

ABERDEEN CITY COUNCIL

COMMITTEE Development Management Sub-Committee

DATE 13th June 2013

DIRECTOR: Gordon McIntosh

TITLE OF REPORT: Planning Enforcement Activity – October 2012 to March 2013

REPORT NUMBER EPI/13/096

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 2012 to 31st March 2013.

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 ownership 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 2012, advised of the enforcement work that had been pursued by the Development Management Section for the 6 months up to 30th September 2012.
- 5.2 This report identifies all cases which have been investigated in the period 1st October 2012 to 31st March 2013 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 2012 and those that have required formal enforcement action. The attached spreadsheets provide a summary of the complaint / breach and an update of the current status and any related 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 71 new cases have been investigated since the last report. The majority (45) 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 (26 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, one currently being the subject of an appeal which has yet to be determined.
- 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 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 2012 to 31st March 2013</i>	<i>Cases resolved</i>	<i>45</i>
<i>New Cases - 1st October 2012 to 31st March 2013</i>	<i>Under investigation or being negotiated</i>	<i>26</i>
<i>Update of cases from previous reports</i>	<i>Cases resolved and/or closed</i>	<i>17</i>
<i>Update of cases from previous reports</i>	<i>Being negotiated, awaiting planning application/appeal decisions, or referred for enforcement.</i>	<i>24</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. Enforcement activity, including reporting, reflects the recommendations made within the Charter. A particular emerging issue which may be addressed in a future review of the Charter is the need to prioritise cases given the limited resources available to the service in investigating / pursuing enforcement action.
- 5.8 Prior to 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). It is too early yet to conclude what effect the change in regulations has had but it is hoped to provide an update on this in a future 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 Cameron Steve Delaney Len Ironside CBE
4	Northfield	Jackie Dunbar Gordon Graham Scott Carle
5	Hilton/Stockethill	George Adam Kirsty 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 MBE Nathan Morrison
9	Lower Deeside	Marie Boulton Aileen Malone M. Tauqeer Malik
10	Hazlehead/Ashley/Queens Cross	Jennifer Stewart Martin Greig Ross Thomson John Corall
11	Airyhall/Broomhill/Garthdee	Ian Yuill Angela Taylor Gordon Townson
12	Torry/Ferryhill	Yvonne Allan Graham Dickson Alan Donnelly James Kiddie
13	Kincorth/Loirston	Callum McCaig Neil Cooney Andrew Finlayson

Registered Enforcement Cases - October 2012 to March 2013

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Old Water Works Standing Stones Dyce	1	Use of land for the siting of mobile homes/caravans.	Letter sent to owner advising of requirement for planning permission. Planning application P130119 submitted January 2013, awaiting determination.
89 Kepplehills Road Bucksburn	1	Erection of new boundary walls in front garden.	Walls over 1.0 metres in height and require planning permission. Letter sent to householder advising of the requirement for planning permission. Planning application P121803 submitted December 2012 and approved March 2013.
Kirkton Villa Pitmedden Road Dyce	1	Siting of caravans within approved Gypsy/Travellers pitches (A5/1686)	After checking planning permission that was granted on appeal there are no conditions attached to the consent that restricts the type and number of caravans and where they can be located within the pitches. No breach of planning control has taken place.
Kingswells "West 1" Stewart Milne Homes	1	Developers signboard for development unrelated to site	Letter to developer advising of requirement for consent and requesting removal of advertising sign. Developer has removed signboard from site. No further action.
23 Auchmill Terrace Bucksburn	1	Erection of raised timber decking at rear of house.	Letter sent to householder advising of requirement for planning permission.
19 Collieston Road Bridge of Don	2	Erection of business sign.	Letter sent to householder advising of requirement for consent and asking for sign to be removed. Sign has been removed from fence.
Dubford Farm Steading Bridge of Don	2	Possible commencement of development without planning permission.	Site visited. No evidence of any activities/development having commenced on site. A number of warning/keep out signs have been erected around boarded up vacant farm buildings. No evidence that any works have taken place that requires planning permission. Monitoring situation.
Links Road Bridge of Don (Royal Aberdeen Golf Club)	2	Untidy landscaped area at entrance to golf club.	Area not unduly untidy and does not warrant formal action. Letter sent to club advising of Councillors concern. Golf club have now tidied up planted area. No further action.

