

# Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Macdonald and Avril MacKenzie.

Town House,  
ABERDEEN 28 January 2020

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 2 - Town House** on **WEDNESDAY, 5 FEBRUARY 2020 at 12.00 pm.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **BUSINESS**

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**

**MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.**

[Local Development Plan](#)

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

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

2.1 74 Stronsay Drive - Formation of driveway incorporating change of use from amenity space to access road - 191334/DPP

2.2 Delegated Report, Original Application Form, Decision Notice and Letter of Representation (Pages 5 - 28)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number:-

191334

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.3 Planning Policies Referred to in Documents Submitted (Pages 29 - 30)

2.4 Notice of Review with Supporting Information Submitted by Agent (Pages 31 - 42)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number:-

Ref Number 191334

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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 Lynsey McBain on [lymcbain@aberdeencity.gov.uk](mailto:lymcbain@aberdeencity.gov.uk) / tel 01224 522123

## 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. The Committee clerk will confirm these reasons with the LRB, at the end of each case, 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> <p style="margin: 10px 0 0 0;">Report of Handling</p>
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<b>Site Address:</b>	74 Stronsay Drive, Aberdeen, AB15 6JD,
<b>Application Description:</b>	Formation of driveway incorporating change of use from amenity space to access road
<b>Application Ref:</b>	191334/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	3 September 2019
<b>Applicant:</b>	Mr & Mrs C McIntosh
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council:</b>	Mastrick, Sheddocksley And Summerhill
<b>Case Officer:</b>	Roy Brown

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site comprises a flatted property within a semi-modern 3 storey tenement block of flats, its front and rear curtilage, an area of public footway and c.14sqm of amenity open space (on Stronsay Drive to its west). The building has a southwest facing principal elevation that fronts Stronsay Drive, a local distributor road, to its southwest. A bus stop and shelter are located on the footway c.2.5m to the north of the site. The open space and the front curtilage of the site is soft landscaped with grass.

The site is located in a c.300m stretch of Stronsay Drive in which its east side comprises of tenements of the same type as the application property. The vast majority of the front curtilage of these are soft landscaped. There are two existing single driveways, however, there are no records of either of these having been authorised by the Planning Authority. Both the east and west sides of Stronsay Drive have a band of amenity open space of grass and street trees separating the road from the footways.

### **Relevant Planning History**

None.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Planning permission is sought for the formation of a driveway in the front curtilage of the property and for the associated change of use of c.15sqm of amenity open space on Stronsay Drive to form a footway crossing.

The driveway would cover an area of c.66sqm in tarmac and would have a single c.3m wide access onto Stronsay Drive. It would cover most of the front curtilage other than a c.0.6m wide strip between the driveway and the footway; a c.0.2m strip between the driveway and the curtilage to the south and a c.15sqm area in the southeast corner of the curtilage. A drainage channel is proposed between the curtilage and the footway and an electric charging point is proposed in the curtilage. The plans indicate that the driveway is for two spaces that would be parked at a right angle to the access and the rest of the surface is a turning zone.

The c.15sqm amenity open space which would be changed to form a footway crossing would also be entirely covered in tarmac.

The plans indicate that a 0.6m fence is proposed in the front of the property. The indicated fence would be permitted development within the provisions of Class 3E of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, does not require planning permission and is therefore not included in this application.

### **Supporting Documents**

All drawings and the 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=PX2270BZJ1Q00>

### ***Supporting Statement***

Attempts to justify the proposal by describing the lack of parking in the surrounding area; the proposal would increase traffic flow by reducing parking either side of the road; how road and safety concerns have been addressed; the proposal would add an electric charging point; there are other streets of a similar level of safety risk; the street would still have a high level of greenery and has been impacted by council works which have removed street trees; there is a precedence of driveways on the street;

### ***Photographs***

Multiple photographs of Stronsay Drive, driveways near bus stops and crossings throughout the city; the bus schedule of the adjacent stop; and of the existing amenity open spaces in the area.

### ***Traffic Graphs***

A traffic survey of northbound and southbound traffic on Stronsay Drive for 24 hours a day for a 7 day period at the end of January 2018.

## **CONSULTATIONS**

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**Roads Development Management – Objection –** The amount of submitted supporting information and the references to similar sites are appreciated and acknowledged. However, one application cannot be compared directly to another due to a range of factors. For example, some of the driveways shown were never granted planning permission and others show infrastructure that was installed after the driveways were formed.

