

ABERDEEN CITY COUNCIL

Name of Committee : **Planning Committee**

Date of Meeting : **1st November 2007**

Title of Report : **Enforcement Activity – October 2006 to March 2007**

Lead Officer : **Margaret Bochel, Head of Planning & Infrastructure**

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Other Involvement : **None**

Consultation undertaken with : **Jane MacEachran, City Solicitor, Resources Management**
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Summary of Report

To inform Members of the enforcement work that has been undertaken by the Planning & Infrastructure Section of Strategic Leadership from 1st April 2007 to the end of September 2007

Recommendations

It is recommended that Members note the contents of this report.

Links to the Community Plan and to a Vibrant, Dynamic and Forward Looking

The enforcement of planning control links to the Council's core value that "Aberdeen City Council will strive to enhance the high quality of life within the City" and corporate objectives that "Aberdeen City Council will continually review, update and enforce the District Wide Local Plan in order to maintain the balance between development pressures and the need to conserve and enhance the City's natural environment."

Implementation

Contraventions of planning control and other associated complaints are primarily resolved by negotiation, or submission of a planning application seeking retrospective permission. Formal enforcement is, however, also taken where appropriate.

Resource Implications

- People** : Enforcement action for the period of this report has primarily been carried out by two Planning Inspectors, together with planning officers where related to specific planning applications. The ability to provide an effective service has historically been constrained by resources available. Although this is currently being addressed, the continued vacancy of the Enforcement Officer Post has constrained the potential to undertake enforcement action.
- Finance** : Some cost may be incurred if direct action to secure compliance with a notice is necessary. This can be accommodated within existing budgets.
- Systems & Technology** : Only existing office technology is required.
- Property** : There would be no direct impact on any of the Council's property functions, unless breaches of planning control have occurred on land within the control of the Council.
- Other Equipment** : No additional equipment or accommodation is required.
- Other** : There are no other implications as a result of this report.

Other Implications

- Health & Safety** : Normal Health & Safety at work considerations apply. If successful enforcement is not carried out, there may be implications for health and safety in relation to specific unauthorised works.
- Risk Management** : If serious breaches of planning control are not pursued this could encourage other developments to be undertaken without complying with planning legislation, and consequent effective control over environmental impacts, and more widespread impacts upon amenity.
- Human Rights/ Equalities/Diversity** : The Corporate Best Practice Guide on Human Rights and Equalities will be adhered to when deemed necessary to take enforcement action.
- Equalities Assessment** **Impact** :
- Sustainability** : Scottish Ministers attach great importance to effective enforcement as a means of sustaining public confidence in the planning system. The long term credibility of the planning service is dependent on effective enforcement activity, where considered appropriate.
- Environmental** : Effective enforcement should result in greater protection for the environment.
- Social** : Successful enforcement should reinforce the planning system and safeguard the amenity of areas.
- Economic** : Different enforcement activities will have different economic impacts and these will vary accordingly.
- Construction** : Not applicable.

Signature :