Scotstown Moor Bridge of Don	2	Groundworks have occurred on the Scotstown Moor without consent of the Council as land owners.	Site visited to try and determine the extent of the works that have taken place to determine if a breach of planning control has occurred. Unknown who has done works and for what purpose. Observed that gorse has been disturbed and that timber posts have been set into the ground. No evidence of further ground works taking place. Monitor situation.
16 Newburgh Way Bridge of Don	2	Erection of timber fencing in rear garden.	Letter sent to householder advising of the requirement for planning permission. Householder has indicated that they intend to reduce the height of the fence.
Silverburn Crescent Bridge of Don (Global Lifting Services)	2	Erection of new industrial building.	Planning permission required for new building. Section 33A notice served requesting the submission of a planning application.
Rousay Drive Summerhill [Tesco Woodend Store]	3	Unauthorised banners erected on several locations along the Lang Stracht. (Ref.080701)	Formal request for unauthorised banners to be removed complied with. Resolved.
Rousay Drive Summerhill [Tesco Woodend Store]	3	Floodlighting units installed within basement car park area of new store not as approved.	Basement car park floodlighting installed in accordance with Building Standards required specification. No further action.
4 Cummings Park Crescent	4	Erection of lean to conservatory on front elevation of house	Planning application submitted November 2012 and refused consent January 2013. Enforcement action pending.
565 North Anderson Drive Esso Filling Station	4	Car valet service operating from filling station late at night causing a disturbance.	Letter sent to car valet advising of requirement to work within hours set out in planning conditions attached to original planning permission for car wash. Valet operator has now indicated that they will now work within the hours stipulated in the original planning permission for the car wash. Noise nuisance reported to Environmental Services.
Cornhill Drive/Beechwood Road	5	Storage Compound	Storage compound for Aberdeen City Council whilst kitchen and bathroom renovations are taking place. The compound itself will be decommissioned as soon as the works have been completed with the land being reinstated to its original condition by the end of May 2013.
1 Summer Street Woodside	5	Condition of partially constructed car parking area.	Letter sent to agent requiring compliance with condition relating to construction of car park. Car park has now been completed in accordance with approval. No further action.

2 Bedford Place	6	Erection of signs on shopfronts.	Signage appears to be permitted development not requiring consent from planning authority. No further action.
101 Don Street Old Aberdeen	6	Use of garage as separate planning unit, business use and signs	Letter sent to householder requesting meeting on site for information to determine if any planning breach is taking place. No evidence of separate planning unit being formed or a business use that would require a change of use of the property.
12 School Walk	6	Erection of shed	Permitted development not requiring the submission of a planning application. No further action.
588 King Street	6	Concern raised that house being constructed not in accordance with approval (P100275).	House being build in accordance with planning permission but suspensive conditions not complied with. Letter sent to agent requesting submission of details as required by planning conditions.
10 Beechgrove Avenue	7	Existing garage to rear of house being converted for accommodation purposes without planning permission.	Investigation established that garage is being converted for use as a home based office ancillary to the house and not as a separate dwelling. Not subject to formal planning permission. No further action.
14 Esslemont Avenue	7	Railings & stone plinth removed from front of flatted property without consent.	Investigation established that the railings & plinth were removed over 4 years ago and are therefore immune to formal enforcement action. However, Building Standards are negotiating reinstatement of railings/plinth with owner of basement flat.
150 Union Street (Society Bar & Aurum Night Club)	7	Unauthorised advertisement banner erected above front entrance doorway of Cat. 'B' Listed Building.	Formal request issued March 2013 asking for banner to be removed complied with. Resolved.
220 Union Street	7	Breach of Condition re. provision of bus passes to flat owners. (Ref.P081546)	Difficulties experienced with process & allocation of bus passes to rightful flat owners. Request for agent to submit a new application seeking to vary or delete condition not complied with. Bus pass condition considered not expedient to formally enforce. No further action.
43 Westburn Road	7	Large section of boundary wall mutual with a Cat. (C) Listed Building demolished without planning consent.	Wall re-built to acceptable condition (November 2012) following site meetings and negotiations with property owner & builder. Resolved.

