

ABERDEEN CITY COUNCIL

COMMITTEE	Development Management Sub-Committee	
DATE	23 August 2012	
LEAD HEAD OF SERVICE Margaret Bochel		DIRECTOR Gordon McIntosh
TITLE OF REPORT	Planning Digest	
REPORT NUMBER	EPI/12/181	

1. PURPOSE OF REPORT

- 1.1 To advise Committee about recent appeal decisions, recent updates in Scottish Government Planning Advice and other aspects of the planning service.

2. RECOMMENDATION

- 2.1 To note the outcome of the appeal decision.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this appeal decision.

4. OTHER IMPLICATIONS

- 4.1 The report is for information and does not have any implications for any legal, resource, personnel, property, equipment, sustainability and environmental, health and safety and/or policy implications and risks.

5. BACKGROUND/MAIN ISSUES

Householder Development Guide

On 31 May 2012, the Enterprise, Planning and Infrastructure Committee agreed to adopt the Householder Development Guide Supplementary Guidance pending ratification by Scottish Ministers. Ministers have confirmed that they are satisfied that the Guide complies with the provisions of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 in terms of the consultation undertaken. This means that the City Council can adopt the Guide as Supplementary Guidance 28 days after it was submitted to Ministers, which will be on the 27 August 2012.

The Householder Development Guide is intended to provide clear and concise guidance to householders and agents within a single document, and will be the principal tool for planning officers to use when assessing proposals for domestic development.

Listed Building Enforcement Notice Rox Hotel and Restaurant 21, 13-23 Market Street, Aberdeen

A Listed Building Enforcement Notice was served on the owners of the premises at 13-23 Market Street, Aberdeen on 24 June 2010. The Enforcement Notice took effect on 26 July 2010 and required the following actions to be carried out in order to address the unauthorised works to the building.

- (a) Remove the unauthorised trickle vents on the front face of the meeting rails of the sash and case windows installed on the frontage at ground, first and second floor levels
- (b) Remove the five trough lighting units located over the first floor windows, to remove all associated cabling and to reinstate any holes created in the granite frontage caused by the installation or removal of the said units and cabling
- (c) Remove the two trough lighting units located immediately above the fascia sign, to remove all associated cabling and to reinstate any holes created in the granite frontage caused by the installation or removal of the said units and cabling
- (d) Reposition the four spotlight lighting fixtures currently located in the wrong locations to those locations approved by the Planning Authority in approval A7/2466 or alternatively to remove the said spotlights. In either case to remove all unnecessary associated cabling and to reinstate any holes created in the granite frontage caused by the installation or removal of the said units and cabling

Item (a) has been addressed satisfactorily. However, the owners have taken no action to address Items (b), (c) and (d).

With regard to Items (b) and (c) planning permission was refused initially on 5 November 2009 and then again on 11 July 2011 for the installation of the external light fittings (application references P090386 and P101219 respectively) on the grounds that the light fittings would be detrimental to the character and fabric of the listed building and the character of the wider streetscene and conservation area. The five trough light fittings located above the first floor windows are of the same design as those approved under planning permission A7/2466, but have been installed slightly higher on the wall than shown on the approved drawings, hence the subsequent planning applications seeking permission for the new locations. There is no permission in place for any light fittings directly above the fascia sign. Historic Scotland advised in 2009 that the light fittings have an adverse impact on the listed building's character due to the effect they have on its appearance and irreversible damage caused to its fabric.

With regard to Item (d), planning permission was granted on 18th December 2008 for the alteration, refurbishment an extension of the existing hotel, including the provision of external lighting and CCTV cameras (application reference A7/2466). The spotlight

fittings approved as part of the planning permission are of similar general character, but differ a little in appearance to those installed on the building. However, when installing the spotlights they were placed a little higher on the front wall of the building than shown on the approved drawings, the difference being some 200-300 mm.

Despite repeated requests by the Council to the owners to comply fully with the terms of the Enforcement Notice, they have failed to do so. As a result, this leaves the Council with two options: (i) to appoint a contractor to carry out the works and then seek to recover the costs from the owners or (ii) to withdraw the Enforcement Notice. To proceed with the first option would place a financial risk on the Council in that it may be difficult to recover the costs. Given that the planning breach is relatively minor, it is considered that the best course of action in this case is to withdraw the Listed Building Enforcement Notice.

6. IMPACT

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

- 1 - We live in a Scotland that is the most attractive place for doing business in Europe;
- 2 - We realise our full economic potential with more and better employment opportunities for our people;
- 10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;
- 13 - We take pride in a strong, fair and inclusive national identity; and
- 15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Public – The report may be of interest to the development community and certain matters referred to in the report may be of interest to the wider community.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

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