

ABERDEEN CITY COUNCIL

COMMITTEE Development Management Sub-Committee

DATE 19 July 2012

LEAD HEAD OF SERVICE
Margaret Bochel

DIRECTOR
Gordon McIntosh

TITLE OF REPORT Planning Enforcement Activity – October 2011 to
March 2012

REPORT NUMBER EPI/12/129

1. PURPOSE OF REPORT

- 1.1 To inform Members of the planning enforcement work that has been undertaken by the Planning and Sustainable Development Service from 1st October 2011 to 31st March 2012.

2. RECOMMENDATION

- 2.1 That Members note the contents of this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no specific implications for revenue and capital budgets, priority based budgeting, or state aid arising from consideration of this report. Some cost may be incurred if direct action to secure compliance with an enforcement notice is necessary. This can generally be accommodated within existing budgets, but where this is not the case, a specific report will be submitted to Committee to seek instructions.

4. OTHER IMPLICATIONS

- 4.1.1 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. 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. Effective enforcement should result in greater protection for the environment. 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. In such cases, the use of planning enforcement action against the Council as owner is not considered appropriate, and use of alternative powers by the Council as landowner is sought to resolve such breaches.

5. REPORT

- 5.1 This report provides the regular 6 monthly update for the Development Management Sub-Committee on the enforcement work that has been pursued by the Development Management Section. The previous report, which was presented to the Development Management Sub-Committee in December 2011, advised of the enforcement work that had been pursued by the Development Management Section for the 6 months up to 30th September 2011. Submission of this report to the May committee has been delayed due to the need for provision of training to new committee members in relation to general planning matters.
- 5.2 This report identifies all cases which have been investigated in the period 1st October 2011 to 31st March 2012 with a view to determining whether or not a breach of planning control has taken place and whether it is expedient to take enforcement action. It details those cases that have been resolved and updates those cases that were under investigation prior to October 2011 and those that have required formal enforcement action.
- 5.3 It is evident that a number of cases have been resolved through negotiation and discussion, without recourse to formal enforcement action. 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.
- 5.4 A total of 79 new cases have been investigated since the last report. The majority (50) have been resolved without recourse to formal action by the approval of a retrospective planning application, by informal negotiation, or were found not to constitute a breach of planning control. The remainder (29 cases) are still under investigation and may require formal enforcement action if negotiation proves unsuccessful and if there is found to be a breach of planning control which has resulted in significant disamenity or threat to public safety. Five enforcement notices have been served during the current reporting period and no appeals against these have been received, although they remain to be complied with.
- 5.5 It is a continuing trend that a significant proportion of complaints received are of a relatively minor nature and are frequently householder related cases (approximately half of all complaints). As these cases often do not relate to properties in conservation areas or involve protected trees, and often do not raise issues of public amenity or public safety concern, they are likely to be of lower priority in terms of consideration of possible enforcement action. However, these cases can give rise to very strong feelings between those affected, often taking up a good deal of officers' time in investigating / resolving a dispute.

- 5.6 Members should note that during the period concerned, the potential of the enforcement team has been constrained to an extent due to other work priorities (including general development management case work) and as a result of the ongoing economic and budget situation, some vacant planning posts within the planning service have remained frozen. The following table provides a summary of the enforcement caseload since the previous report and divides the cases into new and those included in the previous report.

<i>New Cases – 1st October 2011 to 31st March 2012</i>	<i>Cases resolved</i>	<i>50</i>
<i>New Cases - 1st October 2011 to 31st March 2012</i>	<i>Under investigation or being negotiated</i>	<i>29</i>
<i>Update of cases from previous reports</i>	<i>Cases resolved and/or closed</i>	<i>19</i>
<i>Update of cases from previous reports</i>	<i>Being negotiated, awaiting planning application/appeal decisions, or referred for enforcement.</i>	<i>19</i>
<i>Enforcement Notices served</i>		<i>5</i>
<i>Enforcement Notices in process of being prepared</i>		<i>1</i>

