Draft Conditions of Construction Consent

Objection Letter

Church St Arbroath
DD11 1JL

05/12/14

Re: RCC from Voigt Partnership, for Church St Arbroath

Dear Sir/Madam,

Having viewed the RCC application I must object to it most strongly. The area is too small and vehicles will be manoeuvring dangerously close to my property. I have attempted to familiarise myself with relevant standards although I haven't seen the Angus Roads Standards in full. As I haven't been able to view the specific plans on the Publicaccess site I am using the drawing 3724/PD/01 submitted and accepted by the Planning Department. As this construction is required in conjunction with the 4 parking spaces, they must be considered together as they have a major impact on each other.

Having viewed the Council policy on parking spaces and turning heads specifically figure 78 for the type of turning head here the standards cannot be met. The design fails to take in account the 3m radius at the access to the turning head, this along with the 500mm clearance strip makes it impossible for the design shown.

There needs to be considerable movement of certainly the middle spaces. Moving North 2m places the space over the access path and into the building. Or at least an additional 3m is needed to widen the area placing the outer spaces well into the neighbouring properties. Further this move cannot allow the centre of the turning head to move more than approx. 0.5m closer to the west and the end of the road or fail the 8.5m requirement.

The distance between the southern kerb in Church St and the start of the spaces is extremely narrow. The road is 4.5m wide plus the pavement at 1m then gives manoeuvring distance (aisle) of 5.5m. Further to the east in the street similar parking spaces have an aisle of approx. 6.7m and I have viewed vehicles struggling with this. I understand for a 2.5m space, 6m is the recommended minimum in Fife.

The Planning Application design shows car parking spaces it makes no allowance for bicycle parking/storage a requirement for flatted developments (ALDP Schedule 1 Roads/Parking/Access).

Vehicles can overhand the spaces blocking the sole access to the flats. Bollards would be required. The design leaves no space for possible future issues such as converting a space to disabled parking or electric vehicle charging points. This demonstrates how small the area is.

This is trying to pour a quart into a pint pot. As the Roads Department and Planning consent requires 4 spaces plus turning head this RCC and indeed permission 13/01175/full cannot meet the minimum standards. Because of the fact this is the minimum standards in every aspect, insisting on some exceeding these as mitigation to make this development actually usable. Last year at 3 Church St the Roads department accepted the conversion of garden ground to parking. Like here 4 spaces were proposed and accepted by the Roads Department, now physically built using only 2 of these spaces is the maximum practical and difficult at best.

To reiterate a turning head is possible but will make the parking impossible to meet, also this parking will be too close to the southern properties to allow for using them, will make foot access to the proposed flats impossible to keep clear of parked vehicles (or even have when the modified parking arrangement happens).

This design is when closely examined completely impractical and falls well short of the part Road Standards Mr Barnes previously supplied me with. Fortunately the construction is not already underway so significant redesign is not only possible but essential, it will therefore most likely mean a fresh Planning Application.

Name

To: [REDACTED]
Cc: HillD
Subject: RE: RCC for Church St Arbroath

Attachments: 3724 WD 09 Rev H Roads Layout 5th February 2015.pdf

Dear Mr Watt,

I acknowledge receipt, and thank you for your confirmation of objection to the above application for road Construction Consent.

It is the intention of my division to report the application to the Council's Communities Committee on 3 March 2015. You are welcome to attend and speak at the Committee. If it is your wish to do so, please contact Andrew Wilson, Committee Officer on 01307 476268 or e-mail WilsonAS@angus.gov.uk for further advice, or to make arrangements to attend the Committee meeting.

Notwithstanding the above, I can provide further advice and comment regarding the application and your objections dated 5 December 2014 and your e-mail below, dated 9 February 2015.

An updated drawing, reference no. 3724/WD09 Rev H is now available and is attached for your information. The updated drawing differs insignificantly from the previous drawing provided to you (Revision F); the only changes being the addition of further dimensioning lines and drawing scales and widening of the proposed footway adjacent to the easternmost parking bay, in order to ensure that the existing footway width is not reduced. This has resulted in a slight chamfer of the parking bay but with little, material extent – approximately 100mm (4"). The parking bay, at its shortest point, is now proposed to be approximately 4.95m in length. If the upstand to the kerb line at the end of the bays adjacent to the proposed building were to be removed and those kerbs laid flush this could provide a potential increase in the effective length of this bay, to 5.075m or thereby.