The applicant was advised that the site would not be suitable for a driveway due to its proximity to a bus stop, and the inherent visibility / pedestrian safety risks that are present in this location. This remains the case. Traffic Management have been consulted and are similar minded. The application is thus recommended for refusal.

**Mastrick, Sheddocksley and Summerhill Community Council –** No response received.

## REPRESENTATIONS

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None

## 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.

### National Policy and Guidance

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development which contributes to sustainable development.

Designing Streets

### Aberdeen City and Shire Strategic Development Plan 2014 (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

, The SDP is now beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with SPP.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

### Aberdeen Local Development Plan (ALDP)

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Policy T3 – Sustainable and Active Travel

### Supplementary Guidance

Transport and Accessibility (SG)

## EVALUATION

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### Aberdeen City and Shire Strategic Development Plan (SDP)

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

### Principle of Development

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, and it complies with the Supplementary Guidance, in this case 'Transport and Accessibility' (SG). These issues are assessed in the below evaluation.

Whilst the desire of residents to create off street parking is understood, the conversion of greenspace to hard surfacing to provide car parking would not accord with the SPP presumption in favour of development which contributes to sustainable development, particularly if repeated throughout the wider residential area.

### **Public/Road Safety**

The SG states that *'driveways must be positioned to enable the required visibility, including pedestrian visibility, to be achieved in accordance with National Standards (Designing Streets and DMRB)'*.

The submitted plans have plotted a visibility splay using the 20mph speed limit on Stronsay Drive based on the methods outlined in Designing Streets. It finds that there would be an inadequate level of visibility between vehicles exiting the driveway and vehicles approaching from the north and this is demonstrated on the visibility splay, which shows that the bus shelter would prevent vehicles being able to see oncoming traffic and visibility could be further hindered by the parking bay immediately next to the bus stop. Visibility could be impeded further by pedestrians in or surrounding the bus shelter and from buses parked at the bus stop. There would also be a further risk because it would be difficult for vehicles exiting the driveway being able to see vehicles overtaking buses. The proposal would therefore conflict with the Supplementary Guidance in that it would not be positioned to enable the required visibility to be provided.

Notwithstanding notes on the plans which indicate that part of the driveway would be a 'turning zone', there is no discernible difference in this space and the area marked for the parked cars, and therefore it can be considered that this 'turning zone' space could also be used as further parking space. This 'turning zone' is c.8.5m in length from the footway. The SG states *'if a proposed driveway is longer than 7m, it must then be at least 10m long. This will prevent a second car overhanging the footway should two cars be parked on the driveway.'* This part of the driveway would be between 6m and 10m in length, in conflict with the SG. This proposal could result in a car overhanging the footway, which would pose an additional safety risk.

Traffic survey data has been submitted to demonstrate how often vehicles use the road. Stronsay Drive is a local distributor road and a bus route. The results of the traffic survey demonstrate that the street is indeed regularly in use throughout the daytime. The SG states that there is a presumption against granting consent for driveways on local distributor roads, but this may be relaxed where the proposal meets road safety criteria. The proposal would conflict with this part of the SG in that it would be a local distributor road and it does not meet road safety criteria.

It is recognised that the driveway would partially comply with the specifications for driveway design in 'Transport and Accessibility' in that it would be more than 15m from a junction; vehicles would potentially be able enter and exit the driveway in a forward gear (n.b. there would be no means of precluding parking on the proposed turning area) ; the gradient would not exceed 1:20; it would be more than 3m in width and it would not have loose chippings on the closest 2m to the footway. However, Roads Development Management have recommended that this application be refused, given the 'inherent visibility / pedestrian safety risks' that would be presented by a driveway in this location. The Planning Authority concur with this position given the negative impact to visibility. It also considers that the length of the driveway could additionally result in vehicles overhanging the footway, in an area where there is likely to be a greater concentration of pedestrians adjacent to



the bus stop. The proposal would have a significant impact to public safety in the surrounding area.

### **Impact to the Character and Amenity of Surrounding Area**

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

The Supplementary Guidance 'Transport and Accessibility' states that consent will not normally be granted for parking in garden areas in front of tenement flats. The vast majority of the flats to the east of Stronsay Drive are largely soft landscaped which, together with the amenity open space and the street trees, are positive features of the local landscape character. In this instance, the proposed driveway would be a tarred surface that would cover c.77% of the front curtilage of the property. The area of the driveway would be uncharacteristically large for a single property, c.66sqm. Given the loss of the soft landscaped land in the front curtilage, the proposal would have a detrimental impact to the character and visual amenity of the street scene. The proposed 0.6m wide strip in the curtilage between the hard surface and the footway would be not be wide enough to provide space for meaningful planting to soften the front boundary with soft landscaping.

