

# Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Cameron and Donnelly.

Town House,  
ABERDEEN, 16 January 2019

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL – RECONVENED MEETING**

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 24 JANUARY 2019 at 2.00 pm** for the reconvened meeting in respect of the application listed below.

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

- 1.1 Procedure Notice (Pages 3 - 4)

**Copies of the relevant plans / drawings are available for inspection in advance of the meeting and will be displayed at the meeting**

[Local Development Plan](#)

**TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATION**

### **PLANNING ADVISER - GAVIN EVANS**

- 2.1 16 Don Terrace - Formation of Driveway (P180912)
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 5 - 24)
- 2.3 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 25 - 34)

- 2.4 Statement from the applicant requested by the Local Review Body (Pages 35 - 36)
- 2.5 Determination - Reasons for Decision  
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Stephanie Dunsmuir, email [sdunsmuir@aberdeencity.gov.uk](mailto:sdunsmuir@aberdeencity.gov.uk) or 01224 522503

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL


1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.  
Any representations:
  - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
  - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
  - (a) written submissions;
  - (b) the holding of one or more hearing sessions;
  - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

#### DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
  - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
  - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
  - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
  - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
  - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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<b>Site Address:</b>	16 Don Terrace, Aberdeen, AB24 2UH,
<b>Application Description:</b>	Formation of driveway to front
<b>Application Ref:</b>	180912/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	14 June 2018
<b>Applicant:</b>	Mr Alisdair Pert
<b>Ward:</b>	Tillydrone/Seaton/Old Aberdeen
<b>Community Council:</b>	Tillydrone
<b>Case Officer:</b>	Sheila Robertson

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site is located on the southern side of Don Terrace, and is occupied by a 1.5 storey, detached dwelling of traditional design, occupying an elevated position approximately 1.1m above street level. The front garden extends to 78sqm and is laid with grass and flower borders with a centrally located set of steps. The garden ground is level and sits at a similar height above the street as the dwelling house, with granite retaining walls to the street frontage varying in height between 1m and 1.3m, topped with metal railings of traditional design, and with a metal gate matching the design and height of the railings. There are single yellow line parking restrictions to both sides of the Don Terrace (no parking between 8am and 5pm, Monday to Friday). Don Terrace rises from west to east, with the properties being set progressively higher above street level westwards.

### **Relevant Planning History**

The application property was converted from 2 flats to form a single dwelling, and a rear extension added in 2013, using 'permitted' development rights.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Formation of a parking space within the front garden, lying parallel to the street, 10.5m wide where it abuts the road narrowing to 5.8m towards the rear and 2.4m in depth. It would have a gradient of 1:20 falling towards the road and laid with a permeable surface (not specified). The proposal would require removal of virtually the entire boundary wall fronting Don Terrace, excavation of the existing front garden and regrading of the remaining garden ground. New retaining walls would be constructed to the rear and sides of the proposed parking space, using granite salvaged from the

removal of the front boundary wall. A new set of steps with handrails and an attached bin ramp would be constructed, accessed from the parking space.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P9XY5TBZM6O00>

## **CONSULTATIONS**

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**ACC - Roads Development Management Team (RDM)** - Acknowledge that the design of the driveway is not traditional, as it would not sit perpendicular to the road, however raise no objections provided the applicant funds the cost of removal and relocation of a lighting column.

## **REPRESENTATIONS**

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1 letter of objection has been received on behalf of the Aberdeen Civic Society on the basis that Don Terrace is a lane with character, provided by the strong linear feature of the front boundary walls and the adjustment to allow for this parking space would change its appearance.

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

### **Aberdeen Local Development Plan (2017)**

Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D5 (Our Granite Heritage)

### **Supplementary Guidance (SG)**

Householder Development Guide (HDG) and Transport and Accessibility (TA)

## **EVALUATION**

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### **Principle of Development**

The site is located within a residential area where the principle of such residential development is generally accepted, provided it would not have an adverse impact on the character and amenity of the surrounding area and would comply with the relevant supplementary planning guidance, in this case the HDG. Any proposal should also be acceptable in terms of factors such as road safety. The above issues are assessed below.

### **Road Safety Considerations**

Although the proposed driveway would not meet the standard design specifications contained in the Supplementary Guidance for 'Transport and Accessibility' in that the proposed driveway would not be perpendicular to the road, the RDM Team has raised no concerns regarding the proposal's impact on public safety.