- 5.7 An Enforcement Charter, which is a statutory requirement arising from implementation of the 2006 Planning (Scotland) Act, was adopted by the Council in June 2009. This helps 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.
- 5.8 It is intended that, subject to budget decisions, future enforcement activity, including reporting, will reflect the recommendations made within the Charter. A particular emerging issue for future review of the Charter is the need to prioritise cases given the limited resources available to the service in investigating / pursuing enforcement action.
- 5.9 During the reporting period the Scottish Government's review of householder permitted development rights was implemented, in February 2012. A review of non householder permitted development is currently underway. It is anticipated that these changes may reduce the enforcement burden on local authorities, by removal of the need for planning permission for certain development undertaken in relation to domestic and other property. It is hoped that this will allow increased time to be devoted to enforcement complaints which are considered to be of higher priority. However, it is likely that significant time will still be required to investigate alleged breaches of planning control as that is a statutory requirement. It also remains to be seen whether the reforms to permitted development rights will actually simplify the effect of existing legislation and avoid imposing additional complexity on officers in terms of determining whether development is permitted, or avoiding additional enforcement burdens for which no fee would be forthcoming (e.g. where development is only permitted subject to certain conditions imposed by the regulations). Due to

the transitional arrangements still being in place, it is too early to conclude what effect the change in regulations has had and it is hoped to provide an update on this in the next enforcement update report.

The commitment of the Scottish Government to ensuring sustainable economic growth places increased emphasis on considering the economic implications of enforcement activity at this time. Factors such as employment retention and creation are therefore of increased weight in considering whether, in any given situation, it is expedient to take enforcement activity. There is also increased need at this time to ensure that burdens imposed on developers in terms of planning conditions and planning obligations / legal agreements are proportionate and reasonable.

6. SERVICE & COMMUNITY IMPACT

- 6.1 Corporate - 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 Aberdeen Local Plan in order to maintain the balance between development pressures and the need to conserve and enhance the City's natural environment." The report relates to the Single Outcome Agreement 12 "we value and enjoy our built and natural environment and protect it and enhance it for future generations."
- 6.2 Public - The Corporate Best Practice Guide on Human Rights and Equalities will be adhered to when deemed necessary to take enforcement action. There is no requirement for Equalities or Human Rights Impact Assessment in this case.

7. BACKGROUND PAPERS

The Council's Planning Enforcement Charter, which is referred to in section 5 above, is available in Council libraries and published on the Council's website at the following address:-

http://www.aberdeencity.gov.uk/web/files/sl_Planning/plan_enforce_charter.pdf

8. REPORT AUTHOR DETAILS

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Current Ward Index and Councillors

<u>Ward Number</u>	<u>Ward Name</u>	<u>Councillors</u>
1	Dyce/Bucksburn/Danestone	Barney Crockett Graeme Lawrence Neil MacGregor Gill Samarai
2	Bridge of Don	Muriel Jaffrey John Reynolds Willie Young Sandy Stuart
3	Kingswells/Sheddocksley	David John Cameron Steve Delaney Len Ironside CBE
4	Northfield	Jackie Dunbar Gordon Graham Scott Carle
5	Hilton/Stockethill	George Adam Kirsty Ann Blackman Lesley Dunbar
6	Tillydrone/Seaton/Old Aberdeen	Ross Grant Jim Noble Ramsay Milne
7	Midsocket/Rosemount	Jenny Laing Bill Cormie Fraser Forsyth
8	George Street/Harbour	Andrew May Jean Morrison Nathan Morrison
9	Lower Deeside	Marie Boulton Aileen Malone M. Tauqeer Malik
10	Hazlehead/Ashley/Queens Cross	Jennifer Stewart Martin Greig Ross Thomson John Munro Corall
11	Airyhall/Broomhill/Garthdee	Ian Yuill Angela Taylor Gordon Scott Townson
12	Torry/Ferryhill	Yvonne Allan Graham Robert Dickson Alan Donnelly James Kiddie
13	Kincorth/Loirston	Callum McCaig Neil Cooney Andrew William Finlayson

