

Banff & Buchan Area Committee Report – 26 November 2019

Reference No: APP/2019/1517

Full Planning Permission for Formation of Vehicular Access at 59 Boyndie Street West, Banff, Aberdeenshire, AB45 1EN

Applicant:

Mrs Wioletta Tamkun

Agent:

None

Grid Ref:

E:368365 N:864304

Ward No. and Name:

Banff and District

Application Type:

Full Planning Permission

Representations:

0

Consultations:

1

Relevant Proposals Map

Aberdeenshire Local Development Plan 2017

Designations:

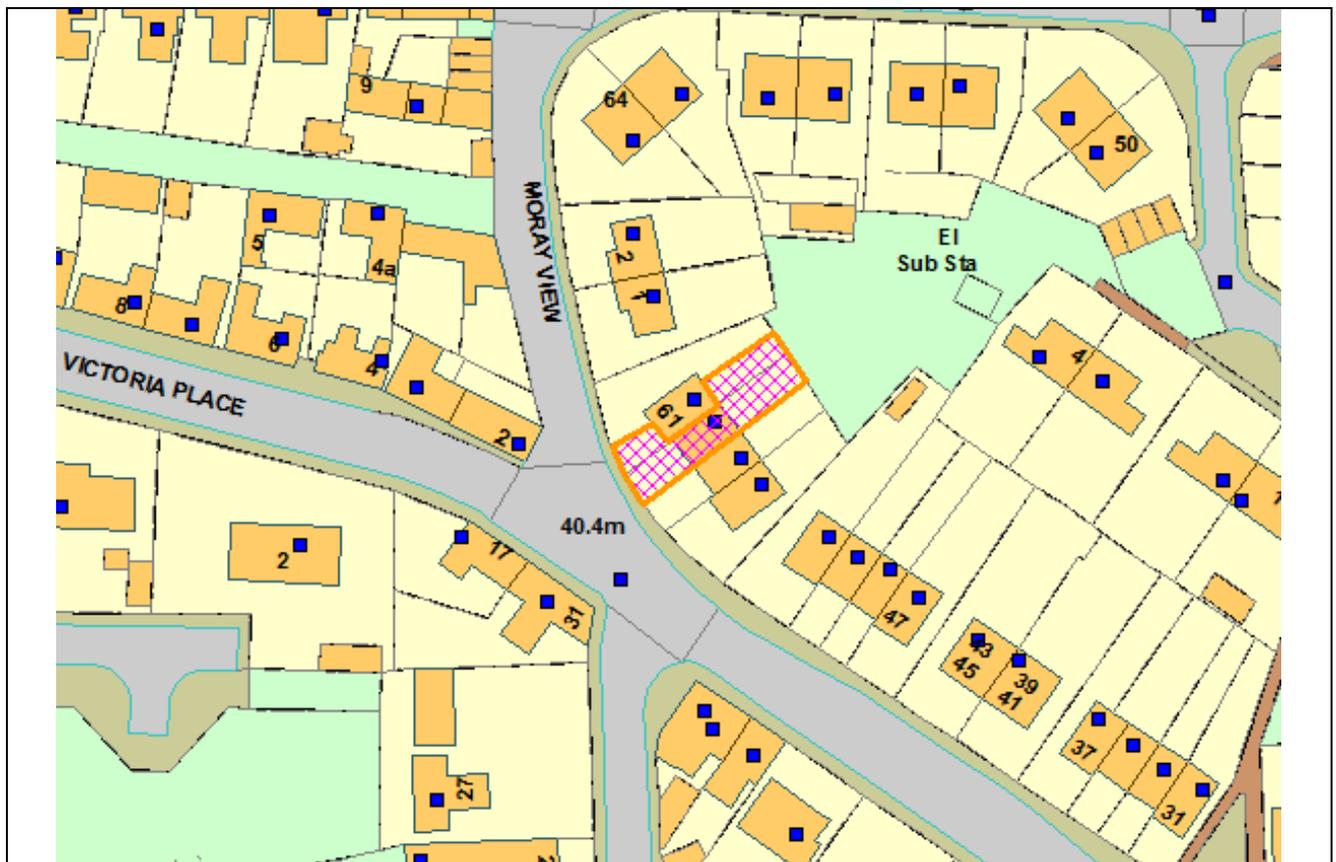
Within Settlement Boundary

Complies with Development Plan:

No

Main Recommendation:

Refuse



NOT TO SCALE

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1. Reason for Report

1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

- Cllr Glen Reynolds: “for further consideration of reasons for refusal.”
- Cllr John Cox: “to consider further safety issues.”