### **Impact on residential character and amenity**

Policy H1 (Residential Areas) states that proposals for householder development will be approved in principle if they do not have an unacceptable impact on the character and amenity of the

surrounding area. Don Terrace is characterised by mainly detached properties of traditional design (some converted to flats) with terraced properties (Numbers 119 to 127 Don Street) of more modern design located to the eastern end of Don Street, and whose frontages face south. All properties are confined to the south side of Don Terrace with a mature tree belt to the opposite side. With the exception of No 13a Don Terrace, which is a recently built property attached to a more traditional, formerly detached dwelling, all properties feature some form of traditional granite boundary wall fronting Don Terrace, some topped by railings, however none have been breached to form off street parking spaces within their curtilages. These walls are considered to provide a degree of visual uniformity within the streetscape and to determine its character. The removal of almost the entire front wall would visually disturb the continuity and uniformity of the streetscape by the removal of an important feature which helps to define its character and appearance. Moreover, the proposed removal of this historic granite boundary wall would be contrary to the guidance contained in Policy D5 (Our Granite Heritage) which seeks to retain such features.

Furthermore, the proposal would see extensive excavation within the front garden, which would reduce the planted ground cover from 72% to 47% with a corresponding increase in hard landscaping. The opening up of the site for vehicular access and subsequent loss of soft landscaping, combined with the exposed faces of the new retaining walls to all sides of the parking space and the presence of a car parked parallel to the street, would be visually intrusive, and out of character with that of the surrounding area. The proposal would neither respect the existing landscaped context of this street nor contribute to quality placemaking and would have a detrimental impact on the prevailing residential character and visual amenity of the surrounding area, contrary to both Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design)

### **Conclusion**

It is considered that approval of the proposal would significantly alter the character of the surrounding area, by introducing a visually intrusive element, to its detriment, and, furthermore no over-riding justification has been provided for creating a car parking space which would have a detrimental impact on visual amenity and residential character. Approval of the current application would alter the balance within the immediate area, which would be further compounded should immediate neighbours carry out similar works, thereby changing the prevailing character of Donbank Terrace, therefore the application is recommended for refusal.

### **RECOMMENDATION**

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Refuse

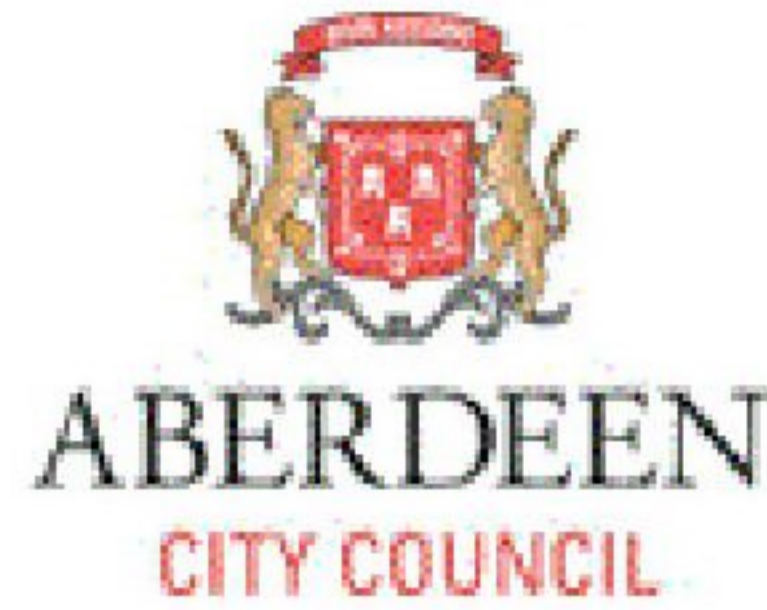
### **REASON FOR RECOMMENDATION**

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The proposal would be unsympathetic to the visual character and appearance of the existing streetscape by reason of the unacceptable loss of the front granite boundary walls and planted garden ground, in addition to the depth of excavation required and the combined presence of the retaining walls and a car parked parallel to the road. The proposal would therefore be unsympathetic to the character and appearance of the existing streetscape, adversely affecting residential character and visual amenity, and could set an undesirable precedent for developments of a similar nature which cumulatively would further erode the established character of the area, all contrary to Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100118588-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Parking bay to be formed within front garden of house involving alteration to front wall and railings to achieve space for 1 vehicle in parallel arrangement. Sloping garden and narrow road dictate that the parallel bay arrangement provides the best solution for this site. Existing walling to be reconfigured and new flush kerb and drain formed with site boundary to the public road. Lamppost and incoming gas main re-positioned to allow proposal.

