

COMMITTEE          Development Management Sub-Committee

DATE                16<sup>th</sup> January 2014

DIRECTOR: Gordon McIntosh

TITLE OF REPORT: Planning Enforcement Activity – April to Septemeber 2013

REPORT NUMBER    EPI/13/261

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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 1<sup>st</sup> April 2013 to 30<sup>th</sup> September 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. Actions outwith budget parameters will trigger a specific report being submitted to Committee to seek authorisation or other instructions.

4.      OTHER IMPLICATIONS

4.1     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 June 2013, advised of the enforcement work that had been pursued by the Development Management Section for the 6 months up to 31<sup>st</sup> March 2013.
- 5.2 This report identifies all cases which have been investigated in the period from 1st April 2013 to 30th September 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 April 2013 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 104 new cases have been investigated since the last report. The majority (67) 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 (37 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. No enforcement notices have been served during the current reporting period.
- 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 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.

- 5.7 A significant issue within the reporting period is the scale of major development, often greenfield, which is currently ongoing within the City. This has placed a significant burden on the role of planning enforcement given that such applications are often subject to numerous conditions / legal obligations which require post approval monitoring / action. A recurring issue with many of these sites is the commencement of development in advance of all the relevant conditions having been purified within the required timeframe, or in the case of approval of planning permission in principle, all the relevant applications for approval of matters specified in condition having been granted. Bearing in mind the need to be proportionate and reasonable, the general approach of the service in these circumstances has been to try and resolve the relevant matter by negotiation with the developer, rather than by use of formal enforcement powers. However, in cases raising potentially serious environmental / amenity impacts, it may be necessary to use such powers.
- 5.8 During the reporting period, a number of significant breaches in relation to listed buildings having been identified. At the Category A listed former St Margaret's Convent on the Spital, significant damage to / removal of the original internal fabric of this building has taken place, without the necessary listed building consent having been granted. The building has also been identified as being at serious risk of loss due to the absence of any active end use and due to serious structural issues on site. In July, a meeting took place with the owner of the building and Historic Scotland in attempt to resolve the breach of control and identify a way forward. Future monitoring by the Council and ongoing discussions regarding repairs and future use are required.
- 5.9 The deteriorating condition of the nationally important complex of former mill buildings at Broadford Works is a continuing area of concern. In light of the recent planning appeal relating to redevelopment of the site and ongoing discussions between the Council and the landowner in relation to the need for a legal obligation, no formal enforcement action has been undertaken. However, given the potential risk of loss of these buildings and their major historic / architectural importance, monitoring and review of this position is required. Depending on the outcome of the undetermined planning appeal (currently suspended) and future action by the owner to arrest the decline in the fabric of the building, future enforcement action may be required. However, given the potential financial implications of this for the Council, significant intervention (e.g. compulsory purchase, or action beyond making the buildings wind and watertight), would be likely to be subject of a separate report to Committee.
- 5.10 Within the reporting period, enforcement liaison / monitoring work has continued in relation to The Green THI project. A number of significant physical enhancements of buildings have recently progressed within this

area as the project approaches physical completion. However, a number of enforcement notices relating to signage on listed buildings on Market Street remain to be complied with and, following recent appeal decisions, may require direct action to resolve.

- 5.11 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 – 1<sup>st</sup> April 2013 to 31<sup>st</sup> September 2013</i>	<i>Cases resolved</i>	<i>67</i>
<i>New Cases - 1<sup>st</sup> April 2013 to 31<sup>st</sup> September 2013</i>	<i>Under investigation or being negotiated</i>	<i>37</i>
<i>Update of cases from previous reports</i>	<i>Cases resolved and/or closed</i>	<i>24</i>
<i>Update of cases from previous reports</i>	<i>Being negotiated, awaiting planning application/appeal decisions, or referred for enforcement.</i>	<i>21</i>
<i>Enforcement Notices served</i>		<i>0</i>
<i>Enforcement Notices in process of being prepared</i>		<i>2</i>

- 5.12 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.
- 5.13 Following the Scottish Government's review of householder permitted development rights, implemented in February 2012, their related review of non householder permitted development remains to be completed. 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. 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 is evident that notwithstanding the reforms to householder permitted development rights, significant officer time is spent investigating and responding to alleged planning breaches related to householder development. It remains to be seen if the reform of non householder permitted development 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).