Main Considerations

- 1.0 This is the first of the regular 6 monthly reports on the enforcement work that has been pursued by the Development Management Section to be presented to the new Council. The previous report, which was presented to the Planning Committee on 19th April 2007, advised on the enforcement work that had been pursued by the Development Management Section for the 6 months up to 31st March 2007.
- 1.1 This report identifies all cases, which have been investigated in the period 1st April 2007 to September 2007 with a view to determining whether or not a breach of planning control has taken place. It details those cases that have been resolved and updates those cases that were under investigation prior to April 2007 and those that have required formal enforcement action.
- 1.2 It is evident that a number of cases have been resolved through negotiation and discussion. In a number of circumstances, particularly where householders are concerned, the breaches are relatively minor and may have taken place because the parties were unaware of the requirement of the need for first obtaining planning permission. In many cases, the submission of a planning application and eventual grant of planning permission has resolved the situation.
- 1.3 A total of 94 new cases have been investigated since the last report. 67 have been resolved without recourse to formal action by the submission of a planning application or by informal negotiation. A number of cases are still under investigation. 9 enforcement notices have been served during this period, some from cases brought to the attention of the Service prior to April 2007.
- 1.4 The ability of the Service to fully undertake enforcement action continues to be constrained by the inability to recruit a Planning Enforcement Officer. The difficulty of providing a satisfactory enforcement service has been recognised for some time and in order to try to address the issue provision was made in the budget for 2006/7 for two new posts to establish a specialist enforcement team. The post of Senior Planning Enforcement Officer has been filled on a secondment basis. The Planning Enforcement Officer post has been advertised on several occasions but there has been a poor response, with limited interest from suitably experienced planners. Indeed the advertisement of the post in August failed to attract any suitable applicants. In view of the importance attached to providing satisfactory enforcement service arrangements, and the absence of interest from suitably qualified candidates, it is now necessary to consider other options in order to complete the establishment of the Enforcement Team. This will allow the team to focus on the work, which will be required by the new Planning Act.
- 1.5 Members should note that a proportion of complaints received are of a relatively minor nature and are frequently householder related cases. These can give rise to very strong feelings between those affected, often taking up a good deal of Officers' time in resolving a dispute.
- 1.6 The following table provides a summary of the enforcement caseload since the previous report (up to 30th September 2007) and divides the cases into new and those included in the previous report.

New Cases - 1 st April to 30 th September 2007	Cases resolved	67
New Cases - 1 st April to 30 th September 2007	Under investigation or being negotiated	27
Update of cases from previous reports	Cases resolved and/or closed	29
Update of cases from previous reports	Being negotiated, awaiting appeal decisions, or referred for enforcement.	19
Enforcement Notices served		9
Enforcement Notices in process of being prepared		6

- 1.7 As the Planning etc. (Scotland) Act of 2006 has placed an onus on Planning Authorities to publish an Enforcement Charter; it is intended to report on this matter to the Planning Committee at the meeting on 6th December 2007. It is hoped that the adoption of an Enforcement Charter will help to explain the role of the planning enforcement team to the public, as well as setting priorities in terms of delivery of the planning enforcement service. It is intended that future reporting regarding enforcement activity will reflect any recommendations made within the Enforcement Charter.

Current Ward Index and Councillors

<u>Ward Number</u>	<u>Ward Name</u>	<u>Councillors</u>
1	Dyce/Bucksburn/Danestone	Ronald Clark Barney Crockett Mark McDonald George Penny
2	Bridge of Don	Muriel Jaffrey Gordon Leslie John Reynolds Willie Young
3	Kingswells/Sheddocksley	Leonard Ironside Peter Stephen Wendy Stewart
4	Northfield	Jackie Dunbar Gordon Graham Kevin Stewart
5	Hilton/Stockethill	George Adam Neil Fletcher Kirsty West
6	Tillydrone/Seaton/Old Aberdeen	Norman Collie Jim Noble Richard Robertson
7	Midsocket/Rosemount	John Corall Bill Cormie Jenny Laing
8	George Street/Harbour	James Hunter Andrew May John Stewart
9	Lower Deeside	Marie Boulton Aileen Malone Alan Milne
10	Hazlehead/Ashley/Queens Cross	Jim Farquharson Martin Greig Jennifer Stewart John West
11	Airyhall/Broomhill/Garthdee	Scott Cassie Jillian Wisely Ian Yuill
12	Torry/Ferryhill	Yvonne Allan Irene Cormack Alan Donnelly James Kiddie
13	Kincorth/Loirston	Neil Cooney Katherine Dean Callum McCaig