55 Castle Street The Wig	8	Erection of canopy at the rear/side of public house.	Building is in conservation area and a Cat. (B) listed building. LBC and PP required. Letter sent to Scottish & Newcastle requesting action to remedy breach.
Frederick Street (Multi Storey Car Park)	8	Erection of lighting columns on top level of multi storey car park.	Developers have been advised of requirement for planning permission. Retrospective planning application submitted (P121617) November 2012 approved January 2013.
500 King Street	8	Erection timber hoarding / fence.	Owner of site advised of the requirement for planning permission for the erection of the hoarding. Retrospective application P130372 submitted March 2013 and awaiting determination.
Flat 26, 75 Maberly Street Bastille	8	Erection of two caps/cowls on end wall of Listed Building.	Listed Building consent required. Letter sent to householder advising of requirement for LBC and requesting application.
50 Market Street	8	Erection of new illuminated fascia sign.	Letter sent to occupier of shop advising of requirement for advertisement consent. Enforcement Notice served February 2013, compliance with notice by June 2013.
St Margaret's Chapel Spital	8	Works taking place to vacant chapel which is a Category A Listed Building.	Site inspected to determine the extent of works and to determine if a breach of planning has occurred. Conservation planner in communication with owner of property.
54 Castle Street	8	Non compliance with conditions attached to planning permission (P090709). Planning permission expired.	New planning application P130314 submitted March 2013 and awaiting determination.
Links Road Beach Boulevard Retail Park	8	Erection of two freestanding signboards not in accordance with approval P121322.	Letter to owners of retail park advising of requirement to obtain consent and requesting removal of signboards. Agent has indicated that signboards are to be reduced in height.
22 Netherkirkgate	8	Erection of advertising banner and lighting unit.	Letter sent to occupier requesting removal of banner and light. Banner has been removed from property.
1 New Pier Road Footdee	8	Alterations to flat, installation of velux windows.	Planning permission required for external alterations and installation of velux windows. Retrospective planning application P130446 submitted April 2013 and awaiting determination.

Pocra Quay Footdee	8	Noisy operators/operations within the harbour port area.	Noise complaint outwith the control of planning legislation. Complainants concerns have been forwarded to Environmental Services to investigate. No breach of planning control.
39 Deeview Road South Cults	9	Position /construction of foundations for new house not in accordance with approved plans. (Ref.111716)	Site inspection established that position & construction new foundations appear to be in accordance with the approved plans. No further action.
31 Kirk Terrace Cults	9	New front porch construction not as approved (Ref.120319)	Porch not fully completed at time of visit, however, construction works appears to be in accordance with approved plans. No further action.
66 Malcolm Road Peterculter	9	Breach of Condition relating to permitted site working times. (Ref.120172)	Formal request for permitted site working times to be adhered to complied with. Resolved.
66 Malcolm Road Peterculter	9	Roof construction of replacement house not built in accordance with approved plans. (Ref. 120172)	Site inspection confirmed roof construction discrepancy. Request for applicant to submit amended roof plans seeking non-material variation complied with (March 2013) Amendments approved April 2013. No further action.
124 North Deeside Road Peterculter (former Police Station building)	9	Hoardings, signage & sales cabin erected along North Deeside Road boundary of new development without formal planning consent.	Request for planning & advertisement consent applications to be submitted seeking retrospective permission complied with. (Ref.130349 & 130362) applications still to be determined.
279-281 North Deeside Road Peterculter [former Culter Car Centre]	9	Buildings on former Culter Car Centre site being demolished without planning consent.	Formal planning permission not required to carry out demolition work. Building Warrant required for works applied for & granted January 2013. Demolition work now completed. No further action.
3 Park Road Cults	9	Various site & demolition works in progress outwith specified permitted site working times.	Request for site contractor to adhere with permitted site working times complied with. No further action.
Beaconsfield Lane [former Grampian Court site]	10	Complaint received March 2013 re. breach of planning condition relating to permitted site working times (Ref.120034)	Formal request for permitted site working times to be adhered to now being complied with. No further action at this time.
99 Claremont Street [ground floor flat]	10	Existing driveway at front of flatted property extended almost full length of front elevation without planning consent.	Flat owner formally asked (March 2013) to submit formal planning application seeking retrospective consent for driveway alterations. Application lodged April 2013 (Ref.130455) yet to be determined.