## 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

Relevant planning appeal decisions / letters issued within the relevant period and referred to above are available at the following weblinks :-

<http://www.dpea.scotland.gov.uk/Documents/qA323852/A5943524.pdf>  
(Broadford Works)

<http://www.dpea.scotland.gov.uk/Documents/qA344951/A5956368.pdf>  
(47-53 Market Street)

<http://www.dpea.scotland.gov.uk/Documents/qA353169/A6484041.pdf>  
(47-53 Market Street)

<http://www.dpea.scotland.gov.uk/Documents/qA353178/A6483987.pdf>  
(21 Market Street)

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](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/Summerhill	David John Cameron Steve Delaney Len Ironside CBE
4	Northfield/Mastrick North	Jackie Dunbar Gordon Graham Scott Carle
5	Hilton/Woodside/Stockethill	George Adam Kirsty Ann Blackman Lesley Dunbar
6	Tillydrone/Seaton/Old Aberdeen	Ross Grant Jim Noble Ramsay Milne
7	Midstocket/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 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/Nigg/Cove	Callum McCaig Neil Cooney Andrew William Finlayson

**Registered Enforcement Cases - April 2012 - September 2012**

<b>ADDRESS</b>	<b>WARD</b>	<b>COMPLAINT</b>	<b>CURRENT STATUS</b>
Craibstone Golf Club Craibstone	1	Noise disturbance taking place at golf club caused by works to car park?	No evidence of unauthorised works occurring or anything obvious that would be causing a disturbance. No Breach.
Craibstone Golf Club Craibstone	1	Use of land and erection of new building. New Pro shop not built in accordance with planning permission.	Pro-shop not built in accordance with approval. New building erected without planning permission. Letter sent to agent advising of requirement for new application for altered building and planning application required for the new building. Offender has indicated their intention to submit new planning applications for consideration.
2 Guildhall Place Dyce	1	Erection of building in rear garden.	From details submitted by the householder and from visiting site the structure is a permitted development not requiring the submission of a planning application.
Dyce Drive Dyce (Survivex)	1	Erection of large signboard facing onto Dyce Drive.	Following letter to company the signboard was removed.
18 Greenburn Drive Bucksburn	1	Car repairs taking place on street outside house.	Site has been monitored and there has been no evidence that a material change of use has occurred.
9 Fairview Grange Danestone	1	Chauffer hire business operated from house, business vehicles parked on street.	Monitoring situation to try and ascertain if breach of planning control is taking place.
Farburn Terrace Dyce (Barratt East Scotland)	1	Non compliance with suspensive conditions attached to planning permission (A8/0779)	Following correspondence with developer details have been submitted and approved. No further action.
43 Coull Green Kingswells	1	Erection of shed at rear of house. Development has an Article 4 Direction.	Letter sent to householder advising of the requirement for planning permission.
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 awaiting determination.
101 Waterton Road Bucksburn	1	Removal of outbuildings and erection of new buildings	Site visit has confirmed that demolition of outbuildings that does not require planning permission. has occurred. No new building work has been observed.

23-25 Mugiemooss Road	1	Untidy Land	Condition of land does not warrant action under planning legislation. No further action.
Wynford Playbarn Kingswells	1	Extension to playbarn and formation of flat within playbarn.	Extension approved as a non material variation to planning permission P090706. Playbarn has been inspected and could find no evidence of any flat/residential used occurring within the premises. No further action.
69 Fairview Circle Danestone	1	Erection of large satellite antenna on front of flatted property.	Satellite dish permitted development not requiring submission of application for planning permission.
Unit 3, Crombie House Grandholm Village	1	Erection of 2 no condenser units at rear of salon.	Letter sent to occupier advising of requirement for planning permission.
The Parkway Bridge of Don (Thistle Windows and Conservatories)	2	Erection of a directional banner.	Following letter to company application submitted and refused. Directional banner removed. No further action.
19 Collieston Road Bridge of Don	2	Erection of advertising banner on side of garage.	Following contact with householder banner was removed from garage wall. Breach resolved.
24 Ellon Road Bridge of Don	2	Boarded up building	No apparent breach of planning but have written to owner advising of concerns raised. No action at present, but situation will be monitored.
1 Jesmond Gardens Bridge of Don	2	Incorporation of amenity land into garden.	Retrospective planning application (P120342) refused. Enforcement notice served October 2012.
Jesmond Drive	2	Obstruction of pavement by telecom equipment cabinets.	Equipment installed in accordance with planning permission P091817. No breach of planning control.
48 Ronaldsay Square Summerhill	3	Large conservatory being erected to rear of property without planning consent.	Site investigation revealed that UPVC boundary fencing, and not a new conservatory has been erected to rear garden area of property. New boundary fencing not subject to planning permission. No further action.
213 Sheddocksley Drive	3	Erection of large timber building in rear garden	Domestic shed in rear garden deemed to be a permitted development. No further action.
42 Marchburn Crescent Northfield	4	Erection of timber fence in rear garden.	Fence erected is a permitted development not exceeding 2.0 metres in height at rear of house. No further action.