Registered Enforcement Cases - April 2007 to September 2007

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
12 Berrywell Gardens, Dyce	1	Erection of log cabin in rear garden.	Location of building more than 5.0m from rear of house and does not exceed 4.0m to ridge of roof - permitted development. No further action.
8 Broaddykes Place, Kingswells	1	Check extension being constructed complies with approval A6/0073.	Extension is being built in accordance with approved plans. No further action.
4 Carlin Terrace, Dyce	1	Erection of timber fence.	Owner of house advised of requirement for planning permission. Planning application submitted and awaiting determination.
Farburn Terrace, Dyce	1	Erection of fence/hoarding around vacant site.	Case currently under investigation.
26 Kepplehills Road	1	Erection of garage in rear garden.	Building is permitted development not requiring the submission of an application for planning permission. No further action.
Rutheriehill, Market Street, Stoneywood	1	Taxi office being operated from caravan.	Occupier advised us that the use of the caravan as taxi office is temporary as the firm was currently between offices and would be relocating shortly. Caravan removed from land and unauthorised use ceased. No further action.
Riverview Drive, Dyce	1	Conjoined signboards erected on road verge.	Time limited approval for signboard has now expired - now in use by different business. Current user of signboards has been requested to remove signboards.
Linksfleet Business Centre, Sclattie Quarry, Bankhead (Dyce Cabs)	1	Portable office unit used as Taxi Office.	Planning permission required to operate taxi office. Dyce cabs advised of requirement for planning permission. Planning application submitted and approved. No further action.
27-29 Station Road, Dyce	1	Erection of boundary wall.	Wall over 20 metres from any road and does not exceed 2.0 metres in height so is a permitted development. No further action.
21 Wallacebrae Avenue, Bridge of Don	1	Check that garage erected is in accordance with planning permission A6/2091.	Garage being built in accordance with approved planning plans. No further action.
Broadfold Drive/Ellon Road, McDonald's Restaurant	2	Erection of signboard.	Advertisement express consent required. Letter to sent McDonalds advising of requirement for consent and requesting removal. Signboard has now been removed. No further action.

21 Buckie Avenue, Bridge of Don	2	Erection of raised timber decking at rear of house.	Due to decking being raised more than 500mm above ground level planning permission required. Planning application, submitted awaiting determination.
18 Buckie Close, Bridge of Don	2	Erection of structure in rear garden.	Planning permission required. Householder has been advised of requirement for planning permission.
6 Cameron Drive, Bridge of Don	2	Erection of timber decking on garage roof.	Planning permission required. Decking has now been removed from above roof of garage. No further action.
16 Cottown of Balgownie	2	Overgrown garden	Condition of garden is not such as to warrant action under planning legislation.
24 Collieston Path	2	Erection of conservatory.	Planning permission required as property is flatted. Planning application submitted and approved. No further action.
30 Denmore Gardens, Bridge of Don	2	Erection of fence in back garden.	Fence panels do not exceed 2.0 metres in height above ground level and therefore permitted development. No further action.
1 King Roberts Place, Bridge of Don	2	Erection of playhouse.	Visit undertaken to inspect tree/playhouse. Structure permitted development. No further action.
181 Lee Crescent, Bridge of Don	2	Erection of fence.	Planning permission required. Fence has been reduced in height and now permitted development. No further action.
350 Lee Crescent North, Bridge of Don	2	Erection of summerhouse in rear garden.	Permitted development not requiring application for planning permission. No further action.
Denmore Park Clubhouse, Lochside Road, Bridge of Don	2	Siting of storage container	Planning permission required, letter sent to club. Planning application submitted and awaiting determination.
Mill of Mundurno, Murcar	2	Illuminated signboard erected contrary to refusal of permission A6/0736	Letter sent advising of refusal of consent and requesting removal of signboard.
The Parkway, Buckie Farm Pub & Carvery, Danestone	2	Signs erected on roadside.	Letter sent to owners requesting removal of signs.
Balgownie Bowling Club, Scotstown Gardens, Bridge of Don	2	Formation of surfaced area adjacent to club building.	Planning application submitted and approved. No further action.
11 Coull Green, Kingswells	3	Erection of fence.	Planning permission required due to article 4 direction for Kingswells. Letter sent to householder advising of requirement for planning permission.
Edmond Gardens, Kingswells	3	Business being operated from garage.	Letter sent to applicant reminding of condition attached to planning permission restricting garage to domestic use only. Situation being monitored - no evidence of unauthorised use taking place.