80 Craigiebuckler Avenue	10	New rear extension built without planning consent. (Ref.B121110)	Roof construction amended to comply with permitted development guidelines. 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.
81 Macaulay Drive	10	Unauthorised business use operating from residential property.	Unauthorised business use ceased following visit/discussions with lessee of property. Resolved.
53 Rosewell Park	10	Large new extension under construction to rear of house without formal planning consent.	Request for building contractor to make alterations to extension to comply with permitted development requirements complied with (November 2012) Resolved
2 Springfield Road	10	Construction of new house extension not in accordance with approved plans. (Ref.120213)	Request for alterations to be carried out to dormer window construction to comply with approved plans complied with. No further action.
163 Springfield Road [former Craigieburn House site]	10	Large unauthorised advert hoarding erected close to Springfield Road site boundary without planning consent.	Developer (McCarthy & Stone) contacted January 2013 & asked to submit a formal application seeking required Advertisement Consent. Application for hoarding received March 2013. Decision pending
229 Springfield Road	10	Building works to new house not in accordance with approved plans. (Ref.100832)	Site visit/inspection established that construction work on new house appears to be in accordance with approved plans. No further action.
16 Union Grove (land adjacent to)	10	4 large steel storage container/office units sited on vacant area of land without planning consent.	Containers sited by developer working on new office development at 31-33 Union Grove. Agent contacted March 2013 & asked to submit formal application seeking retrospective consent for container units.
36 Beechhill Gardens	11	New house extension not built in accordance with approved plans. (Ref.110762)	Site inspection confirmed that the finished dormer roof construction on new extension differs from the approved plans. Agents contacted (February 2013) and formally asked to submit a new planning application for consideration.
2 Braeside Avenue	11	Construction of new house extension not in accordance with approved plans. (Ref.120451)	Request for minor alterations to be carried out to extension roof complied with. Construction of new extension now in accordance with approved plans. Resolved.