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Avon Cottage"/>
First Name: *	<input type="text" value="Alisdair"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pert"/>	Address 1 (Street): *	<input type="text" value="16 Don Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Woodside"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 2UH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="16 DON TERRACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB24 2UH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809188"/>	Easting	<input type="text" value="392517"/>
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## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Proposal discussed with Sheila Robertson and Kamran Syed from Aberdeen City Council (between 20th and 22nd March 2018) prior to finalising the proposed arrangement.

Title:

Mr

Other title:

First Name:

Karman

Last Name:

Syen

Correspondence Reference Number:

Email @ 13:14

Date (dd/mm/yyyy):

22/03/2018

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

312.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Front garden of detached property.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

1

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

The existing property has been supplied with the various waste bins including recycling from Aberdeen City Council. There would be no change to this provision except that the moving of bins on Collection Days would be much easier with the short ramp indicated.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

### Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

### Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

### Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

### Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

### Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Alisdair Pert

On behalf of:

Date: 03/06/2018

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Alisdair Pert

Declaration Date: 03/06/2018

## Payment Details

Online payment: ABSP00002872

Payment date: 06/06/2018 21:21:00

Created: 06/06/2018 21:21

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## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997**

#### **Detailed Planning Permission**

Mr Alisdair Pert  
Avon Cottage  
16 Don Terrace  
Aberdeen  
AB24 2UH

With reference to your application validly received on 14 June 2018 for the following development:-

#### **Formation of driveway to front at 16 Don Terrace, Aberdeen**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<u>Drawing Number</u>	<u>Drawing Type</u>
	Location Plan
	Site Layout (Proposed)
	Site Cross Section

#### **REASON FOR DECISION**

The reasons on which the Council has based this decision are as follows:-

The proposal would be unsympathetic to the visual character and appearance of the existing streetscape by reason of the unacceptable loss of the front granite boundary walls and planted garden ground, in addition to the depth of excavation required and the combined presence of the retaining walls and a car parked parallel to the road. The proposal would therefore be unsympathetic to the character and appearance of the existing streetscape, adversely affecting residential character and visual amenity,

and could set an undesirable precedent for developments of a similar nature which cumulatively would further erode the established character of the area, all contrary to Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

**Date of Signing** 13 August 2018



**Daniel Lewis**  
Development Management Manager

### **IMPORTANT INFORMATION RELATED TO THIS DECISION**

#### **DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)**

None.

#### **RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at [www.eplanning.scot](http://www.eplanning.scot).

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

#### **SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION**

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and

cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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# Comments for Planning Application 180912/DPP

## Application Summary

Application Number: 180912/DPP

Address: 16 Don Terrace Aberdeen AB24 2UH

Proposal: Formation of driveway to front

Case Officer: Sheila Robertson

## Customer Details

Name: Ms Julia Strickland

Address: Aberdeen Civic Society c/o 1 Mackie Place Aberdeen

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Aberdeen Civic Society objects to the formation of the driveway. Don Terrace is a lane with character, provided by the strong linear feature of the front boundary walls and the adjustment to allow for this parking space will change the appearance of Don Terrace.

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# MEMO



ABERDEEN  
CITY COUNCIL

To	Sheila Robertson Planning & Infrastructure	Date	21/06/2018
		Your Ref.	
		Our Ref.	180912/DPP
From	Roads Projects		
Email	csteel@aberdeencity.gov.uk		
Dial	01224 522687		
Fax			

**Strategic Place Planning**  
Aberdeen City Council  
Business Hub 4  
Marischal College  
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## Planning Application No. 180912/DPP: Formation of driveway to front at 16 Don Terrace, Aberdeen, AB24 2UH.

I have considered the above planning application and have the following observations:

### 1 Development Proposal

1.1 I note the application is for the formation of a driveway to the front of the property.

### 2 Parking

2.1 The parking space would be accessed from Don Terrace, which is a 4.5m wide road without a segregated footway. The carriageway is shared by vehicles and pedestrians.

2.2 The proposal is to form a parallel parking space. To construct the parking space a street lighting column would require repositioning. It is expected that this will be a costly procedure as the column currently has an SSE supply. I am happy to enquire about costings if the applicant is wishing to proceed.