In consideration of your most recent, specific points of objection, following your numbering convention, I can confirm:

1. The turning head has a minimum 500mm overhang strip over its entire length, as shown on both revisions of the drawing.
2. The available parking width to the face of the boundary wall adjacent to the easternmost bay is approximately 2.95m. At its narrowest point, the space available to the face of the proposed wall for the westernmost bay is 2.75m and at the point at which the average car door would be opened, the effective width for parking is 3.25m. Notwithstanding, the 3m bay width is recommended for use in public car parks and such like and not in areas under private ownership. In addition, it should be noted that the width of the turning head, at 3.563m, is actually 563mm in excess of the minimum stated requirement of 3.0m. If the turning head width were to be reduced to the 3m minimum allowed, then, additional space could be created for the parking bays. However, this would have a slight decrease in the effectiveness of the turning head for the public road. Hence, a balance has been struck.
3. At no point does the westernmost space use the part of the footway. On the assumption that you meant to refer to the easternmost space, I have addressed your concern in paragraph 4, above.
4. All four parking bays are perpendicular (90°) to the existing road. Whilst the turning head is 88° to the existing road this is not considered to raise any significant, traffic safety concerns or difficulties in turning for cars.
5. The width between the easternmost bay and the opposite kerb line is 5.3m as you suggest. Whilst this will make it more difficult to access this space than the others it is not considered to be such a significant factor

that would render the whole proposal unacceptable. Vehicle swept paths for an average car have been checked and have shown that access/egress to the bay should be possible, using the full road width.

Unfortunately, I am unable to comment on the legal agreements between neighbours, in respect of boundary walls. Suffice to say, that what is under consideration here is a proposal, as designed. Any failure to meet the design parameters during construction can only be dealt with at that time. That is not to say that I do not understand your perception that it may be too late at that stage. However, due legal process must be followed.

Any subsequent issue that may arise due to illegally or anti-socially parked vehicles on the public road is a matter of enforcement for Police Scotland.

Yours sincerely,

Andrew Barnes | Senior Traffic Engineer | Communities | Roads | **County Buildings** | Market Street | Forfar | DD8 3WR | T: (01307) 473391 | E: barnesa@angus.gov.uk | www.angus.gov.uk

From: g [REDACTED]

Sent: 09 February 2015 15:50

To: BarnesA; ROADS

Subject: RCC for Church St Arbroath

Having received the revised plans 3724/WD/09 rev F they still fall short of the minimum standards

1. The turning head still doesn't maintain the 500mm clearance strip all the way around. The design fails to meet minimum standards because the site is too small to do so.
2. The first and forth spaces are too narrow at 2.5m. The Roads department has already specified must be 3m wide due to the adjacent walls. The design fails to meet minimum standards because the site is too small to do so.
3. The western most space actually uses part of the pavement. The design fails to meet minimum standards because the site is too small to do so.
4. The spaces are not parallel to the road but angled. This would appear to be in the region of 80 degrees. The design fails to meet minimum standards because the site is too small to do so.
5. The width of the road and dropped pavement is 5.3m at the eastern boundary wall which is far too narrow in my opinion to allow for access.

May I suggest that an experiment be carried out. Using a real wall mark out the eastern spaces and something such as planks to represent the southern pavement. If a mid-sized family car (these are 2 and 3 bedroom family homes) can use these spaces comfortably then despite being undersized you could justify allowing a substandard development. Obviously the reverse could also apply.

The western boundary wall doesn't exist regardless of the Planning Department, Chief Executive and SPSO insistences. A substantial stone wall will have to be built which will need to be agreed with the neighbour. The point being the architect has squeezed every possible millimetre into the design and has failed to meet your requirements on paper. The likelihood is that the actual build will fail more than the design does.

To summarise the situation and its history. The Road Standards regarding the parking spaces and turning head have not changed in 20 years and the requirement for 4 parking spaces and a turning head was a requirement of the 2006 application. It is in no way a stipulation sprung on the developer. It is the developer's responsibility to meet the standards not the Roads Department to ignore them to allow a development regardless. As this proposed development is on an empty site it is simply that with the current design for 4 flats there isn't enough space to carry out the minimum standards. In fact where it

exceeds these standards is the width of the turning head at 0.063m wider than the absolute minimum and parts of the clearance strip at 0.345m more than the minimum.