Registered Enforcement Cases - October 2011 to March 2012

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
9 Gladstone Place Dyce	1	Erection of timber fence.	Fence erected at rear of property, Differences in levels of adjoining properties. Permitted development. No further action.
71 Victoria street Dyce	1	Formation of hard surfaced area at front of guest house.	Planning application (P111825) submitted December 2012 approved February 2012. No further action.
10 Auchmill Road Bucksburn	1	Use of office accommodation as a residential flat.	Planning permission has been granted in 2006 to allow the property to be used as a flat (A6/1532). No further action.
48 Hopetoun Avenue Bucksburn	1	Mini bus / coach hire operating from house.	Monitoring situation at present in order to ascertain if material change of use has occurred.
318 Stoneywood Road	1	Use of detached garage as dwelling.	Garage appears to be being used as separate residential unit from house. Letter sent to owner advising of requirement for planning permission and requesting that use as separate residential unit ceases.
Overhills Farm Kingswells	1	Erection of wall over 1.0 metres in height at front of house.	Planning permission required. Letter sent to owner advising of requirement for planning permission.
Wynford Kingswells	1	Works taking place to extend car park for farm shop/café & playbarn (P090706).	Letter sent to owner advising of requirement for planning permission and requesting submission of a planning application.
6 Hopetoun Terrace Bucksburn	1	Extension to rear of garage, erection of decking and erection of fence.	Garage extension and fence deemed to be permitted development. Part of decking area built over split level garden is more than 500mm above ground level and requires planning permission. Owner and builder have been advised of the requirement for planning permission for decking and have indicated that a planning application is to be submitted.
Denmore Road Unit 13 Barratt Trading Estate (Cosalt)	2	Use of retail warehouse for industrial purposes.	Planning application for change of use (P120395) submitted March 2012 awaiting determination.
Whitemyres Lang Stracht (North of New Park Steading)	3	Excavated material tipped on land to north of Newpark Steading forming spoil heap.	Response received from landowner's agent advising that spoil heap is agricultural development not requiring planning permission. No breach of planning control.

11 Callum Crescent Kingswells	3	Summerhouse constructed to rear garden area not in accordance with planning permission.	Revised drawings submitted by householder showing variations to summerhouse construction & location approved by planning officer. No further action.
Howes Road (Enermech Ltd) Bucksburn	3	Erection of security fencing and gates.	Planning applications for fencing that has already been erected have been withdrawn. Letter issued to agent requesting action be taken to remedy breach of planning control.
227 Springhill Road Sheddocksley	4	Erection of fence panel for Christmas decorations in front garden.	Planning consent not required for temporary fencing erected. Property is owned by Council & letter issued to tenant asking for fence to be removed has been complied with. No further action.
32 Marchburn Road Northfield	4	Erection of timber fence at side of house.	Inspection established that erected fence is deemed to be permitted development. No further action.
5A Primerosehill Drive Hilton	5	Timber fence erected near to road without planning consent.	Retrospective planning application submitted (Ref P111738) November 2011 and approved January 2012. No further action.
Fountville Court Summer Street Woodside	5	Excavation of ground at front of vacant sheltered/old persons home.	Ground works associated with repair work to drainage. New planning application submitted (P111896) for a 'change of use' to student accommodation approved February 2012. No further action.
13 Ashgrove Place	5	Formation of new driveway & removal of boundary hedge.	Inspection established that formation of driveway and removal of hedge are not subject to formal planning permission. No further action.
605 King Street	6	Windows to rear wall of shop built-up without consent.	Rear of property not visible to general public and not detrimental to amenity. Planning permission not required for building up of windows. No further action.
64 Orchard Street Old Aberdeen	6	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission.
37 Albert Street	7	Unauthorised works & boundary wall removed from front garden area of property in conservation area without consent.	Property owner/agent asked, and have agreed to submit a formal planning application seeking retrospective consent for works carried out. Application seeking retrospective consent registered March 2012. Application yet to be determined. (Ref. P120412)

19 Kingshill Road	7	Construction of new rear extension and area of decking not built in accordance with approved plans. (Ref. 101127)	Site inspection established small discrepancy with approved plans re. construction of new extension. Formal request for amendments to be made to ensure compliance with approved plans put into effect, building works now in accordance with planning consent.
Mid Stocket Road [former Oakbank School site]	7	Electricity sub-station relocated & under construction without planning consent	Application to relocate electricity sub-station submitted by developer late January 2012 (Ref. P120126) Application approved conditionally by Development Management Sub-Committee April 2012. No further action at this time.
14b Mount Street	7	Unauthorised vehicle parking to front of property in conservation area.	Vehicles park immediately outside property by driving over existing unaltered pavement. Front of property has not been altered & no access or driveway has been formed to facilitate vehicular parking therefore no planning breach has occurred. Issue of inconsiderate parking referred to City Wardens/Roads Section.
Park House 120 Westburn Road (Clan)	7	Erection of two 6.0 metre high lighting standards in new car park.	Retrospective planning application submitted (Ref. P111529) October 2011, awaiting determination.
Unit 4, Centrepont Retail Park Berryden Road	7	New signs erected on shop unit not in accordance with approval.	Letter sent to agent advising of requirement for new revised application for altered & new advertisements. Agent has indicated that client is to remove unauthorised sign.
27 Cadenhead Road Ashgrove	7	Formation of driveway and erection of walls at flatted property	Agent acting on behalf of owner has advised that a planning application seeking retrospective consent will be submitted for consideration shortly.
35 Fraser Place Unit 1 (Crest Glazing Ltd)	8	Industrial unit extended without planning consent.	Retrospective planning application (Ref P120163) submitted February 2012 and approved March 2012. No further action.
17-21 Market Street Rox Hotel	8	Erection of CCTV cameras on frontage of Cat B listed building in conservation area.	No requirement for planning permission. No further action.
13 Hadden Street (Market Arms)	8	Unauthorised hoarding fixed to windows of listed building.	Correspondence issued asking owners to remove boarding from windows. Information received indicates that renovation work to property was due to start earlier this year, however, no action to date. Situation currently being monitored as condition of building may require further action.