### 3 Construction Consent

3.1 The repositioning of the lighting column will require to be subject to a Section 56 Roads Construction Consent procedure and I would urge the applicant to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

### 4 Conclusion

4.1 I have no objection provided the above comments are met.

GALE BEATTIE  
CHIEF OFFICER STRATEGIC PLACE PLANNING



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Christine Steel  
Engineer  
**Roads Development Management**





Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE      100118588-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant    Agent

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Avon Cottage
First Name: *	Alisdair	Building Number:	16
Last Name: *	Pert	Address 1 (Street): *	16 Don Terrace
Company/Organisation		Address 2:	Woodside
Telephone Number: *	07772277431	Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB24 2UH
Fax Number:			
Email Address: *	alisdairpert@gmail.com		

## Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

16 DON TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 2UH

Please identify/describe the location of the site or sites

Northing

809188

Easting

392517

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Formation of driveway to front of property

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

I am appealing the decision to Refuse planning permission to provide a driveway to my home at 16 Don Terrace. I am asking that the decision be reviewed and changed to Approval for the 12 reasons which are amplified in the attached supporting document write up. Refer to detailed write-up of these points attached to this form.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Attachment 1 - Notice of Review Write-Up Attachment 2 - Planning Application Drawings Attachment 3 - Occupational Health Letter Attachment 4 - Aberdeen Local Development Plan 2017 Inter-leaf (page 22 of 123) Attachment 5 - Online Quotation for Electric Car

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

180912/DPP

What date was the application submitted to the planning authority? \*

06/06/2018

What date was the decision issued by the planning authority? \*

13/08/2018

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Alisdair Pert

Declaration Date: 02/11/2018

## **NOTICE OF REVIEW SUPPORTING DOCUMENT**

REGARDING PLANNING APPLICATION: 180912/DPP

ONLINE REFERENCE NUMBER: 100118588-003

SITE ADDRESS OF 16 DON TERRACE, ABERDEEN, AB24 2UH

BY ALISDAIR PERT – 2<sup>nd</sup> November 2018.

### **Introduction**

I am appealing the decision to Refuse planning permission to provide a driveway to my home at 16 Don Terrace. I am asking that the decision be reviewed and changed to Approval for the following twelve reasons which are amplified in my text below. In summary these are:

1. that one concession need not threaten the Don Terrace streetscape,
2. No. 16 is a special case for special consideration in Don Terrace,
3. that alternative options for access have been exhausted,
4. that on-road parking is not practical,
5. that the Council have recently double yellow-lined the next available parking street spaces,
6. that it is a reasonable provision for a family home, especially with my young child,
7. that I have a health condition,
8. that it would assist my wife, Dr Jane Latham, local GP, to respond to urgent all-hours call-outs to the community,
9. that all the granite copings and iron railings would be re-incorporated into the front garden,
10. that Aberdeen Local Plan Policy D1 should not be used to Refuse the Application,
11. that Aberdeen Local Plan Policy H1 should not be used to Refuse the Application,
12. that provision for charging an electric car is not practical.

The Site Plan shows the property and neighbouring residential plots, the narrowness of the street and the embankment down to the river. (See attached plan)

#### **1. One concession need not threaten the Don Terrace streetscape:**

It is acknowledged that Don Terrace has a leafy rural lane quality and traditional granite cottages. However, it is mixed with more recent development so does not present an intact traditional neighbourhood. It is **not in or near a Conservation Area and is not in the vicinity of any listed building**. The width of Don Terrace is narrow being defined by the River Don embankment to the north and property boundaries to the south which are generally walls. Given that there is a considerable amount of this treatment, it is not considered that one concession of a front driveway will threaten the overall streetscape of Don Terrace.

## **2. No. 16 is a special case for special consideration in Don Terrace:**

The properties to either side have alternative rear parking that is not available to No.16 which is "landlocked." The neighbouring Don Terrace bungalow has rear vehicular access to the back garden and a garage. The adjacent terrace houses have a separate access from Don Street which provides them with on-street parking and lock-up garages. The terrace houses are all at a high level above the Don Terrace carriageway. It is therefore **not conceivable that Approving a driveway for No.16 will have a domino effect** to the neighbouring properties on either side.

## **3. Alternative options for access have been exhausted:**

I have explored the possibility of achieving a rear vehicular access to my back garden from the access road. I have discussed this with Councillor Jim Noble and with neighbours. Through Mr Noble's good offices I have had it confirmed to me that the adjacent land is not council owned. The land involved is privately owned by neighbours and I understand from inquiries with neighbours that gaining approval to access from Don Street would be unlikely.