There is no reason why a smaller development which could meet the standards couldn't happen. The turning head and parking spaces are not incidental to the planning permission but a main condition.

The other similar parking in the street is actually perpendicular and has a wider pavement yet is still awkward for modern vehicles. The turning head is intended to improve the road conditions but will be substandard making it use difficult besides the reality of the design and the lack of unrestricted parking in the street is that both the turning head and pavement at 16 and 18 Church St will be used as visitor parking.

I hope that the Roads Department doesn't pander to the developer and disregard the standards simply to let them squeeze every drop out of the site thereby making it impractical for future occupants.

Yours

A black rectangular redaction box covering the signature of the sender.

Sent from Windows Mail

Part 3

ROADS DEVELOPMENT GUIDE

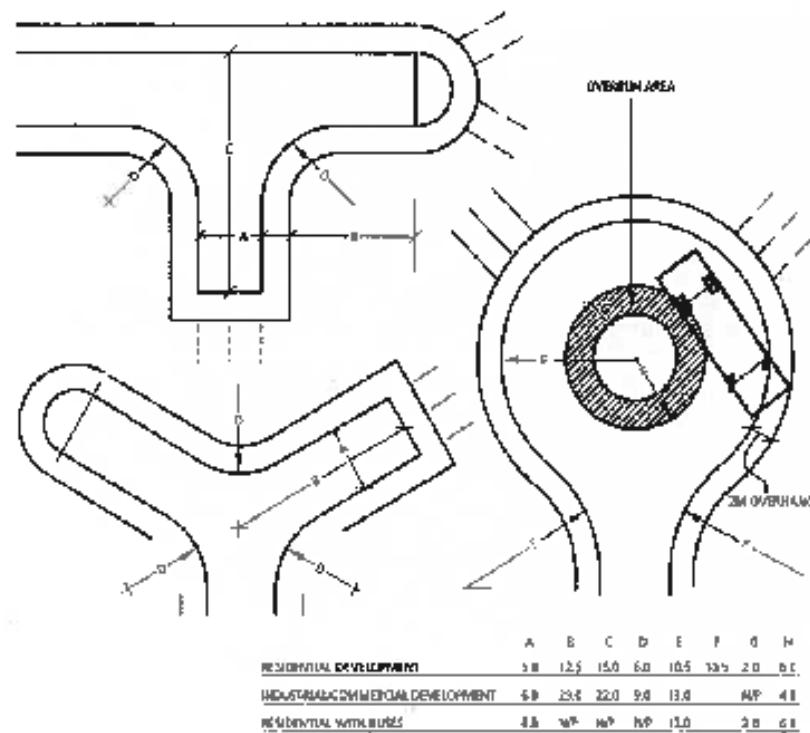
Provision

In general where roads are not provided in a loop form and cul-de-sac are used in a layout, they should terminate in turning circles. Where lack of space precludes the creation of a turning circle, turning heads may be substituted. However it should be noted that over-development of a site to the detriment of such infrastructure requirements is likely to be unacceptable.

Dimensions

The dimensions of turning areas should suit the characteristics of the largest vehicles to use the facility regularly. In residential roads these will normally be refuse collection vehicles, while in industrial/commercial development it may be necessary to cater for 15.5 metres long articulated vehicles or 18 metres long drawbar trailers. The turning areas detailed in Figure 18 are based on the turning circles of these vehicles between kerbs. The length of any hammerhead may be extended from the minimum values shown in Figure 18 at the discretion of the Local Roads Authority.