Schoolhill/Belmont Street Triple Kirks Bar	8	Relocation of air conditioning units and erection of enclosure.	Retrospective applications for planning and listed building (P120174 & P120175) submitted February 2012 and approved March 2012. No further action.
69-71 Schoolhill Triple Kirks	8	Siting of temporary buildings and unauthorised works being taking place.	Temporarily buildings required in connection with ongoing site inspection/surveying works classed as permitted development and does require planning consent. No further action.
33 Kings Crescent (Ground Floor/Right (North)) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission.
35 Kings Crescent (1st Floor/Left (South)) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission.
23 Spital (1st Floor/Right (North)) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission.
57 Spital Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission.
69 Spital Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission.
15 Hillhead Terrace (Top Floor) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission.
119 Spital Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	Letter sent to householder advising of requirement for planning permission. Dish has now been removed from the front wall of the building. No further action.
54 Spital Old Aberdeen	8	Erection of satellite dish on front elevation in conservation area.	Letter sent to householder advising of requirement for planning permission.
17 Gallowgate	8	Erection of illuminated lettering to facade.	Letter sent to occupier advising of requirement for advertisement consent.
21 Market Street	8	Erection of 2no illuminated projecting signs.	Letter sent to agent/owner advising of requirement for consent January 2012. No response, Enforcement action required if signs not removed.
489 George Street	8	Siting of refrigeration units at rear of shop unit.	Refrigeration units located on roof of rear shop extension deemed to be permitted development. No further action.
7 Hadden Street	8	Non-compliance with suspensive condition attached to planning permission (Ref. P110002)	Letter sent to agent requesting details be submitted as required in the conditional approval. Details now submitted & approved. No further action.
Binghill Drive Milltimber [Christian Fellowship Church]	9	Temporary building relocated to different location within grounds of church without planning consent.	Planning permission granted to relocate temporary building to north-eastern site boundary November 2011 (Ref. P101126) Permission expires end of November 2012.

35 Dalmaik Crescent Peterculter	9	Excavation works associated with formation of driveway carried out without planning permission.	Owner contacted & asked to submit planning application seeking retrospective consent for works carried out. Application seeking consent for driveway lodged March 2012 (Ref. P120561) decision pending.
Earlspark Circle/Avenue. (Earlspark Development) Bieldside	9	Breach of Condition re. permitted site working times & house plot layout not as approved. (Ref.P110821)	Request for permitted site working times to be adhered to complied with. Site monitored regularly to ensure that house plot layout complied with approved plans. Resolved.
21 Monearn Gardens Milltimber	9	Breach of Condition re. provision of screening along common boundary line. (Ref. P110992)	Letter issued October 2011 asking for boundary screening to be provided complied with November 2011. Resolved.
225 North Deeside Road Peterculter [Cocoa Ooze]	9	Alleged unauthorised use of shop premises.	Letter issued to proprietor of shop December 2011 asking for a 'change of use' application to be submitted. Application seeking retrospective consent received December 2011 (Ref. P120193) approved conditionally by Development Management Sub-Committee April 2012. No further action.
250 North Deeside Road "Wellwood Mansions" Cults	9	Sections of 'temporary' boundary fencing erected on boundary line mutual with Glendee Terrace for some considerable length of time without the required planning consent.	Owner formally asked to either remove existing 'temporary' fencing, or lodge a formal planning application seeking consent to erect a new permanent fence to site boundary. Application for new boundary fencing received February 2012 (Ref. P120240) approved conditionally April 2012. No further action.
250 North Deeside Road "Wellwood" Cults [new 5 bedroomed house to walled garden area]	9	Alleged breach of condition restricting construction traffic working on new house using "Wellwood" access road. (Ref. P110047)	Allegation prompted by arrival of several large vehicles that used the main "Wellwood" access to deliver several new trees. Investigation established that delivery vehicles had no connection with the construction of the new house, therefore, no breach of condition had taken place. No further action.
250 North Deeside Road "Wellwood" Cults [new 5 bedroomed house to walled garden area]	9	Position of access road for new house not in accordance with approved plans. (Ref. P110047)	Site inspection confirmed that the position identified on site for the new road access complies with the approved plans. No further action.
Tillyoch Farm Peterculter [Aberdeen Pet Resort]	9	Unauthorised boundary fencing, floodlighting of main arena & CCTV camera at site entrance.	Sections of boundary fencing erected not subject to planning permission. Applicant asked to submit detailed information re. floodlighting requirements for main arena & to adjust viewing angle of site entrance CCTV camera to prevent it overlooking adjacent land.