The proposed driveway would additionally result in the loss of c.15sqm of amenity open space to the front of the property. Whilst this area is relatively minor in its size and does not feature any significant landscape features such as trees, it forms part of a much greater band of amenity public open space on Stronsay Drive. Notwithstanding the removal of street trees in the surrounding area, which is highlighted in the supporting statement, Stronsay Drive, these spaces significantly contribute to the character and visual amenity of the surrounding area and to local landscape character. The grant of planning permission to cover this entire area in tar could set a negative precedent for the incremental loss of this space, which would be significantly detrimental to the character and visual amenity of the street scene.

The SG states that '*permission will not be granted for a driveway across an amenity area or road side verge unless it would produce a demonstrable improvement in road safety and have no adverse effect on the amenity of the area.*' Likewise, it states that '*consent will not normally be granted for parking in garden areas in front of tenement flats.*' Given the proposal would adversely affect both road safety and the visual amenity of the surrounding area rather than provide any demonstrable improvement, the proposal conflicts with the SG.

It can be noted that whilst driveway would not necessarily constitute over-development of the site, given it would not significantly increase the intensity of use of the site, the driveway of a substantial scale for a single flatted property.

However, the proposed driveway and the change of use of the amenity open space would have a detrimental impact to the character and visual amenity of the surrounding area, in conflict with Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the Aberdeen Local Development Plan.

### **Precedent**

There are very few examples of driveways in the front of the flatted properties on Stronsay Drive. There are no planning records of two existing driveways to the north of the site having been granted planning permission.

Notwithstanding each application must be decided on its own merits, the grant of planning permission in this application could set an unwelcome precedent for driveways in the surrounding area being assessed under current policies and guidance which are both unsafe and have a

significantly detrimental impact to the character and visual amenity of the surrounding area. The repetition of multiple driveways of this scale to the front of the tenement flatted buildings on Stronsay Drive and in the wider area would be significantly detrimental to the character and visual amenity of the surrounding area; and result in a significant impact to public safety.

### **Drainage**

The SG states that *'a driveway should be internally drained with no surface water discharging on to the public road. This is to prevent any flooding on the road, which could cause ice to form in the winter.'* Notwithstanding a drainage grid is proposed in between the footway and the road, the proposed driveway would be impermeable and the exact details regarding where the water would drain from the drainage grid has not been specified, for the purposes of assessment against the SG.

### **Further Matters Raised in the Supporting Statement**

The absence of parking for properties in the surrounding area is noted. It is also recognised that an electric vehicle charging point is proposed and policy T3 states that *'initiatives such as ... alternative fuel vehicles ... will be supported **where appropriate.**'* However, these factors do not warrant the grant of planning permission for the proposed substantial driveway which would pose a significant risk to public safety; have a detrimental impact to the character and visual amenity of the surrounding area; and could result in an unwelcome precedent for a significant number of parking areas to the front of the tenements in the surrounding area, which would be significantly detrimental to the character and visual amenity of the surrounding area. These factors demonstrate that the proposal is not appropriate. As the proposal does not further active travel or public transport modes, it conflicts with the objective of policy T3.

The noted streets with a perceived greater level of public safety risk in no way justify a proposal which would make this street more unsafe.

Existing driveways in other parts of the city are of little relevance in the assessment of this planning application. Every application is assessed on its own merits. Driveways which were approved or existed prior to current policies and guidance and driveways which have never been formally authorised do not justify this proposal..

There are no other material planning considerations raised that warrant the grant of planning permission in this instance.

## **RECOMMENDATION**

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Refuse

## **REASON FOR RECOMMENDATION**

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### 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

#### 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.

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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 100178579-001

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)

Proposed driveway within front garden and change of use to form access across an amenity strip.

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

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

## Agent Details

Please enter Agent details

Company/Organisation:	LAS Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Steven	Building Name:	Upper Balblair Studio
Last Name: *	Lawrence	Building Number:	
Telephone Number: *	01330 830024	Address 1 (Street): *	Midmar
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeenshire
Fax Number:		Country: *	Scotland
		Postcode: *	AB51 7NA
Email Address: *	myoung@las-limited.com		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	C	Building Number:	74
Last Name: *	McIntosh	Address 1 (Street): *	Stronsay Drive
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 6JD
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

74 STRONSAY DRIVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 6JD

Please identify/describe the location of the site or sites

Northing

806452

Easting

390391

## 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)

Information of required application and thoughts on proposal. Also initial comments have been received by Michael Cowie of the roads dept.

