

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 5 February 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Macdonald and Avril MacKenzie.

The agenda and reports associated with this meeting can be viewed [here](#).

74 STRONSAY DRIVE - 191334/DPP

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for the formation of a driveway incorporating change of use from amenity space to an access road at 74 Stronsay Drive Aberdeen, Planning Reference 190334/DPP.

Councillor Boulton as Chair, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain with regards to the procedure to be followed and also, thereafter, by Mr Gavin Evans who would be acting as the Planning Adviser to the Body in the cases under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority, he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. She emphasised that the officer would not be asked to express any view on the proposed application.

The Local Review Body was then addressed by Mrs McBain, Assistant Clerk in regard to the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) a delegated report by Roy Brown, Planning Trainee; (2) the application dated 30 August 2019; (3) the decision notice dated 1 November 2019; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement with further information relating to the application.

The LRB was then addressed by Mr Evans who advised that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Mr Evans then described the site which comprised a flatted property within a semi-modern 3 storey tenement block of flats, its front and rear curtilage, an area of public footway and 14sqm of amenity open space. The building had a southwest facing

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principal elevation that fronted Stronsay Drive, a local distributor road to its southwest. There was also a bus stop and shelter which were located on the footway 2.5metres to the north of the site. The open space and the front curtilage of the site was soft landscaped with grass. Mr Evans also indicated that there were two existing driveways, however there were no records of either of these having been authorised by the Planning Authority.

Mr Evans then outlined the applicant's proposal making reference to the history of the site and outlined the appointed Officer's reasons for refusal as follows:-

- The proposed driveway would have a significant adverse impact to the level of public safety in the surrounding area;
- It would result in the loss of an almost entire area of the front garden of a tenement building, which would be significantly detrimental to the character and visual amenity of the surrounding area; and
- The driveway would likely to set an unwelcome precedent.

In relation to the appellants case, Mr Evans highlighted the following:-

- (1) Parking in the area was difficult, and a new development approved on the former Summerhill Education Centre site was expected to add further pressure;
- (2) Applicant contends that there were numerous examples across Aberdeen where existing driveways were located close to bus stops, pedestrian crossings and junctions;
- (3) Contends that visibility was good, with the exception of the bus shelter, which is clear;
- (4) Disputes the potential for vehicles to overhang the pavement;
- (5) Contend that the driveway would improve the appearance of the garden;
- (6) Argues that the loss of the grass verge was not significant given the landscaping on the other side of the road;
- (7) Points to approved development on the Summerhill Education Centre site, which included parking laybys onto Stronsay Drive, which was seen as being of greater impact on green space;
- (8) Suggests that the applicants' property was one of very few in this stretch which could be accommodated without affecting existing layby parking; and
- (9) Contends that a precedent had already been set by the parking laybys approved in the Summerhill Academy site.

In relation to consultation, Mr Evans indicated that Roads Development Management had objected to the application. They indicated that a large amount of information had been provided to justify the proposal, but objected to the proposal. They highlighted that some existing driveways do not appear to have obtained planning permission, and in some instances infrastructure had been installed after those driveways were in place. Roads also noted that the applicant was made aware that a driveway in this location was unlikely to be supported at the pre-application stage, due to its proximity to the bus

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stop and poor visibility as a result. They also noted that input was sought from the Council's Roads Traffic Management team, who agreed with that position.

Mr Evans indicated that the applicant had indicated on the Notice of Review that further procedure was not required before determination.

The Chairperson and Councillors Macdonald and MacKenzie advised in turn that they each had enough information before them and agreed that no further procedure was required and that the review under consideration should be determined without further procedure.

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely policy H1 (Residential Areas: Householder Development), D1 (Quality Placemaking by Design) and T3 (Sustainable and Active Travel). Also the Transport and Accessibility Supplementary Guidance.

The Chairperson and Councillors Macdonald and MacKenzie advised in turn and unanimously agreed to uphold the decision of the appointed officer to refuse the application.

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

More specifically, the reasons on which the Local Review Body based this decision were as follows:-

Road Safety

The proposed driveway would have a significant adverse impact to the level of public safety in the surrounding area. This is because there would not be an adequate level of visibility between vehicles exiting onto Stronsay Drive and oncoming traffic from the north past the bus stop, associated shelter and parked buses (notably overtaking vehicles). It would also not be of an adequate length to prevent vehicles overhanging the footway, which would be detrimental to pedestrian safety.

Amenity

The proposed driveway would result in the loss of an almost entire area of the front garden of a tenement building, which would be significantly detrimental to the character and visual amenity of the surrounding area. The proposed driveway would therefore conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'Transport and Accessibility'; and the national Designing Streets guidance

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Precedent

The proposed driveway would be likely to set an unwelcome precedent for similar driveways which cumulatively would significantly adversely affect public safety; result in the the loss of soft landscaped front curtilage in the front of tenement flatted properties in the surrounding area and result in the incremental erosion of the large bands of amenity space on Stronsay Drive, which would be significantly detrimental to the character and the visual amenity of the surrounding area.

- **Councillor Marie Boulton, CHAIRPERSON**

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