

SPSO decision report

Case: 201202220, The Highland Council
Sector: local government
Subject: traffic regulation and management
Outcome: some upheld, action taken by body to remedy, recommendations

Summary

Mr C said that the introduction of the 'safer routes to school' programme in his area had impacted on his access to his home. He was unhappy that a traffic calming measure had been installed in front of his driveway without prior consultation. This had seriously restricted his access to his property, and had made manoeuvring his touring caravan into the driveway so difficult that he had to sell the van. He was particularly unhappy that the council later removed a similar calming measure from outside another property in his street but refused to remove the one outside his home.

Our investigation found that the calming measure had been installed by the developer of a new housing scheme and was a condition of the planning permission granted. The council said they were disappointed that the developer had not made Mr C aware of the detailed proposals, but that consultation was carried out with the community council. Although the developer had met the legal requirements for consultation, the council had in fact apologised to Mr C because he was not consulted directly. We upheld this complaint.

In relation to Mr C's complaint that the calming measure caused an obstruction, we found that the access to his property had been modified but the kerb had not been dropped to match the alteration, which had resulted in restricting his access. As we found that the council had offered to arrange for the kerb to be dropped but Mr C had declined this, as well as an offer to move the double white lines painted across the driveway further back, we did not uphold this complaint. Finally, we found that in the case where the calming measure had been removed, the occupant of the property had been able to demonstrate that it caused an obstruction, which Mr C had not been able to do. We did not uphold this complaint.

Recommendations

We recommended that the council:

- ensure that, when granting planning permission in similar circumstances, they direct the developer to the section on consultation in the Department of Transport's Traffic Advisory Leaflet 11/94 which advises that all parties with an interest in the amenity, conservation or development of the area should be consulted.