1.2 This application was deferred at the last meeting of the Banff and Buchan Area Committee on 05 November 2019 for a site visit. The site visit has now been carried out.

1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

2.1 The application relates to a two-storey, mid-terrace dwellinghouse, which lies on the north side of the A98 at its junction with Moray View. The property is within the settlement boundary and is part of a row of four houses set back from the edge of the pavement, each with a generous front garden. There are residential properties to the rear and each side of the site and also on the opposite side of the roads to the front. The front garden is bounded by a low wall to the front and low timber fences to each side. There are no parking restrictions on the public road immediately out with the property. A location and site plan are attached as **Appendix 1**.

2.2 It is proposed to form a new vehicular access and driveway onto the public road. The existing boundary wall would be removed and a parking space measuring approximately 5.70m by 4.20m formed on the north western side of the front garden. A plan illustrating the section of wall to be removed is attached as **Appendix 2**. No details of the proposed surfacing material or surface water drainage have been submitted with the application. A pavement crossing would need to be formed at the proposed point of access and a dropped kerb installed. Although the property address is given as Boyndie Street West (the A98) the road markings indicate that the access would actually be onto Moray View, more-or-less adjacent to the give way markings at its junction with the A98.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Infrastructure Services (Roads Development)** recommends that planning permission be refused on road safety grounds. There are concerns about visibility and a vehicle would not be able to enter and exit the site safely in a forward gear.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In 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 Scottish Planning Policy 2014.

The Aberdeenshire 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.

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.

5.3 Aberdeenshire Local Development Plan 2017

Policy P3: Infill and householder developments within settlements (including home and work proposals)

Policy RD1: Providing suitable services

5.4 Other Material Considerations

None

6. **Discussion**

6.1 Under Policy P3 a house extension or an ancillary development associated with an existing house will be approved providing it respects both the character of the surrounding area and the design and scale of the existing house and does not significantly reduce the amenity of neighbouring residents.

Providing suitable services

6.2 Under Policy RD1 only development that provides adequate road facilities will be approved. Development should be well-related to existing developments and accesses must be resource-efficient, safe and convenient and designed to the satisfaction of Aberdeenshire Council's Road Development department. Accesses must also cause minimal impact on the character of the site and surrounding area.

6.3 The nature of the development means it would not have any adverse impact on the amenities of the neighbouring properties in terms of loss of privacy, sunlighting or daylighting. Furthermore, purely in terms of its design and external appearance, the proposed development would be unlikely to be out of keeping with the scale, character and appearance of the existing house. However, suitable surface materials, drainage details, and details of the pavement crossing and dropped kerb would still need to be agreed if the principle of the development were to be acceptable from a road safety perspective.

- 6.4 Unfortunately, the principle of the proposed access is not acceptable from a road safety perspective due in part to the awkward position of the access and its proximity to the junction of Moray View with the A98. The Roads Development service considers that vehicles would not be able to safely enter and exit the site in forward gear and there would be insufficient visibility of pedestrians and other road users for vehicles using the proposed access. Accordingly, the Roads Development service is recommending that planning permission be refused on road safety grounds.
- 6.5 The applicant has drawn attention to two existing vehicular access within the immediate vicinity of the site which she feels are similar to the current proposal. There is no record of any planning permission having been granted for either of these accesses, but both appear to have been in place for a considerable period of time. One of these accesses is also onto an unclassified road and could therefore have been formed as permitted development. The applicant's access would be formed onto a classified road and not only requires planning permission but must also comply with the Council's standards for safe vehicular accesses.

Conclusion

- 6.6 In summary, the proposed development is not considered to be acceptable in terms of road safety and would not comply with Policy RD1 of the Aberdeenshire Local Development Plan 2017. The application is therefore recommended for refusal.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because it is considered that the proposed development would not have an adverse differential impact on anyone with protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the Planning Authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy RD1: Providing suitable services

- 10.3 The application is a Departure from the Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 **REFUSE for the following reason: -**

01. That by reason of its proximity to the junction of Moray View with the A98 and the lack of turning space within the site, the proposed vehicular access would result in hazardous vehicle manoeuvres to the detriment of the safety of pedestrians and other road users. Vehicles would not be able to enter and leave the site in a forward gear and would have limited visibility of pedestrians and other road users. The proposed access would not be safe, and the development would therefore not comply with Policy RD1 of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author of Report: Bob Peacock
Report Date: 05 November 2019

APP/2019/1517

APPENDIX 1
Site Plan