135 Broomhill Road	11	Ground level along rear garden boundary of house raised without planning permission.	Letter issued February 2013 asking for ground level along rear boundary wall to be reduced in height. Site inspection March 2013 confirmed that soil/material along rear boundary wall has been removed. No further action to be taken.
Garthdee Road [Aberdeen Snowsports Centre]	11	Construction of new ski-run, ski-tow path & associated equipment not as approved. (Ref.120967)	Request made October 2012 for minor adjustments to be made to ski-run complied with. No further action to be taken.
Morningside Road [Aberdeenshire Cricket Club]	11	Preparatory works to facilitate the erection of a new cricket signboard being carried out without planning consent.	Request issued March 2013 asking Cricket Club to submit an application seeking formal planning permission for new signboard complied with. Application lodged April 2013, decision pending.
42 Thorngrove Crescent	11	Large extension under construction to rear of house without planning consent.	Extension altered to adhere to planning permitted development guidelines complied with. No further action.
148 South Anderson Drive	11	Alleged unauthorised business use operating from residential property.	Planning Contravention Notice to be served seeking detailed information re. use of property in connection with business operation/activities.
28 Brunswick Place	12	New sun lounge not built in accordance with approved plans. (Ref.121607)	Adjustments made to sun lounge construction to accord with approved plans. Resolved.
145-147 Crown Street [Jewel in the Crown Restaurant]	12	Planning permission required for use of property as an HMO (House of Multiple Occupation)	Formal request issued December 2012 asking owner to submit a planning application seeking the required 'change of use' consent complied with. Application approved conditionally March 2013 (Ref.130084)
145-147 Crown Street [Jewel in the Crown Restaurant]	12	Replacement metal railings erected along front elevation perimeter & metal/glazed canopy erected above main entrance door of Cat. (B) Listed Building without consent.	Letter issued to owner April 2013 asking for railings and canopy to be removed, or to submit applications seeking required retrospective consent to retain them.
23 Crown Terrace [Nirvana Indian Restaurant]	12	Unauthorised advert inserts fitted to first floor windows	Formal Enforcement Notice served February 2013 asking for advert inserts to be removed complied with. Resolved.
3 Devanha Terrace (Flat 3)	12	Replacement windows fitted to Cat. (B) Listed Building without planning consent.	Inspection established that the replacement timber sash & case windows are of a "like for like" design & construction to the original windows and therefore do not require formal planning consent or LBC. No further action.

Girdleness Road Torry [car park area adjacent Deeside Family Centre]	12	Temporary works compound erected on council owned car park without planning consent. Compound also blocking public access to dog litter bin & nearby playing fields.	Temporary compound erected by Scottish Water for short term water main cleaning & upgrade contract with permission from Council Housing Dept. Being a 'statutory contractor', Scottish Water do not require formal planning consent to facilitate & carry out works of this type. Request for contractor to provide limited access to dog litter bin & playing field during work schedule complied with. Resolved.
101 & 103 Glenbervie Road Torry	12	Porches constructed over entrance doors to flats without planning permission.	Porch construction deemed to be permitted development. No further action.
Burnbanks Village Cove [Fishing Station Lodge]	13	Possible unauthorised business use operating from large shed/store located within the curtilage of the property.	Property owner(s) requested (April 2013) to provide detailed information re. any business related activities associated with residential property.
Craigshaw Drive West Tullos (former car showroom)	13	Soil/materials within development site spilling over boundary into adjacent land.	Contractor formally requested (February 2013) to ensure that soil/materials within site will not encroach onto adjacent land. No further action at this time.
12 Lochinch Drive Cove	13	Erection of sun room extension without planning consent. (Ref.B122210)	Planning permission not required for construction of rear sun room extension. No further action.

Resolved Cases From Previous Report - December 2012

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
43 Coull Green Kingswells	1	Erection of shed at rear of house.	Letter sent to householder advising of the requirement for planning permission due to "Article 4 Direction". Minor breach of planning control. Not expedient to take enforcement action as shed complies with planning policies and has no adverse amenity impact.
Craibstone Golf Club Craibstone	1	New pro shop that has approval has not been built in accordance with planning permission.	New planning application P130144 submitted February 2013 for altered Pro Shop and approved March 2013. No further action.
9 Fairview Grange Danestone	1	Chauffer hire business operated from house. Business vehicles parked on street.	Following monitoring of situation, visiting site and information received there is no evidence to indicate that a material change of use taking place at the house.
6 Hopetoun Terrace Bucksburn	1	Extension to rear of domestic garage, erection of decking and fence.	Planning application has been submitted (P120980) and approved October 2012.
1 Jesmond Gardens Bridge of Don	2	Incorporation of amenity land into garden.	Retrospective planning application (P120342) refused. Enforcement notice served October 2012. Appeal against refusal of planning permission sustained. No further action.
38 Thomson Street Rosemount	7	Rear boundary wall partly demolished & additional parking area being created to rear of flatted property in conservation area without planning consent.	Initial site visit confirmed the unauthorised works - property owner contacted & letter issued (July 2012) requesting the submission of a formal planning application seeking required retrospective planning consent. Application lodged October 2012 (Ref.121536) approved unconditionally March 2013. Resolved.
27 Cadenhead Road Ashgrove	7	Formation of driveway and erection of walls at flatted property.	Retrospective planning application (P120652) submitted May 2012 and approved December 2012.
254 Union Street The Filling Station	7	Erection of illuminated fascia and projecting signs.	Retrospective application for advertisement consent (P121538) submitted October 2012 and approved December 2012. No further action.
476 Union Street Cinnamon	7	Erection of illuminated fascia and projecting signs.	Retrospective application for advertisement consent P121638 submitted November 2013 and approved January 2013. No further action.