## **4. On-road parking is not practical:**

The topography of the site with a steep river bank means that the Don Terrace carriageway is narrow and there is no footway. It is impractical to park on the road outside the house as other cars struggle to pass. Parking there, outside of parking restrictions is permitted by the single yellow line but does cause annoyance to through traffic. Emergency vehicles would be unable to pass a car parked outside my house and for a call-out to Don Gardens, say, Emergency vehicles would need to access via Great Northern Road and the SMHU FM radio station.

## **5. The Council have recently double yellow lined the next available parking street spaces:**

For whatever reason, my parking situation has been exacerbated by the recent double yellow lining being painted to both sides of the road at the foot of Don Street (even in areas not in proximity to the junction). Instead of parking my car in the next street I now need to park down Gordon Mills Road beyond the new double yellow-lining in that street. This action by the Council since the date of my Planning Application **has made my predicament worse.**

## **6. It is a reasonable provision for a family home to have a driveway:**

I do not consider that the application that I have made to Aberdeen City Council is unreasonable. On the contrary, detached housing that is approved by the local authority requires to have in-curtilage parking provision. I am therefore using my best endeavour to bring this property up towards modern standards for a family home which will contribute a small improvement to the city housing stock. With a young child, I would appreciate being able to park outside my house to facilitate the daily routines of life, which all now have an increasing degree of difficulty.

## **7. I have a health condition:**

I have been diagnosed with chronic back pain. My employer has referred me to the Occupational Therapy Department and while I have returned to work, this has been with several changes to my work-station set-up together with some life-style changes. Transporting my young son to the car is now problematic for me as it has to be parked so remotely from the house. (See attached Medical Report.) Although this report does not directly relate my pain to

not having a driveway, I can confirm that carrying the relatively heavy loads of my child and weekly shopping etc. to my front door has exacerbated my condition to date.

**8. My wife would be better able to respond to urgent out-of-hours calls:**

As a local GP in Danestone Medical Practice, my wife has to regularly attend to call-outs in our community. Such house calls can often come when she is at home. It would assist her, the Practice and her patients if my wife could drive away from a driveway rather than down Gordon Mills Road.

**9. All the granite copings and iron railings will be re-incorporated into the front garden:**

The proposals show that considerable effort and expense would be invested in the re-design of the front garden so as to retain much of the amenity of the house and the street. The rubble wall, dressed squared coping and iron railings are part of the appeal of the property and the commitment is to retain these in the front garden. These elements would be integrated into a new arrangement that accommodated a parking space, as the proposals convey through the drawing and annotation. This sympathetic design should go a long way to addressing concerns about amenity.

**10. Aberdeen Local Plan Policy D1 should not be used to Refuse the Application:**

The new Aberdeen Local Plan is an impressive and accessible document. It is graphically designed to aid navigation **while dropping positive messages as to the Council's expectation.** The gray coloured interleaf page that introduces Section 3: Developing Sustainable Communities, has a line drawing over-sketched from a photograph from somewhere in the Aberdeen locality. A traditional line of cottages is shown with what looks like a garden that has had a subsequent driveway introduced in order to park a family car (and a wee boat). That such a scene should be used to exemplify Section 3 of the Local Plan is telling, indicating that flexibility, accommodation and pragmatism when dealing with existing properties can all contribute to sustainable communities. **This is exactly what I am seeking.** (See attached interleaf – Aberdeen local development plan 2017 page 22 of 123).

With regard to Policy D1, it can be noted that this is predominantly directed at new development and there is nothing that need explicitly require refusal of the application.

The Scottish Government policy document “Creating Places” sets “six tests” of proposals and these criteria are enshrined in Policy D1. Proposals should “enhance the social, environmental and cultural attractiveness of the city...” Having relocated to Aberdeen and choosing to raise a family within the city and invest in buying a house here, I am fully supportive of this policy. With regards to my Application for a driveway, the development test (when scaled down to my micro proposal) can be appraised as follows:

**DISTINCTIVE** - my proposal uses the local materials for the rubble walls, copings and railings in order to retain local identity.

**WELCOMING** - my proposal will present a well detailed and attractive frontage with areas of soft landscape and the rebuilt rubble walling being properly pointed and with a mortar mix as recommended by Historic Environment Scotland.

**SAFE & PLEASANT** - my proposal will avoid me carrying (and later walking) my child on the carriageway and across Don Street to the nearest on-street parking opportunity.