Figure 18



Click map to see regional variations



MINIMUM TURNING HEADS FOR CARS

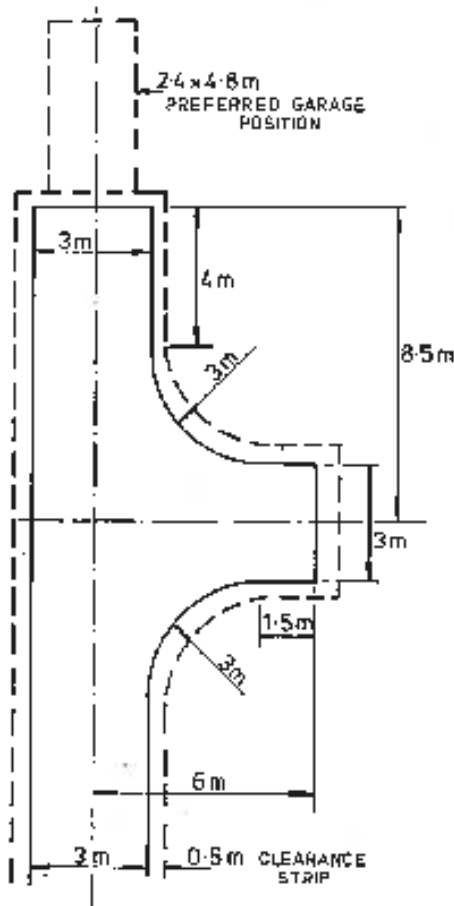


Figure 78

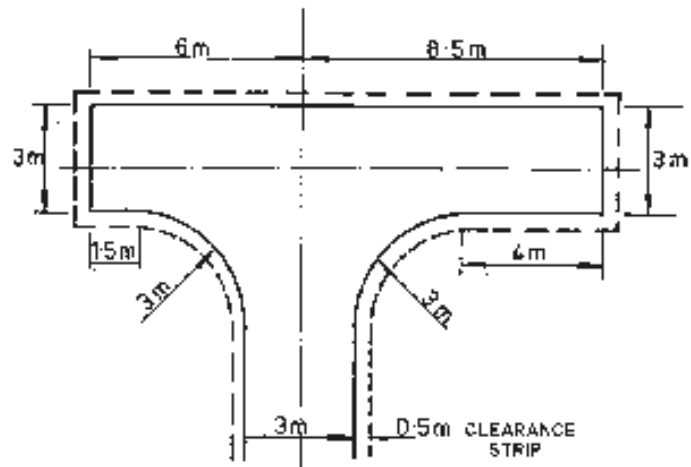


Figure 79

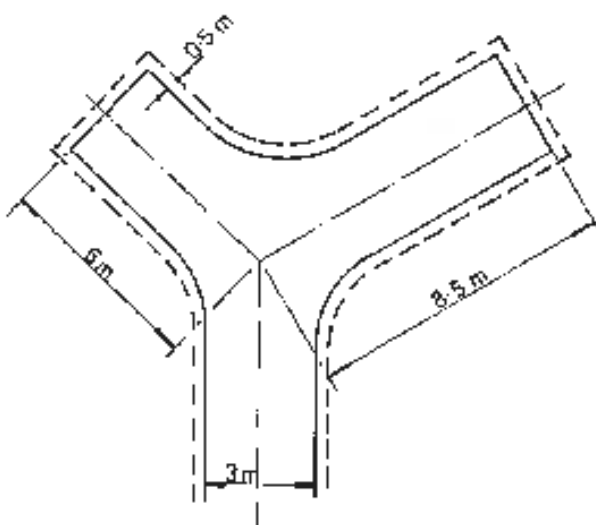
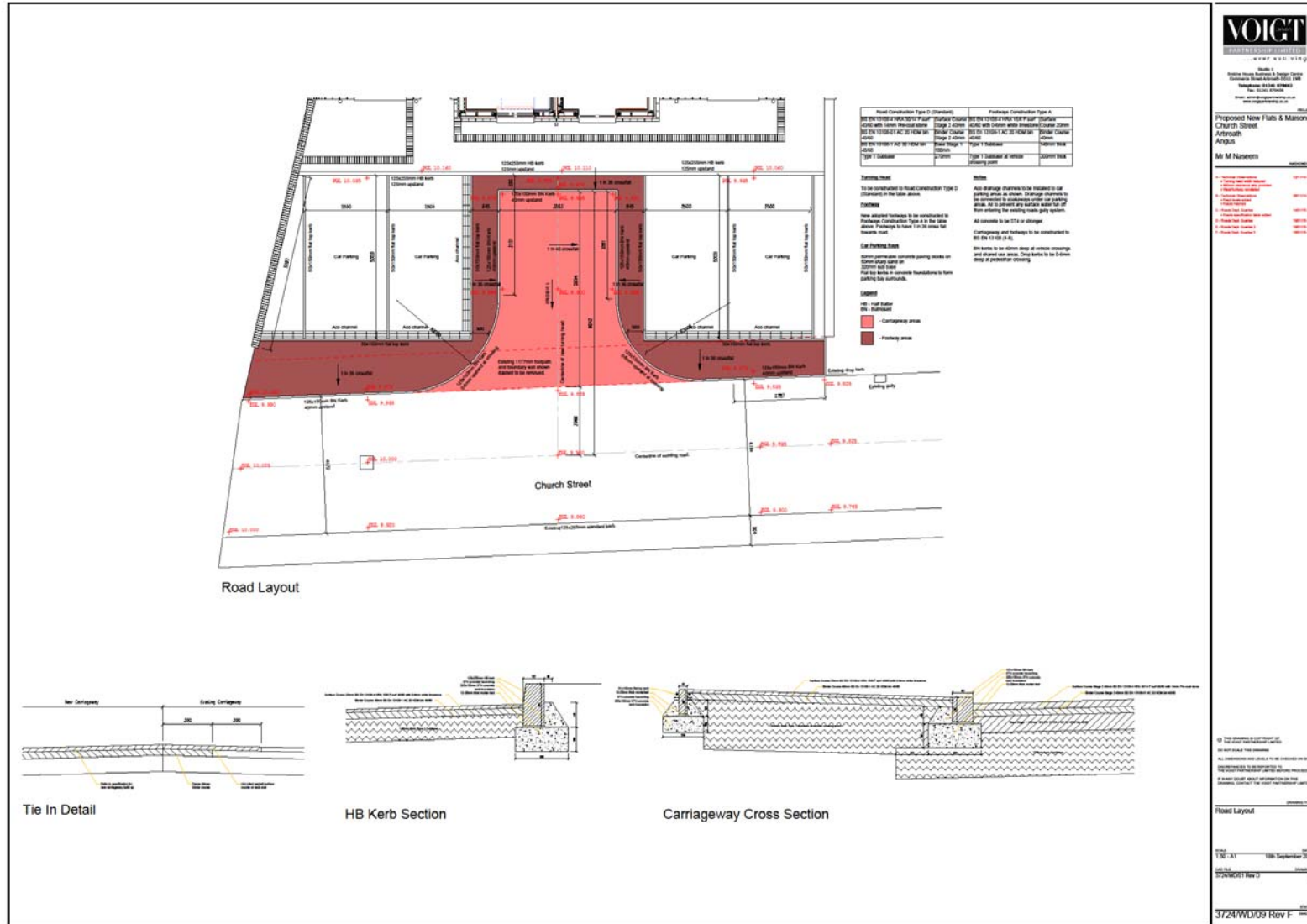


Figure 80

Alternative configurations may be used provided the arms of the 'T' are dimensioned 6m & 8.5m and no angle between the arms is less than 90°.

With layouts shown in Figs 79 & 80 the garage position is less critical but would be preferred to be located on the longer leg



CONDITIONS OF ROAD CONSTRUCTION CONSENT TO FORM A NEW ROAD OR EXTENSION OF AN EXISTING ROAD AT CHURCH STREET, ARBROATH (CC 14/12)

FOR

PER

- 1 Layout and construction details shall be as per Angus Council Road Standards or drawings listed below:

<u>No</u>	<u>Title</u>
3724/WD/09 Rev H	Road Layout

The approval of these drawings does not impose a duty on Angus Council for any errors or omissions and the applicant shall be responsible for the rectification of any such error or omission.

- 2 The following areas only, identified on the enclosed approved drawing no. **3724/WD/09 Rev H Road Layout**, shall be the subject of the Consent:
- a) The carriageways and footways, coloured red.
- 3 All land, which is required for or will be comprehended in the new road or extension of the existing road shall be in the ownership of the applicant before work on the new road or extension of the existing road commences.
- 4 Kerb upstands shall be in accordance with the following unless otherwise stated:
125mm generally; and
40mm at vehicular crossings and driveways.
- 5 Details of the tie-in between the new road or the extension of the existing road and the existing road shall be agreed in advance with the Head of Technical and Property Services.
- 6 The overall carriageway construction thickness shall be 450mm which may only be reduced if the sub-grade material is proved to be non-frost susceptible and agreed in advance with the Head of Technical and Property Services.
- 7 The applicant shall provide recent test certificates for all materials, as per the appropriate British or European Standard where requested by the Head of Technical and Property Services. The Head of Technical and Property Services may request additional materials sampling and testing from an independent NAMAS accredited establishment. The full cost of all materials sampling and testing shall be borne by the applicant.
- 8 The construction of the new road or extension of the existing road shall be completed within a period of three years from the date on which the consent is given. The Roads Authority may subsequently, on request by the applicant in writing, extend the period.
- 9 The applicant shall give advance notice of the start of works, in accordance with section 2.4.12 of the National Roads Development Guide (SCOTS).
- 10 The applicant shall give an opportunity for inspection of the works while in progress, in accordance with section 2.4.12 of the National Roads Development Guide (SCOTS).