Lang Stracht Manse	3	Erection of timber fence.	Site visited and occupier advised of requirement for planning permission for new fence. Agent has indicated intention to submit planning application.
Foreside, Old Skene Road, Kingswells	3	External stair at rear of extension to house not built in accordance with approved plans (A6/2015).	Applicant has been advised that details of revised external stair are required.
63 Brebner Terrace	4	Erection of garage in rear garden	Garage is permitted development not requiring the submission of a planning application. No further action.
40 Donald Dewar Court	4	Timber decking in rear garden.	Not raised decking - no previous extensions - permitted development. No further action.
24 Howes Drive, Bucksburn	4	Erection of timber fence.	Planning permission required, letter sent to householder advising of requirement for planning permission.
7 Moir Drive	4	Check fence has been erected in accordance with planning permission A6/1545.	Fence is not complete, but section erected adjacent to east boundary has been built in accordance with approved plans. No further action.
693-697 Great Northern Road The White Horse	5	Erection of illuminated projecting sign.	Letter sent to manager advising of requirement for advertisement express consent. Projecting sign removed. No further action.
Lilybank Place, Kittybrewster Bowling Club	5	Erection of shelter.	Planning application submitted and approved. No further action.
Bedford Avenue	6	Wire mesh/netting to verandas of tenements	Planning permission not required. No further action.
97 High Street, Old Aberdeen St Machar Bar	6	Erection of illuminated projecting sign on Listed building in conservation area.	Owner of bar advised of requirement to obtain consent for new sign. Application submitted and approved. Projecting sign removed from building. No further action.
1 Merkland Road East	6	Use of premise as hot food take away.	Planning Contravention Notice served requiring clarification as to use of premises.
Edward Wright Building, Kings College, St Machar Drive University of Aberdeen	6	Non compliance with conditions attached to planning permission (A5/0987).	Letter sent to University requesting compliance with conditions attached to approval. Skip has now been relocated and conditions attached to approval complied with. No further action.
Back Hilton Road (Build Centre)	7	Check conditions attached to planning permissions for restrictions on loading and unloading at premises.	No conditions attached to Planning permission restricting of hours of operation or loading/unloading at property. No further action.
14 Forbes Street	7	Rear boundary wall demolished and reconstructed without planning consent.	Property in Conservation Area 11 (Rosemount/Westburn) not covered by Article 4 directions - demolition and rebuilding of wall does not require planning consent. No further action.

33 Grosvenor Place	7	Dormer window constructed without valid consent.	Owner asked to confirm construction/alteration work commenced prior to expiry of original consent granted for new dormer window granted in 2002. New dormer construction in accordance with original approval. No further action.
97b Mile-End Avenue	7	Satellite antenna erected to front elevation of flatted property without consent.	Permitted Development. No further action.
Rosemount Square	7	Unauthorised satellite dish erected to Listed Building without consent.	Antenna erected on council owned flat - referred to Sales & Consents section who are to pursue to removal of the dish. No further action.
45 Rosemount Viaduct [Gordon Bell Piano Shop]	7	Unauthorised large steel container sited to rear of shop premises.	Formal request for large container to be uplifted and removed complied with. No further action.
4 Belmont Street	8	Installation of solid painted timber panel on frontage of bar.	Letter sent advising of requirement for planning permission. Agent has indicated intention to submit planning application.
123 Charles Street	8	Erection of satellite dish antenna on block of flats.	Location of antenna facing into courtyard - permitted development. No further action.
47-53 Market Street	8	Erection of banner on listed building.	Letter sent requesting removal of banner. Banner removed. No further action.
23 North Square, Footdee	8	Replacement windows	Windows replaced match previous windows. Materials and style of windows accord with Planning policies. No further action.
52 Park Road	8	Rebuilding/repair of granite rubble wall with blockwork.	Wall same height as existing. Repair to wall does not require planning permission. No further action.
24-28 Schoolhill	8	Shopfront not constructed in accordance with approval A6/2120.	Letter sent requesting compliance with approval. Works completed to the satisfaction of case officer. No further action.
142 Union Street	8	Erection of signage on Listed building not in accordance with approvals.	Letter sent to agent requesting compliance with approvals. Discussions currently taking place to resolve matter.
Burnside Road Peterculter (land adjacent to)	9	Unauthorised excavation or construction work being carried out within field adjacent to Burnside Road	Works instructed and authorised by Scottish Water - large water main being replaced. Planning permission not required. No further action.
28 Contlaw Road Milltimber	9	Height and position of replacement house not in accordance with approved plans.	Investigation established that position and height of new house accords with approved amended plans. No further action.