Anderson Drive [Marathon House]	10	Numerous floodlighting units installed in & around property without required consent.	Investigation established that the floodlighting units were installed on a temporary basis only in connection with an organised charity event. Floodlighting units removed immediately afterwards. Resolved.
13 Ashley Road	10	Construction of rear single storey extension not as approved. [Ref. 09/1867]	Site inspection found minor cosmetic discrepancy from approved plans re. roof flashings along mutual boundary wall, however, building work to new extension does comply with approved plans. No further action.
5 Carden Terrace	10	Section of boundary wall to rear of Listed Building demolished without formal planning or listed building consent.	Formal request for demolished section of rear boundary wall to be rebuilt in keeping with original complied with. Resolved.
51 Craigiebuckler Terrace	10	Unauthorised building works & alterations carried out to existing house extension/garage roof without consent.	Letter sent to property owner(s) seeking clarification of works being carried out. Plans lodged by Agent on behalf of owners (March 2012) confirm that formal planning consent is required for proposed alterations. Agent has been advised & has confirmed that planning & building warrant applications are to be lodged.
438 Great Western Road	10	Unauthorised dumping of building related materials on public land adjacent property.	Building related materials now removed from area of public land. No further action.
Hazlehead Crescent (adjacent former Police Office)	10	Unauthorised advert signboard erected near to former Police Office building.	Letter issued to owner of adjacent building (December 2011) asking for the signboard to be removed complied with. Resolved.
218 Kings Gate	10	Complaint received from neighbouring resident re. size & roof height of approved new double garage.	Site inspection established that size & height of new garage complies with the approved plans. (Ref. P111249) No further action.
7 & 14 Queens Crescent Kepplestone	10	Existing driveways extended and railings erected without planning consent.	Site visit determined that driveway extensions & railings erected do not require formal planning consent. No further action.
Queens Road [former Rubislaw Quarry]	10	Floating pontoon & small boat installed to pond inside quarry without planning consent & removal of several trees.	Small pontoon & boat installed to facilitate use of submersible pump used to help reduce the rising water levels within quarry as per recommendations agreed between owners & Council's Road Dept. Formal planning permission not required as no material change of use or physical development has occurred. No evidence found of recent tree removal/works having been carried out. No further action.

9 Royfold Crescent	10	New garage structure not built in accordance with approved plans.	Site inspection established that new garage has been built in accordance with approved plans. No further action.
126 Airyhall Drive	11	Construction of new replacement garage not in accordance with approved plans (Ref. P100997)	Inspection confirmed that finished garage construction accords with approved plans. No further action.
45 Duthie Terrace	11	Garden room extension not built in accordance with approved plans. (Ref. P091570)	Request for boundary screening fence to be erected as specified in approved plans now complied with. Resolved.
253 Great Western Road [former Ashley Lodge]	11	Breach of planning condition relating to provision of tree protection measures. (Ref.P111333)	Initial site visit confirmed absence of adequate tree protection measures. Tree protection fencing subsequently put in place following discussions with Agent & on site main contractor. No further action at this time.
530 Great Western Road [Syco-Baths & Syco-Glass]	11	Unauthorised window advert lettering.	Correspondence issued to shop proprietor January & February 2012 requesting removal of unauthorised window advert lettering eventually complied with. Resolved.
Morningside Road [Aberdeenshire Cricket Club]	11	Building work on proposed new cricket store & self contained apartments building commenced prior to application being determined.	Agent acting for cricket club asked to arrange for on site building works to cease until planning application has been determined. (Ref. P111670) Application approved conditionally by Development Management Sub-Committee April 2012. No further action.
35 Salisbury Terrace	11	Construction of new garage not in accordance with approved plans. (Ref. P101891)	Garage construction found to be in accordance with approved plans. No further action.
146 South Anderson Drive	11	Unauthorised car sale business operating from residential property.	Site monitoring conducted over a two month period revealed no apparent evidence of unauthorised business related activity. No further action at this time.
137 Gairn Terrace	12	Height & size of new extension to rear of property not as approved. (Ref. P110328)	Site inspection established that finished size & height of new extension near mutual boundary does not accord with the approved plans. Property owner formally requested to submit a new planning application [March 2012]
515/519 Holburn Street	12	Work on new flatted development encroaching onto adjacent private land. (Ref. P101425)	Site investigation established that alleged encroachment relates to removal of a section of boundary wall mutual with adjoining property & resulting loss of car parking space due to erection of temporary Heras safety fencing until wall is rebuilt. No breach of planning has actually taken place. Issue now resolved. No further action.