11 The applicant shall maintain the new road or extension of the existing road for a minimum of one year from the date of the certificate that the works have been completed to the satisfaction of Angus Council as Roads Authority.

12 The applicant shall provide a disposal route for plot curtilage surface water and road surface water via an approved drainage system to the satisfaction of Angus Council as Roads Authority.

The approved drainage system shall be maintained by the applicant or the applicant's successors as owners of the dwelling houses and other land served by the new road or extension of the existing road until such time as Scottish Water or Angus Council agrees to vest and maintain it. The applicant shall burden the title of those successors accordingly.

Where the drainage system falls to be adopted by Scottish Water, the road(s) shall not be considered for adoption until such time as the drainage system is vested by Scottish Water.

Technical Approvals shall be provided from both Scottish Water and SEPA, as appropriate, prior to the commencement of road works.

The applicant shall also provide a CCTV camera survey of all drainage to be adopted by Angus Council, prior to the commencement of the 12 months Maintenance Period.

13 The applicant shall give two weeks prior written notice of the start of building works, in accordance with section 2.4.8 of the National Roads Development Guide (SCOTS).

14 The applicant shall before building works start, either:

(a) deposit the sum of **£5,600.00** with Angus Council in which case the Council shall place the deposit in a Bank or Building Society in their name earning interest at current rates until the deposit falls to be repaid and the applicant shall be entitled to the interest; or

(b) enter into a Bond for a sum of **£5,600.00** with an Insurance Company, Joint Stock Bank or Guarantee Company to be approved by Angus Council, where the applicant and the Guarantor jointly and severally guarantee the due execution of the works as specified, the whole cost of the said Bond being at the expense of the applicant. The value of the Bond may be adjusted to a figure, agreed in writing with the Head of Technical and Property Services, to take account of any road works, which have been carried out prior to building works commencing on the site.

15 The applicant shall provide and install, to the satisfaction of the Head of Technical and Property Services, white lining, road markings and signing designed and specified in accordance with the Traffic Signs Regulations and General Directions, and the Traffic Signs Manual.

16 The applicant shall provide and install, to the satisfaction of the Head of Technical and Property Services, a lighting system as specified by Angus Council as Roads Authority.

Street lighting shall be operational prior to the occupancy of the first completed property.

All works associated with existing lighting equipment require the permission of Angus Council's Lighting Partnership Manager.

17 The applicant, or his appointed agent, shall consult with all statutory undertakers and service authorities at an early stage to co-ordinate the timing and siting of all plant. The layout of plant shall be in accordance with N.J.U.G.7 guidelines "Recommended Positioning of Utilities' Mains and Plant for New Works" unless otherwise agreed.

- 18 Prior to commencement of work affecting the existing road and footways, permission shall be obtained from Angus Council, Roads Maintenance Manager for "**Consent to Execute Work in the Road**", under Section 56 of the Roads (Scotland) Act 1984. "**Permission to Place and Maintain Apparatus in/under the Road**" shall also be obtained when necessary, under Section 61 of the same Act. The roads authority must give to those statutory undertakers likely to be affected, 28 days' notice of its intention to grant permission and the applicant shall take this into account when programming the works.
- 19 Any work affecting the public road shall be signed, by the applicant, in accordance with the standards laid down in Chapter 8 of the Department for Transport's, Traffic Signs Manual. The provision, protection, lighting, and maintenance of the signing provided shall be the responsibility of the applicant at all times.
- 20 No direction signs shall be erected within the Public Road boundary without the prior written approval of Angus Council's Head of Technical and Property Services. Any costs incurred by the Roads Business Unit in respect of removal of any unauthorised signs shall be recovered from the applicant. (Contact Angus Council, Roads Business Unit for details, specification and approval of sign locations).