

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Martin Calder
Calder design
19 Beechgrove Terrace
Aberdeen
AB15 5DR

on behalf of **Red Robin Cafe**

With reference to your application validly received on 15 September 2021 for the following development:-

Change of use of road to provide an external seating area with 3 seating pods at Ground Floor, 13 Correction Wynd

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:

Drawing Number	Drawing Type
21-07-01 B	Location Plan Elevations and Floor Plans

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

That the change of use of part of the public road carriageway to form an external seating area including the installation of three timber pods for a period of five years is considered to have a detrimental impact on the character and appearance of the Union Street Conservation Area and the setting of various adjacent category A-, B-, and C-listed buildings and their curtilages due to the design, materials, and finishes of the pods. The development is thus contrary to policies D1 (Quality Placemaking by Design) and D4 (Historic Environment), of the 2017 Aberdeen Local Development Plan, policies D1 (Quality Placemaking), D6 (Historic Environment) of the 2020 Proposed Local Development Plan; the draft City Centre Conservation Area Character Appraisal and relevant sections of Scottish Planning Policy and the Historic Environment Policy for Scotland (HEPS).

That the proposed siting of the pods would obstruct driver visibility both along Correction Wynd and from the pend serving the parking /servicing area to the rear of Correction Wynd, impacting on safety. The development is thus contrary to policy T2 (Managing the Transport Impact of Development) of the 2017 Aberdeen Local Development Plan, and policy T2 (Sustainable Transport) of the 2020 Proposed Local Development Plan; and Supplementary Guidance on Transport and Accessibility.

Date of Signing 22 December 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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.

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.