Marine Place Ferryhill	12	Large bollard erected to entrance driveway without consent.	Site visit confirmed that "bollard" is a large reclaimed granite stone placed on the side of the entrance driveway to discourage vehicles from parking on grass verge. Not considered to be development. No further action.
11 Marine Terrace Ferryhill Aberdeen	12	Various works carried out to Cat. (B) Listed Building property in Conservation Area without formal consent.	Site visit confirmed installation of unauthorised windows doors to rear of property. Agreement reached with agent acting on behalf of owner re. type/design of replacement windows & doors thought to be acceptable to resolve planning breach. Formal application seeking required consent for agreed type/design of windows & doors now lodged (Ref. P120503) Application still to be determined.
Victoria Road [St. Peters Court] Torry	12	New plaque signage erected to Cat. (B) Listed Building without consent.	Property owners asked to remove the large plaque, or to submit an application seeking the required retrospective listed building consent. Plaque now removed. Resolved.
135 Walker Road Torry	12	Large structure built to rear of property without planning consent.	Site inspection confirmed that the location of the new shed/structure would not require planning consent. No further action.
50-90 Willowbank Road	12	Alleged breach of car parking related planning condition. (Ref. A5/0846)]	Site monitoring appears to indicate that the current use of the car park area relating to the flats complies with the original planning condition. No further action.
8 Bruce Walk Nigg	13	Unauthorised business use operating from residential property.	Owner is self-employed vehicle recovery driver based at his home address. 2 recovery vehicles are regularly within the curtilage of the property, however, he is the sole driver of these vehicles & there are no other employees. Also established that no recovered vehicles are taken back, kept, or repaired at his home address. Current level of business related activity considered to be ancillary for residential property. No further action at this time.
Hareness Road [Altens Lorry Park]	13	Unauthorised large building/store erected to south side of lorry park without planning consent	Site owner asked to submit formal planning application seeking retrospective planning consent for structure/store.
Stoneyhill Terrace Cove [land adjacent to]	13	Chicken coop/enclosure formed to area of land near housing without formal consent, & noise related complaint re. use of linked-up electricity generator.	Formation of chicken coop/enclosure not required for agricultural land use. Request for land owner to cease using electricity generator complied with. Resolved.

Resolved Cases From Previous Report - December 2011

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Mugiemoss Road (Stewart Milne Homes)	1	Builders breaching planning condition relating to noisy hours of operation and have been working on site on Sunday with machinery.	Stewart Milne homes have been advised of breach of planning control. They have indicated that they are to investigate and remind contractors not to use machinery outwith stipulated times indicated on planning permission. No further complaints have been received. Breach appears to have ceased.
Riverview Drive/Burnside Drive Dyce	1	Erection of advertising banners on grass verge.	Advertisement express consent required. Letter sent to Scotia Homes requesting removal of unauthorised advertising banners. Banners have now been removed.
11 Balgownie Crescent Bridge of Don	1	Extension not being built in accordance with planning permission (P090556)	New planning application (P111413) submitted September 2011 showing variations to original planning permission approved November 2012.
2 Ellon Road Bridge of Don (Donview)	2	Erection of extract flue.	Section 33A notice served on occupier of restaurant December 2010 requiring submission of planning application for the flue. Minor breach of planning control that has no adverse effect on amenity safety and not expedient to enforce.
16 Cottown of Balgownie	2	Front porch not built in accordance with planning permission (101263) and listed building consent (101363)has not been approved.	Planner has written to applicant requesting accurate plans of porch as built. Minor variation to planning permission. Not expedient to enforce.
Kingswood Drive, Kingswells (Stewart Milne Homes)	3	Erection of advertising signboards on road verge adjacent to new development	Application for advertisement (P120099) relating to erected signs submitted January 2012 and approved March 2012. Signs relocated in accordance with approval. Resolved.
17 Callum Crescent Kingswells	3	Erection of shed/summerhouse in rear garden.	Planning application submitted October 2011 and approved December 2011.
Hillside Farmhouse Kingswells	3	Altered roof on outbuilding at rear of property.	Owner has not submitted planning application for altered roof of outbuilding. Minor breach of planning control not considered expedient to enforce but noted for future property enquiries.

