

REPORT TO: PLANNING & TRANSPORT COMMITTEE, 13 AUGUST 2007

REPORT ON: BROOK STREET, BROUGHTY FERRY - STOPPING UP

REPORT BY: DIRECTOR OF PLANNING & TRANSPORTATION

REPORT NO: 374-2007

1 PURPOSE OF REPORT

- 1.1 This report considers the necessity to stop-up a small section of the south footway of Brook Street, Broughty Ferry.

2 RECOMMENDATION

- 2.1 The Committee is asked to reject a request to prepare a Stopping Up Order utilising the powers of the Town and Country Planning (Scotland) Act 2007 to stop-up part of the footway adjacent to 288 Brook Street to facilitate the installation of an access ramp for the disabled to a bank.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising as a result of this report.

4 SUSTAINABILITY POLICY IMPLICATIONS

- 4.1 There are no sustainability implications arising as a result of this report.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 There are no equal opportunities implications arising as a result of this report.

6 BACKGROUND

- 6.1 To comply with the terms of the Disability Discrimination Act 1995 commercial properties are obliged to provide satisfactory access for the disabled and wheelchair users in particular. It is not always possible for internal alterations to be made to the premises to fulfil these obligations.
- 6.2 Planning permission for the installation of ramp for the disabled at the Royal Bank of Scotland was refused by the Council on 20 September 2006 on the grounds that the width of the remaining footway was inadequate. On appeal, the decision was overturned by the Scottish Executive who considered that the footway width was adequate at this location. Where a development with planning permission requires the removal of the public right of passage on a road, it is necessary to stop-up the road utilising the powers available in the Town & Country Planning (Scotland) Act 1997.
- 6.3 The architects acting for the Royal Bank of Scotland have now applied to the Council for an Order to be made to stop-up a section of the south footway of Brook Street adjacent to the Royal Bank of Scotland as depicted on the attached plan.
- 6.4 If a Stopping Up Order is approved, the public will no longer have a right of passage over the are of footway concerned and the remaining available width of footway will

be physically restricted by the proposed ramp. The existing footway is 3.0 metres wide and this would be reduced down to 1.8 metres as a result of the proposed ramp. This is considered to be unacceptably narrow given the high levels of pedestrian movement in Brook Street.

- 6.5 Notwithstanding the views of the appeal Inquiry Reporter, the Director of Planning and Transportation is still firmly of the opinion that the proposed ramp would compromise pedestrian safety and that a Stopping Up Order should not therefore be promoted. It should be noted that, even if a Stopping Up Order were to be approved, further consents are likely to be necessary (such as landlords consent) prior to any implementation being possible.

7 CONSULTATIONS

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Assistant Chief Executive (Community Planning), Legal Manager and Chief Constable have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 None

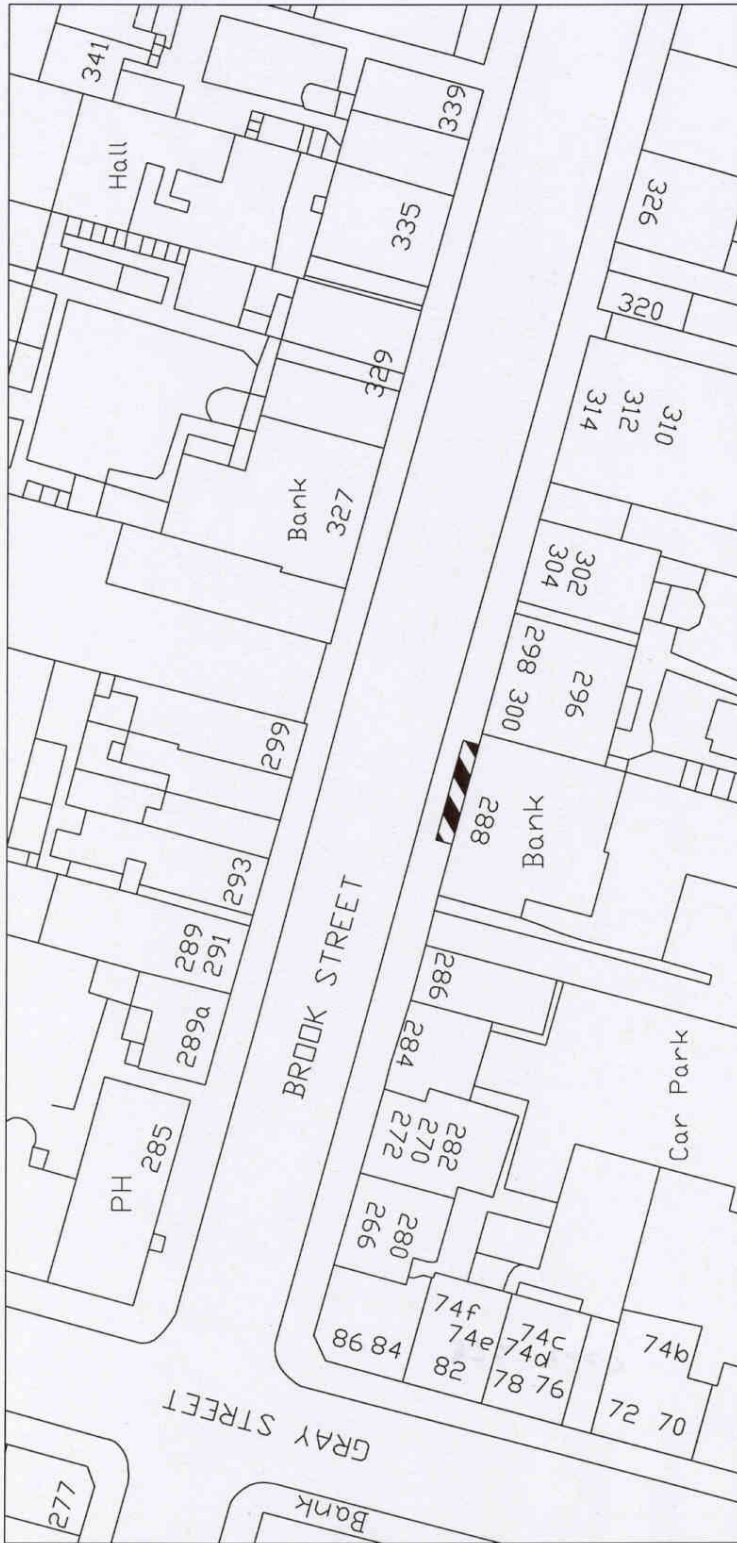
Mike Galloway
Director of Planning & Transportation

Alan Lewis
Assistant Head of Transportation

MPG/AL/DA/EB

2 August 2007

Dundee City Council
Tayside House
Dundee



Drawn	Checked	Dwg. Nr.	Scale	Date
D.A.		TR0202	1:500	27.6.07
Project		BROOK STREET, BRIGHTY FERRY		
Drawing Title		STOPPING-UP		



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LEGEND
 Stopped-Up Length



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