

ABERDEEN CITY COUNCIL

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| COMMITTEE       | <b>Enterprise, Planning and Infrastructure</b>   |
| DATE            | <b>13 September 2011</b>   |
| DIRECTOR        | <b>Gordon McIntosh</b>   |
| TITLE OF REPORT | <b>Driveway Application Appeals - 158 Bonnyview Drive and 40 Longview Terrace, Aberdeen.</b> |
| REPORT NUMBER:  | <b>EPI/11/208</b>  |

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1. PURPOSE OF REPORT

This report advises members of the details of appeals against officer decisions to refuse applications to form driveways at 158 Bonnyview Drive and 40 Longview Terrace.

2. RECOMMENDATION(S)

It is recommended that the applications for a driveway at 158 Bonnyview Drive and 40 Longview Terrace be refused as access in both cases would be from a public parking area which is against the approved policy for driveways and would be detrimental to the general parking provision for the area.

3. FINANCIAL IMPLICATIONS

There are no financial implications as the applicant would be responsible for all costs involved in the construction of the driveway and associated footway crossing should the Committee choose to allow the application.

4. SERVICE AND COMMUNITY IMPACT

The creation of driveways at 158 Bonnyview Drive and 40 Longview Terrace will lead to additional road safety risks. Reducing the available parking spaces may lead residents to park indiscriminately creating problems of obstruction and road safety. Also parking on footways would create difficulties of access for pedestrians and safety issues.

5. OTHER IMPLICATIONS

There is a risk that by approving a driveway at both locations a precedent will be set and future similar applications would be difficult to resist.

## 6. BACKGROUND

At its meeting of 27 September 2005 the Policy & Strategy Committee resolved to approve a revised Roads Consent Policy for the assessment of driveway applications. The revised policy aims to provide scope for prospective applicants in areas which are currently affected by local parking capacity problems and which are constrained by the current policy. The revised sections are as follows –

- I. A driveway will not generally be allowed access from a parking lay-by if that lay-by is regularly used by parked vehicles, and locally available parking would be reduced detrimentally by creating a driveway access.
- II. Access to a driveway from a communal car park will generally not be allowed if car parking spaces are removed and the overall parking provision within the car park is reduced. However, consent may be considered if the following criteria can be fully satisfied –
  - If the number of spaces which would be removed as a result of creating a driveway can be replaced elsewhere in the area, and
  - Funding can be identified to construct the relocation of car parking spaces elsewhere, and also
  - The applicant(s) has the agreement of the Local Member to progress a scheme for the requisite amount of car parking spaces which would be lost in providing a driveway access.

In relation to point (II) above it is recognised that in most cases, parking problems will affect a local area and not just individual residents. In that regard the policy condition set out above states that the Local Member must grant their consent, and hence be directly consulted, in each case for area schemes which propose to provide the balance of parking lost from the installation of a driveway. But perhaps most importantly, funding has to be in place to create the replacement parking before the driveway application can be created.

### 6.1 APPLICATION FOR CONSIDERATION

#### 6.1.1 158 Bonnyview Drive (see appendix 1)

This application is within the ward of Councillor Gordon Graham, Councillor Kevin Stewart and Councillor Jackie Dunbar and is a request from the resident of 158 Bonnyview Drive for a driveway to be installed within the front garden area. In this instance there is no requirement for a Planning Application but the driveway application needs Roads Consent. The application for the driveway was refused on 17 June 2010, as access would be from a public parking area and is against the policy for driveways as mentioned in 6.0. The applicant has appealed

the decision through Councillor Gordon Graham, who has requested that the application be presented to Committee for consideration, as he feels in this situation it can be justified.

The driveway at the above property would remove 2 public parking spaces to provide one private off-street parking space and as no location nearby or funding could be identified to replace the lost spaces, the application has been refused. Officers carried out a survey and observed that the car park outside 158 Bonnyview Drive is well used and removal of spaces from this car park would further impact on the public parking provision in this area. It has also been observed that parking on the footway of Bonnyview Drive adjacent to the car park occurs during the day time and may be further aggravated in the evening while parking demand increases.

The provision of a driveway at this location will:

- reduce the amount of spaces available and will lead to further indiscriminate parking which will cause a road safety hazard. Footway parking puts pedestrians at risk, especially children and those with a disability.
- have detrimental impact on the parking for the local area and on those residents who do not have exclusive off street parking available.
- effectively sterilise the use of parking for the local community in an area where demand is reasonably high.

#### 6.1.2 40 Longview Terrace (see appendix 2)

This application is within the ward of Councillor Gordon Graham, Councillor Kevin Stewart and Councillor Jackie Dunbar and is a request from the resident of 40 Longview Terrace for a driveway to be installed within the front garden area. In this instance there is no requirement for a Planning Application but the driveway application needs Roads Consent. The application for the driveway was refused on 02 April 2006, as access would be from a public parking area and is against the policy for driveways as mentioned in 6.0. The applicant has appealed the decision through Councillor Gordon Graham, who has requested that the application be presented to Committee for consideration, as he feels in this situation it can be justified.

The creation of a driveway at the above property would remove 2 public parking spaces to provide one private off-street parking space. Officers carried out a survey and observed that the car park outside 40 Longview Terrace is well used and removal of spaces from this car park would further impact on the public parking provision in this area. However additional parking could be found near the location by increasing parking in a car park on Longview Terrace but there is no budget for this work to be carried out and so funding would have to be identified and hence the application has been refused. There are two existing driveways in properties adjacent to 40 Longview Terrace which clearly removed a number of public parking spaces. However these

driveways are historical having been approved a number of years prior to the introduction of this driveway policy.

As a result of the above, it is not deemed possible to create a driveway which does not compromise parking policy since it will remove one or two parking spaces which would certainly aggravate the parking problem in the area. Doing so will also cause road safety hazards for pedestrians with vehicles parking on the footway due to the increased demand for parking spaces.

The approval of either or both these applications would set a precedent and so bring the whole driveway policy into disrepute.

7. BACKGROUND PAPERS

Appendix plan's 1 and 2.

8. REPORT AUTHOR DETAILS

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**Appendix B****Table 1****Initial Statutory Consultation**

| <b><u>CONSULTEE</u></b> | <b><u>RESPONSE</u></b> |
|-------------------------|------------------------|
| Barry Jenkins           | No comments            |
| Ciaran Monaghan         |                        |
| Dave Young              |                        |
| Gordon Graham           |                        |
| Jackie Dunbar           |                        |
| Jane MacEachran         |                        |
| John Corall             |                        |
| Kate Dean               |                        |
| Kevin Stewart           |                        |
| Margaret Bochel         | No comments            |
| Margaret Jane Cardno    | No comments            |