**EASY TO MOVE AROUND** - my proposal incorporates an easy gradient staircase with handrail and a ramp to push a buggy up. In relation to transport movement, I can also

comment. Despite the challenges of our professional jobs, my wife and I have remained a one-car family and I in my career, I have been supportive of public transport modes for my business use, where possible.

ADAPTABLE - my proposal allows a Victorian cottage built in a lane to be able to accommodate the requirements of a normal family lifestyle. This makes this particular part of the city's housing stock more suitable for future generations to use.

RESOURCE EFFICIENT - my proposal allows an NHS medical professional to respond more quickly to regular call-outs into the community which is commendable.

#### **11. Aberdeen Local Plan Policy H1 should not be used to Refuse the Application:**

Policy H1. 2 states that a proposal would be approved if it "does not have an unacceptable impact on the character and amenity of the surrounding area." I am not arguing that forming the driveway will have no impact on the streetscape of the Don Terrace lane. Rather I am stating that the sensitive manner in which it has been designed will sufficiently ameliorate any adverse impact so as to make it acceptable. (Related to this is that, as neighbouring properties have rear access, then a domino-effect from a precedent being set is not a realistic concern.) I therefore maintain that the proposals are **not** unacceptable.

Aberdeen City Council's Supplementary Guidance - Householder Development Guide, refers to "material considerations" and sets a test as to whether a consideration is material, stating that it "should fairly and reasonably relate to a particular application." In this document I have set out the grounds on which I consider 16 Don Terrace to be **a special case requiring special consideration by the Planning process**. I find that in my case, this test from the SG has not been met.

#### **12. That provision for charging an electric car is not practical:**

I have invested into the area because my wife and I found it attractive, near to our work and we enjoy living in a traditional house built from local materials. When purchasing the property, we had hoped that options for a single parking space would materialise so that we could purchase an electric car in the near future and have a parking space available to charge an electric vehicle. I am a keen advocate for green living and limiting the devastating effects that climate change is having on our planet. In addition to the beach cleans and other green endeavors I have contributed to; I have also investigated the possibility of owning an electric car and I feel that without having a parking space on my property, the possibility of achieving this dream would be difficult and unpractical.

In conclusion, I would request that the Local Review Body give consideration to my application, find it acceptable and decide to Approve it. I am happy to provide any further information that may be required. All of the detail that I have provided in this document is true.



Date Typed: 12 October 2018

**MEDICAL IN CONFIDENCE**

Mr Kevin Smith  
HR Coordinator  
Worley Parsons  
Annan House  
Palmerston Road  
Aberdeen  
AB11 5QP

Dear Mr Smith

**RE: Alisdair Callum Pert, 16 Don Terrace, Aberdeen, AB24 2UH**  
**DOB: 16/05/1989**  
**JOB: Instrument Engineer**

Thank you for referring the above named gentleman whom I met at Iqarus Clinic in Aberdeen on 12 October 2018.

The purpose of the meeting was discussed and explained to Mr Pert at length, based on your referral. I understand that your main concern is related to his fitness and well-being at working place in light of his medical history.

Mr Pert reports he has been experiencing gradually increasing lumbar pain over the last few years, aggravated by long sitting but not by standing and walking.

He reports also a right knee pain, fully investigated last year and which may compound the back symptoms. He reports he has attended physiotherapy but not his GP for a face to face consult yet.

My clinical examination today reflected his medical history. I suggested him to attend his GP for further care and a short-course with mild anti-inflammatory medication.

In my view, he is fit to continue his work with some recommendations.

I recommend allowing him to take short breaks (5 minutes every hour) to mobilise around working station and prevent any aggravation or relapse of symptoms.

In my opinion, he might benefit from a height-adjustable desk or/and work seat as his back pain is likely aggravated by long sitting but not by standing or walking.

It is difficult now to formulate a prognosis; however, with few adjustments and treatments, in my opinion, it is likely to be favourable.

I hope my report is to your expectation and I have answered all your questions.

I would suggest a review one months' time to assess his progression and well-being.

Should you require any further clarification relating to this report, please do not hesitate to contact me.

Yours sincerely



**Dr Catalin Vasile**  
**MD, AdvDOccMed**  
**GMC 7005541**

*This letter has been checked and signed electronically*

CC: Mr Pert at the same time as employer by email.

Forest Grove House,  
Foresterhill Road,  
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Kingdom.

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**Further written submission from applicant:**

The medical information had not been raised to the original case officer at the time of the initial application because it was a medical issue that had not been diagnosed at the time but is related to the case in hindsight and is something I would like considered in the review.

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