4 Belmont Street	8	Alterations to frontage of pub.	Letter sent to owner advising of requirement for planning permission. Retrospective planning application (P121342) submitted September 2012 and approved November 2012. No further action.
Beach Boulevard Retail Park Links Road	8	ANPR Cameras and columns and warning signs on existing lighting standards.	Retrospective application (P121472) for warning signs submitted October 2012 and approved November 2012. Retrospective application (P121454) for ANPR cameras and columns submitted and approved December 2012. No further action.
19 Market Street	8	Illuminated projecting signs.	Retrospective application for signs (P121409) submitted October 2012 and refused. Revised applications (P130216 & 130217) submitted February 2013 for one projecting sign and approved March 2013. Unauthorised projecting sign removed to comply with approval
50 Summerfield Terrace	8	Erection of new/replacement signs	No application for new signs submitted. Alteration to signage a minor breach similar to previously erected signs. Not expedient to take formal action. No further action.
2-4 Trinity Street The Lorne Bar	8	Removal of upper floors of building in conservation area. Not in accordance with planning permission A8/0464.	Following letter sent to agent new planning application submitted August 2012 (P121081) and approved October 2012. No further action.
133 Union Street	8	Untidy shop fascia on Category C listed building.	Fascia tidied by the erection of new non illuminated fascia sign. No further action.
1 Earlsparke Road Bieldside	9	Site boundary works not in accordance with approved plans (Ref. 080426) and additional works carried out to front garden area of house without planning consent.	Site meeting with owner & building contractor (August 2012) confirmed that planning permission would be required for additional works. New planning application submitted October 2012 (Ref.121522) approved unconditionally January 2013. Resolved.
7 Harlaw Terrace	10	Construction of new carport not in accordance with approved plans (Ref 111673) .	Site inspection confirmed that carport construction did not fully comply with the approved plans owing to some additional building works having been carried out without the required consent. Agent formally asked to submit new planning application August 2012. New application lodged September 2012 (Ref.121239) approved conditionally by EPI Committee December 2012.

Outstanding Cases From Previous Report - December 2012

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Craibstone Golf Club Craibstone	1	Use of land and erection of new building adjacent to golf club buildings.	Owner/agent have been requested to submit a planning application for the new building. Agent has been reminded of planning breach and indicated that a planning application will be submitted.
Unit 3, Crombie House Grandholm Village	1	Erection of 2 no condenser units at rear of salon.	Occupier of unit has indicated their intention to submit planning application for consideration.
Wynford Farm Kingswells	1	Works taking place to extend car park for farm shop/café & playbarn (P090706).	Retrospective planning application (P120696) submitted May 2012 and awaiting determination. Additional planning application (P130142) submitted February 2013 for change of use of land submitted including car park alteration awaiting determination.
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). Notice required to be complied with by 31st December 2012. Breach
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). Conditions continue to be breached. Legal advice to be sought to progress matter.
Stoneywood Road/Stoneywood Terrace Stoneywood	1	Advertising signboard for residential development on grass verge at Stoneywood Road.	Retrospective application (P120966) for signboard submitted July 2012 and refused consent. Land owned by Aberdeen City Council and land due to be incorporated into improved/alterd road junction for new developments in the vicinity.
Howes Road (Enermech Ltd) Bucksburn	3	Erection of security fencing and gates.	New planning application for altered fencing submitted (P120667) May 2012 and awaiting determination.