Title:

Ms

Other title:

Planning Technician

First Name:

Sheila

Last Name:

Robertson

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

10/05/2019

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:

196.95

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)

Domestic front garage and amenity strip (grass verge)

## 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)? \*

2

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)

Existing arrangements

## 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

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

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

Certificate B

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Aberdeen City Council - Property DeptMarischal College, Broad Street, Aberdeen, Scotland, AB10 1AB

Date of Service of Notice: \*

02/09/2019

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Steven Lawrence

On behalf of: Mr & Mrs C McIntosh

Date: 30/08/2019

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. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Steven Lawrence

Declaration Date: 30/08/2019

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## **DECISION NOTICE**

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

#### **Detailed Planning Permission**

LAS Architecture  
Upper Balblair Studio  
Midmar  
Aberdeenshire  
AB51 7NA

on behalf of **Mr & Mrs C McIntosh**

With reference to your application validly received on 3 September 2019 for the following development:-

**Formation of driveway incorporating change of use from amenity space to access road at 74 Stronsay Drive, 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>
LAS5000 - 01	Site Layout (Proposed)
LAS5000 - 2	Site Layout (Proposed)

#### **REASON FOR DECISION**

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

1. 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.

## 2. 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.

## 3. 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 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.

**Date of Signing** 1 November 2019



**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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# Consultee Comments for Planning Application 191334/DPP

## Application Summary

Application Number: 191334/DPP

Address: 74 Stronsay Drive Aberdeen AB15 6JD

Proposal: Formation of driveway incorporating change of use from amenity space to access road

Case Officer: Roy Brown

## Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: slynch@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

## Comments

I note that this application is for the formation of a driveway, incorporating the change of use from amenity space to an access road at 74 Stronsay Drive, Aberdeen. The site is located in the outer city, outwith any controlled parking zone.

I appreciate that a large amount of work has been undertaken in preparation of this application, and a comprehensive supporting statement has been submitted, showing similar sites with driveways adjacent to bus stops / crossings, etc. However, one application cannot be compared directly to another due to a range of factors - for example some of these driveways shown do not appear to have ever received planning permission, some show infrastructure that have been installed after driveways have already been in place, etc.

It was suggested to the applicant at the pre-application stage that this site is not suitable for a driveway due to its' proximity to a bus stop, and the inherent visibility / pedestrian safety risks that are present in this location. This remains the case. I have consulted our Traffic Management department who are similarly minded.

For the above reasons, this application is recommended for refusal.

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## **National Planning Policy**

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

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

H1: Residential Areas;

D1: Quality Placemaking by Design;

T3: Sustainable and Active Travel

## **Supplementary Guidance**

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

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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 100178579-004

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

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="C"/>	Building Number:	<input type="text" value="74"/>
Last Name: *	<input type="text" value="McIntosh"/>	Address 1 (Street): *	<input type="text" value="Stronsay Drive"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 6JD"/>
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="74 STRONSAY DRIVE"/>
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="AB15 6JD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806452"/>	Easting	<input type="text" value="390391"/>
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## 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)

Proposed driveway within front garden and change of use to form access across an amenity strip.

## 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.

Refer to attached appeal supporting statement. Planning application was refused. Our client feels that given the comments as stated in the attached supporting statement, that they have met all the requirements set out by the roads and planning departments and that there is a justification for a proposed driveway to be provided / approved.

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)

Refer to attached list.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

191334/DPP

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

30/08/2019

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

01/11/2019

## 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 Steven Lawrence

Declaration Date: 11/12/2019

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## Planning Appeal on Refused Planning Permission Ref: 191334/DPP

### Supporting Statement.

Proposal: Formation of Driveway incorporating change of use from amenity space to access the road.

Address: 74 Stronsay Drive, Aberdeen, AB15 6JD

Applicant: Mr & Mrs C McIntosh

Planning refusal date: 1<sup>st</sup> November 2019.

#### Clients Reason for application:

The current parking situation on Stronsay Drive is bad with a lot of double parking or having to find a space a fair distance away and given the impact the new development will have on the surrounding street parking this situation is only going to get worse. Given that my clients property is one of a few locations that a driveway can be provided our client is trying to provide a more permanent parking solution for his family.