7-17 Great Northern Road (Northern Hotel)	5	Erection of timber fencing and pergola to front of property and smoking shelter/shed to rear.	Enforcement notice served July 2009 requiring removal of fence - no appeal submitted. Revised planning application (Ref. P100035) [to replace wooden fence with metal railings] approved February 2010 not implemented. Enforcement notice not complied with. Not considered expedient to take direct action to remove the fence as it has weathered and is now screened by planting.
73 Hilton Terrace	5	Erection of shed at rear of flatted property.	Shed relocated to position away from rear wall of house. Minor breach of planning control not expedient to take formal action as location acceptable to officers.
61 Bedford Road	6	Erection of extension at rear of terraced house.	Planning permission required as property has previously been extended. Owner has been advised of requirement for planning permission. It is felt that extension built complies with planning policy and it is not expedient to take enforcement action. Case will be noted for any future property searches on premises.
132 Union Street	8	Unauthorised use of shop unit and erection of new signs.	Mixed use of premises has been approved by granting of planning permission. Temporary banner type signs on fascias have now been removed and replaced with advertisements that are deemed to be acceptable (Ref. P111055).
14 Belmont Street (Slains Castle)	8	Lighting units at high level on tower.	Not considered expedient to enforce lighting units as they are a minor breach and do not affect the amenity of the area but will be noted for future property enquiries.
Loirsbank Road Cults	9	Unauthorised engineering works & ground level raised to land outwith boundary of development site.	Revised application seeking consent to form new agricultural access & erect field gates lodged by developer (Ref.111153) approved conditionally by Development Management Sub Committee December 2011.
143 Blenheim Place	10	Erection of unauthorised satellite dish to front elevation of property	Letter issued September 2011 asking for dish to be relocated to an alternative location away from the front elevation complied with. Resolved.

3 Deeside Gardens	11	Erection of unauthorised screen fencing to decking area at rear of property.	Letter issued to owner(s) (August 2011) asking for a formal planning application to be submitted seeking the required retrospective planning consent. Retrospective application lodged September 2011(Ref. P111402) approved unconditionally November 2011. Resolved.
299 Holburn Street	12	2 large steel containers located to front garden area of property without planning consent.	Request for containers to be removed complied with. Resolved.
6 Polmuir Road Ferryhill	12	Conservatory erected to rear of Cat.C(s) listed building without planning consent.	Letter issued to property owner (September 2011) asking for formal planning & Listed Building Consent applications to be lodged seeking required retrospective consents. Planning & Listed Building Consent applications lodged December 2011 (Refs. P111558 & P111837) approved unconditionally February 2012. Resolved.
8 Annat Bank Cove	12	Erection of unauthorised boundary fence to front garden area.	Requests issued to property owner(s) March & September 2011 asking for fence to be removed or reduced to a height of 1 metre not complied with. Minor planning breach which is not considered expedient to enforce. however, the issue will be highlighted on future property searches received by the Property Enquiries Section.

Outstanding Cases From Previous Report - December 2011

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Lawson Drive Dyce (Caledonian Logistics)	1	Lack of provision of landscaping to development.	Breach of condition notice served February 2012 requiring implementation of approved landscaping scheme. (Refs. A1/1173, A2/0500 & A2/0501)
Lawson Drive Dyce (Caledonian Logistics)	1	(i) Lack of provision of car parking within the application site. (ii) Occupant of unit operating outwith hours as set out by condition attached to planning permissions.	Breach of condition notice served February 2012 requiring implementation of approved car parking scheme and to cease all service deliveries/uptime to and from the premises outwith the hours set out by the condition attached to the planning permission. (Refs. A1/1173, A2/0500 & A2/0501)
201 Victoria Street Dyce	1	Car parking arrangements not in accordance with planning permission for guest house.	Letter sent to agent requesting submission of altered parking arrangements. Details of new parking layout submitted for consideration. Agent for applicant has been advised that new planning application required.
10 Cottown of Balgownie	2	New flashing to brick skew/tabling of gable wall/roof. Type of repair found to be inappropriate for Category B listed building.	Leasing agent for owners have been contacted and requested to take action to remove inappropriate flashing and do a repair in keeping with the listed building.
5 Cottown of Balgownie	2	Erection of solar panels on roof of Category B listed building.	Planning permission and listed building consent required. Letter sent to householder advising of requirement for consents.
Dykeside Steading Kingswells	3	Erection of store/workshop without planning permission.	Section 33a Notice served on householder requiring submission of planning application.
1 Springhill Terrace Northfield	4	Erection of Shed at side/front of house.	Householder currently building extension at rear of house with appropriate approvals in place. Shed to be relocated once extension has been completed.
1 Stocket Parade	4	Coach/taxi hire use operating from residential property.	Need to ascertain extent of use to determine if material change of use has occurred. Letter sent to householder requesting information.
182-184 King Street City Centre	8	New advertisements and alterations to frontage.	Planning application submitted in June 2008 (A8/1093), and approved. No action by applicant to alter frontage to comply with revised approval. Formal enforcement action required if applicant does not resolve matter.