37 Albert Street	7	Unauthorised works to form hard surface. Boundary wall removed from front garden area of property in conservation area without consent.	Request for owner/agent to submit a formal planning application seeking retrospective consent for works carried out complied with. Application seeking retrospective consent registered March 2012. (Ref.120412) Amendments to the application proposals still being negotiated, however, formal enforcement action may have to be initiated if amendments to the application proposals cannot be agreed and implemented.
156 Union Street (Hydro - Electric)	7	Replacement windows on upper floors of Category C listed building.	Letter to owner requesting action be taken to rectify breach. Retrospective applications submitted (P121149 & P121150) August 2012 and refused consent. Discussions currently ongoing with planner and applicant to try and resolve situation.
470 Union Street (Sabai)	7	Fascia sign.	Reminder letter sent to occupier of premises February 2013 about lack of consent for new fascia sign.
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. Update of case has been reported to Development Management Sub Committee on 23rd August 2012.
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 (P120204) submitted February 2012 for alterations to rear garden awaiting determination. Planning application (P120205) for alterations to entrance approved April 2013. Revised planning application (P120520) for altered boundary wall awaiting determination.
13 Hadden Street (Market Arms)	8	Unauthorised hoarding fixed to windows of listed building.	Correspondence issued asking owners to remove boarding from windows. Renovation work to improve property has commenced on site. Monitoring situation

21 Market Street	8	Erection of 2no illuminated projecting signs.	Applications for new signs submitted (P120727) refused September 2012. Legal have been instructed to initiate formal enforcement action. Appeal against enforcement notice has been submitted and is pending.
25A Union Street	8	Untidy shop fascia on Category C listed building.	No progress from owner of property, formal action to be considered to tidy up frontage.
47-53 Market Street	8	Unauthorised advertising projecting banners.	Enforcement Notice served October 2012 to be complied with by the end of December 2013. Notice not fully complied with. In process of obtaining quote for taking direct action for removal of two remaining unauthorised banners.
46 Union Street CEX	8	Erection of internal security shutter (Union Street frontage on Listed Building	Retrospective applications P130247 & 130248 submitted March 2013 and awaiting determination.
North Deeside Road / Milltimber Brae [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. Meeting to discuss submission of detailed planning application held with agent for landowner January 2013. Work on site appears to have ceased. Site monitoring to be continued meantime.
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. CCTV has been modified to prevent it overlooking onto adjacent public land & floodlighting units around the main arena have been altered to meet recommended lighting specifications. Site monitoring to be continued for an another three months.

48 Devonshire Road	10	Unauthorised boundary fence erected to front garden area of property in a conservation area without planning consent.	No direct response received to letters issued September 2012 & January 2013 asking property owner(s) to reduce height of boundary fence to 1 metre & to submit a formal planning application seeking required retrospective consent. Letter issued April 2013 advising of possible formal enforcement action if non-compliance with action requested continues.
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 to be asked to serve a Breach of Condition Notice and additional Section 272 or Planning Contravention Notices to establish ownership and those with an interest in the property.
7 South Crown Street	12	Various minor unauthorised works carried out to rear of property situated within designated Conservation Area without planning consent.	Following site meeting with owner & discussions with appointed architect, planning application for minor works already carried out & some additional proposed works expected to be lodged early May 2013.
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. Quotation for carrying out remedial works obtained & a copy forwarded to parties concerned April 2013 asking for compliance with Enforcement Notice within 2 month period to avoid possible direct action by Council.

491 Union Street	12	Replacement upper floor windows .	Letter sent August 2012 to agent requesting action to remedy breach of planning .following refusal of retrospective planning application (P111024). Formal action to rectify breach of planning control pending.
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