

ABERDEEN CITY COUNCIL

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COMMITTEE	Development Management Sub-Committee	
DATE	15 February 2013	
LEAD HEAD OF SERVICE Margaret Bochel		DIRECTOR Gordon McIntosh
TITLE OF REPORT	Planning Digest	
REPORT NUMBER	EPI/13/024	

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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 these appeal decisions.

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

**APPEALS DISMISSED**

**Planning Ref 120202 – Proposed retail unit with associated car parking, Earns Heugh Road, Cove, Aberdeen**

Planning permission for the erection of a single-storey retail unit on a vacant area of ground adjacent to Earns Heugh Road in Cove was refused by the Development Management Sub-Committee in August 2012 contrary to officer recommendation. The reason for refusal was; *the application will adversely affect the residential amenity,*

*specifically the noise from the potential development would adversely affect neighbouring properties.*

The decision was appealed to the Scottish Government Directorate for Planning and Environmental Appeals in October 2012. After a site visit, the appeal was dismissed. The reported concluded that *the proposal would detract significantly from the existing residential amenity of those properties close to the eastern boundary of the site, and, in turn, does not accord with the provisions of Policy H1 of the development plan.*

The appeal decision letter can be viewed at;

<http://www.dpea.scotland.gov.uk/Documents/qA321897/A4769625.pdf>

### **Planning Ref 120202 – Proposed retail unit with associated car parking, Earns Heugh Road, Cove, Aberdeen - Costs**

A related appeal for costs against the Council on the grounds that the alleged unreasonable behaviour related to the above case was also dismissed at the same time. The Reporter found that the Development Management Sub-Committee took the decision to refuse the application on planning merits, namely residential amenity and they were not unreasonable in their assessment of the application following a site visit.

The appeal decision letter can be viewed at;

<http://www.dpea.scotland.gov.uk/Documents/qA321897/A4769636.pdf>

## **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

Margaret Bochel  
Head of Planning and Sustainable Development  
[Mbochel@aberdeencity.gov.uk](mailto:Mbochel@aberdeencity.gov.uk)  
01224 523133