Coronation Road Peterculter	9	Site compound relating to construction of new Council owned Coronation Grove development erected to area of land off Coronation Road without required consent.	Area where site compound erected owned by Council. Compound required to facilitate construction of new Coronation Grove development - formal planning consent not required. No further action.
Craigton Road [former Woodlands Hospital site]	9	Breach of Condition concerning removal of trees and tree protection fencing on Craigton Road.	Removal of trees in accordance with agreed landscaping scheme. Request for contractor to reinstate tree protection fencing complied with. No further action.
Craigton Road Cults "Cliff Heights"	9	Boundary fencing erected without required planning permission.	Owner contacted and asked to submit formal application seeking required retrospective consent.
Friarsfield Road Cults	9	Masonry and debris from demolished wall adjacent to telephone mast restricting footpath access.	Wall demolished by car involved in road traffic accident - footpath access restored. No further action.
12 Golfview Road Bieldside	9	Construction of new rear extension not as approved.	Building work monitored to ensure compliance with approved plans. No further action.
Manor Place/Kirk Brae Cults [McCarthy & Stone]	9	Lamp standards erected within grounds of new development without Planning Permission and unauthorised works to boundary wall.	Letter issued requesting submission of formal planning application for lamp standards - works to boundary wall do not require planning consent.
3 Towerview Lane Peterculter	9	Construction of new house extension not as approved.	Construction work found to be in compliance with the approved plans. No further action.
5 Woodlands Gardens Craigton Road	9	Height of boundary wall being raised without formal consent.	Planning permission to increase height of boundary wall granted. Building work to be inspected at later date to ensure compliance with approved plans.
22 Ashley Road	10	Velux roof windows installed to property in conservation area without consent.	Request for retrospective application to be submitted complied with, determination pending.
53 Ashley Road	10	Unauthorised structure erected to rear garden.	Pergola structure erected to rear garden area - formal planning consent not required. No further action.
9 Beechgrove Terrace	10	Driveway/hardstanding formed to front garden area of property without consent.	Property outwith conservation area. Formation of driveway/hardstanding does not require planning consent. No further action required.
9 Carnegie Crescent	10	Construction of new garage not in accordance with approved plans.	Amended application requested and received. Application refused by Committee Aug. 07. Owner formally requested to alter garage construction in accordance with previously approved plans.
31 Desswood Place	10	Untidy appearance/condition of site.	Property boarded-up at time of enquiry, however, site in reasonable condition. No further action .