21-23 Market Street City Centre	8	Various lighting fixtures/alterations to frontage of building.	Enforcement notices for unauthorised fixtures served June 2010, but not fully complied with. Applications for installation of external light fittings submitted July 2010 & March 2011 (P101218, P101219 & P110352) have been refused. Agent advised of suitable alterations to lights. Owner has declined to implement this.
39 King's Crescent	8	Alteration to wall adjacent to southern boundary and erection of new front entrance gates, erection of decking and alteration to ground at rear of house.	Planning application (P101949) for wall refused consent February 2011. Enforcement action to be considered. Planning application (P120205) submitted February 2012 for gate and altered entrance approved April 2012. Planning application (P120204) submitted April 2012 awaiting determination.
683 George Street	8	Erection of new external roller shutter and housing to shopfront.	Letter sent (March 2011) to occupier of shop advising of the requirement for planning permission for the new roller shutter and housing.
North Deeside Road Milltimber [Milltimber Equestrian Centre]	9	Unauthorised dumping of building related waste materials and importation of large quantities of soil on farmland adjacent to flood plain.	Formal notice issued on landowner by SEPA requesting removal of unauthorised building waste materials from land complied with. Following several onsite meetings, letter issued to owner September 2011 advising that formal planning consent would require to be sought prior to conducting additional ground excavation works or any further soil importation. Site to be monitored.
8 East Terrace, Union Square, Guild Street (Hobbycraft)	12	Erection of illuminated fascia box sign	Letter sent December 2009 advising of requirement for advertisement consent. Application submitted January 2010 (Ref. 100025) and refused April 2010. City Solicitor has been requested to prepare appropriate enforcement notice.
4 Fonthill Road	12	Erection of unauthorised satellite dish to front elevation of property	Letters issued October 2011 & January 2012 asking for dish to be relocated to an alternative location not complied with. Resolution through formal enforcement action to be discussed with City Solicitor.
429 Union Street [Istanbul Take Away]	12	Erection of unauthorised fascia sign.	Advertisement Enforcement Notice served November 2011 asking for removal of unauthorised fascia sign by mid December 2011. Notice yet to be complied with. City Solicitor to be consulted re. possibility of resolving issue through direct action by Planning Authority.

103-105 Bon Accord Street.	12	Various unauthorised works and unauthorised signage.	Owner(s) asked to submit formal applications with revised proposals in accordance with Planning Authority guidelines. Application lodged December 2010 (Ref. 110048) for car parking/garden alterations approved conditionally April 2011, however, other applications lodged in December 2010 & January 2011 (Refs. 110049, 110191, 110215) for alterations to property were refused. Advertisement Enforcement Notice served November 2011, however, complications re. ownership of property have since arisen. City Solicitor has been consulted re. serving a Breach of Condition Notice and additional Section 272 or Planning Contravention Notices to establish ownership and those with an interest in the property.
1 Clerk Maxwell Crescent Kincorth	13	Rear garden extended to encroach onto adjacent public amenity land.	Application by owners seeking to purchase additional area of Council owned land in September 2010 refused. Several formal requests issued by Asset Management Section to remove from the encroached land and reinstate fence to the original boundary line have not been complied with. Legal action to address unauthorised land encroachment to be pursued by Asset Management.
161-163 Queens Road (McColl's Shop)	10	Unauthorised fascia sign & signboards	Formal request issued to shop owners March 2011 asking for an application to be submitted seeking the required retrospective permission for the fascia sign and for the majority of the signboards currently displayed on the front elevation of the shop to be removed. Application submitted by shop owners May 2011 (Ref.110601) refused June 2011. Advertisement Enforcement Notice asking for several signboards to be removed served March 2012.