#### Reasons for refusal as stated on the Refused Planning Permission:

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

##### 1. 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.

##### 2. 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.

### 3. 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 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.

#### Applicant argument:

##### 1. Road Safety.

Our client feels that the proposals would not have an adverse affect on road safety in the surrounding areas. As detailed on the correspondence during the application process, there are many examples throughout the surrounding area and further afield within the city of driveways accessing busier roads than that Stronsay Drive which are close to bus stops, pedestrian crossings and junctions. Our client had provided photographic evidence to support this.

Since the opening of the Aberdeen Bypass, Stronsay Drive has seen a dramatic reduction in traffic levels, therefore this reduces the risk of entering and exiting any new driveway. However, it has been proposed to ensure that the car is always in forward gear when entering/exiting the proposed driveway. It should also be noted that Stronsay Drive has a 20mph speed limit, again reducing any risk to accessing a driveway.

It should also be noted that the use of the bus stop is lightly sporadic throughout the day, being slightly busier during rush hours, so the public is not at the bus stop all the time and is often empty for large portions of the day. It was offered that the client could provide some bollards to provide a visual barrier between the bus stop and proposed driveway.

There is a large distance from the properties boundary to the main road (over 5m) and this allows good visibility provided in both directions. At the road driveway junction, visibility is slightly impeded by the bus shelter however the shelter has clear glazing so oncoming traffic can be seen. The driveway has been positioned to maximise the visibility on to the road to alleviate the planners and roads departments comments.

With regards to the comment driveway not having adequate length to prevent vehicles overhanging the footway which would be detrimental to pedestrian safety, this is a new comment which has only appeared on the refusal document and was not raised by the planning or roads departments during the discussions. The proposed driveway within the cartilage of the site is 8.755m long with two number

parking spaces which are a minimum of 2.5m wide x 5m long. This provides more than adequate driveway length to ensure that there is not overhanging of the public foot path and the parking spaces to the side ensure that the vehicles are always in forward gear when exiting and accessing the proposed driveway.

## 2. Amenity

Our client own the front section of garden in which the driveway is proposed. At present like so many of the front gardens around the area outside flats, is just rough grass due to the nature of flatted developments. The front gardens to flats are seldom used and are left overgrown. Our client's proposals are to clean up the front garden by providing a drive and landscaping which they feel will improve the appearance of the front garden, improving the character of the street.

It was noted by the Planning Department that the new driveway would be taking away landscaping along the road edge. This we felt would be classed more as a grassed road verge. Granted there is a tree on this verge, which a lot have been cut down, however this would still be classed as a grassed verge. There is significant landscaping/open space across the road from the application site so the loss of the small section of grassed verge would have minimal impact. The driveway would see the existing tarred surface only increase by 3.6m.

It should also be noted that application for a flatted development submitted and approved by Aberdeen City Council (Ref: 160477) on the site adjacent to our clients property in which there is 9no. proposed new parking lay-bys spaces placed into the large landscaped / opened space, therefore these would detract more from the character and visual amenity of the street scene in the surrounding area so I am unsure why the loss of a small section of grass verge and providing parking to the front garden for this application would be an issue given the council have already approved arguably a more detrimental proposal.



Proposed parking lay-bys on Stronsay Drive under Permission Ref: 160477. (located by blue dots)

### 3. Precedent

It has been noted on the Refusal document that precedent for similar driveways which cumulatively would significantly adversely affect public safety result in 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.

It should be noted that our clients property is one of a few locations on Stronsay Drive that a driveway can be provided without affecting existing lay-by parking and existing trees. Our client's driveway also allows suitable visibility splays as well as been a suitable distance away from existing road junctions.

As noted earlier under section 2 the loss of grass verge would be minimal and the proposed parking lay-bys within the existing amenity/open space across the road would be more detrimental to the surrounding area and character of the area than that of the proposed driveway.

Our client appreciates that the planning department have concerns about setting a precedent however our client cannot be held account for any similar future applications which may or may not be approved and this application should be judged on its own merits. It should also be noted that a precedent has already been set by the proposed parking lay-bys already approved by Aberdeen City Council.



#### 4. Additional Comments

Our client is also keen to provide an EV power charging point within the proposed driveway to change to more green travel which we would of thought would suit the councils new policies on promoting greener travel, however this is not possible if a driveway cannot be provided. This is a situation that a lot of people across the city and country will have over the coming years with the push for electric vehicles but the public having no driveways to charge vehicles overnight. This we feel will become more of an issue to various councils over the coming year.

#### Conclusion:

Our client feels that given the comments above, that they have met all the requirements set out by the roads and planning departments and that there is just justification for a proposed driveway to be provided / approved.

11/12/2019

LAS Architecture

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