107 & 111 Desswood Place	10	Gas supply piping fitted to front elevation of properties in conservation area without consent.	Small sections of visible gas piping do not adversely affect appearance of conservation area. No further action to be taken.
1 Earls Court Gardens	10	Alterations carried out to property without formal planning consent.	Inspection established that alterations carried out do not require planning permission. Required building warrant applied for and obtained. No further action.
Fernielea Crescent Summerhill	10	Unauthorised driveway formed to rear of property adjacent to Council garage lock-up site.	Site inspected - no unauthorised driveways noted at time of inspection. No further action to be taken at this time.
21 Forest Road	10	New driveway/hardstanding formed to front garden area without consent.	Retrospective application requested, received, and approved. Resolved..
21 Forest Road	10	Contractor signboard erected to front garden area without consent.	Signboard does not require formal advertisement consent while contractor is working at the property. Signboard removed upon completion of works. No further action.
18 Harlaw Road	10	Non-compliance with approved plans re. installation of obscure glass to en-suite of new extension.	Installation of obscure glass not specified or made conditional with planning approval. No further action.
9 Rubislaw Den North	10	Trees cut down in garden area of property within conservation area without consent.	Established that work carried out to cut down 2 small trees within rear garden area was acceptable. Contractor advised that consent must be obtained prior to carrying out tree works in conservation areas in future. No further action.
8 Rubislaw Den South	10	Replacement balcony/decking erected to rear of Listed Building without consent.	Retrospective application requested and received. Application still to be determined.
16 Rubislaw Den South	10	Construction of new extension along mutual boundary not in accordance with approved plans.	Construction along mutual boundary found to be in accordance with approved plans. No further action.
62b Rubislaw Den South	10	Excavation work, tree cutting and driveway alterations carried out without formal consent.	Request for formal application to be submitted seeking retrospective consent complied with. Application still to be determined.
Viewfield Mews Viewfield Road	10	Building works/alterations carried out to lock-up garage and boundary wall mutual with 69 Queens Road without formal consent.	Building work/alteration to boundary wall not subject to planning permission. No further action.
41 Beech-Hill Gardens	11	Conservatory erected without planning consent.	Site inspection established that conservatory does not require formal planning consent. No further action.

67 Craighton Road	11	Construction of new rear extension not as approved.	Inspection established that construction of new extension accords with approved plans. No further action.
Cranford Road [lock-up garages to rear lane]	11	Unauthorised car repairs operating from lock-up garage.	Site monitored - no evidence of unauthorised car repairs or business use noted. No further action to be taken at this time.
168 Holburn Street [Shop @ Panasonic]	11	Unauthorised advertisement banner erected to first floor roof area.	Formal request for unauthorised banner to be removed complied with. Resolved.
218 Holburn Street [Wellmans Health Studio]	11	Breach of Condition re. erection of traffic barrier to access lane.	Advised by Director of health studio that barrier will be erected in accordance with planning condition.
104 Ruthrieston Circle	11	Replacement blockwork shed/store erected to rear of property without consent.	Retrospective application requested, received, and approved. No further action.
81 Seafield Road [Palm Court Hotel]	11	Erection of unauthorised signage and air conditioning units	Retrospective application requested and received. Determination pending.
5 Bridge Place [Liquid Nightclub]	12	Breach of condition re. use of rear access fire doors	Reminder letter issued to nightclub management re. use of rear access fire doors for emergency use only.
84 Crown Street	12	Unauthorised windows installed to Cat. (B) Listed Building	Request issued asking for unauthorised windows to be removed and replaced with original style timber sash and case windows complied with. No further action.
1 Deemount Terrace Ferryhill	12	Unauthorised demolition of boundary wall in a conservation area.	Owner/applicant asked to rebuild the boundary wall using granite rubble in line with the original construction.
6 Devanha Gardens West	12	Satellite antenna erected to front elevation of property without consent.	Property outwith conservation area - position of satellite antenna does not require formal planning consent. No further action.
40 Girdleness Road Torry	12	Flagpole/flags erected to rear of house without consent.	Erection of flagpole/flags not considered to be a breach of advertisement guidelines. No further action.
6 Marine Place Ferryhill	12	Formation of granite stonework wall to front garden area of Listed Building without consent.	Request for owner to remove excess granite stonework complied with. No further action.
367 Union Street [Koi - Indian & Thai Restaurant]	12	Unauthorised signage/canopy.	Applicant asked to remove unauthorised signage/canopy and to submit proposals for suitable alternatives.
360 Victoria Road Torry	12	Breach of Condition re. installation of obscure glass to new conservatory.	Investigation established that obscuration of glass fitted exceeds that specified in planning condition. No further action.
44 Scylla Drive Cove	13	Unauthorised works/driveway to garden area.	Permitted Development. No further action.
Wellington Road [The Old School House]	13	Complaint re. absence of adequate fencing around site boundary.	Boundary fencing now in place. No further action.