565 North Anderson Drive Splash Autocare	4	Erection of new signs for car wash at service station.	Letter sent to company September 2012 advising of requirement for advertisement consent, and requesting removal of signage at entrance. Signboard erected at entrance has been removed from site.
433 Great Northern Road Woodside	5	Untidy derelict building/land	Letter sent to owner of property advising of concerns raised by Councillor. No further action not expedient to take action under planning legislation.
8F Printfield Walk	5	Erection of shed.	Following letter to tenant planning application submitted June 2012 (P120860) and approved August 2012. No further action.
Belgrave Terrace Rosemount	7	Unauthorised painting contractor advert signboard erected on railings of flatted property without consent.	Contractor contacted June 2012 & asked to remove advert signboard. Signboard now removed. Resolved.
Mid Stocket Road [ former Oakbank School site ]	7	Foundation/ground floor level of houses under construction along East side of development (nearest Cairnaquheen Gardens.) built higher than indicated on approved plans. (Ref. 101976)	House foundation level resurveyed and found to be in accordance with approved plans. 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) decision pending.
150 Union Street (Society Bar)	7	Unauthorised advertisement banner erected above front entrance doorway of Cat. 'B' Listed Building.	Formal request for banner to be removed eventually complied with. Resolved.
23 Ashgrove Road West	7	Erection of timber building in rear garden.	Summerhouse built for use of householder. Permitted development.
156 Union Street	7	Replacement windows on Category C listed building	Letter to owner requesting action be taken to rectify breach. Retrospective applications submitted (P121149 & P121150) August 2012 and awaiting determination.

150 Union Street Society Bar Arum Nightclub	7	Advertisement banners	Following letter in August 2012 to occupant unauthorised banners were removed. No further action.
476 Union Street Cinnamon	7	Erection of illuminated fascia and projecting signs	Letter sent August 2012 to occupier advising of requirement for consent. They have indicated their intention to submit a application for consideration.
470 Union Street Sabai	7	Fascia sign	Letter sent August 2012 to occupier advising of requirement for consent.
254 Union Street The Filling Station	7	Erection of illuminated fascia and projecting signs	Letter sent September 2012 to occupier advising of requirement for consent. Application for advertisement consent (P121538) submitted and awaiting determination.
13 Ashgrove Road West	7	Neighbour concerned that new window is being constructed in side wall/upper level of new extension and not shown on approved plan	A new window is not being constructed in the upper side wall of new extension. What is being constructed is framing/support for a slated haffit panel similar to wall of dormer. No breach of planning has occurred.
Cotton Street (Vodafone)	8	Erection of telecom mast within/adjacent to Shore Porters yard.	Telecom mast erected under emergency powers permitted development for 6 months. Permitted Development.
50 Summerfield Terrace	8	Erection of new/replacement signs	Letter to Keystore advising of requirement for advertisement consent and requesting submission of application.
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.
27 Union Street	8	Erection of temporary banner sign on Category C listed building	Letter sent to agent July 2012. Banner removed and previously approved signage erected. Resolved
25A Union Street	8	Untidy shop fascia on Category C listed building.	Letter to owner/agent requesting action be taken to tidy up fascia.
133 Union Street	8	Untidy shop fascia on Category C listed building.	Letter to owner/agent requesting action be taken to tidy up fascia.
19 Market Street	8	Illuminated projecting signs	Letter to occupier advising of requirement for consent. Retrospective application for signs (P121409) submitted October 2012 and awaiting determination.

47-53 Market Street	8	Unauthorised advertisements	Letter sent to occupier requesting removal of unauthorised advertisements. Enforcement Notice served October 2012.
Beach Boulevard Retail Park Links Road	8	ANPR Cameras and columns and warning signs on existing lighting standards.	Letter sent to owner of retail park advising that planning permission and advertisement consent required for cameras, structures and signs. Application (P121472) for warning signs submitted October 2012 and awaiting determination. Application (P121454) for ANPR cameras and columns submitted and awaiting determination.
46 Union Street CEX	8	Erection of internal security shutter (Union Street frontage on Listed Building	Letter sent September 2012 to occupier advising of requirement for planning permission and listed building consent.
4 Belmont Street	8	Alterations to frontage	Letter sent to owner advising of requirement for planning permission. Retrospective planning application (P121342) submitted September 2012 and awaiting determination.
Binghill Drive Milltimber [Christian Fellowship Church]	9	Breach of Condition relating to permitted site working times for construction work on new church building. (Ref 090270)	Investigations & discussions with site contractor confirmed that permitted site working hours had been breached on several occasions. Formal request issued September 2012 asking for permitted site working times to be adhered to complied with. Resolved.
23 Deeview Road South Cults	9	Roof/ridge height of replacement house built substantially higher than shown on approved plans. (Ref.110647)	Detailed site inspection confirmed roof/ridge height of replacement house built in accordance with approved plans. No further action.
37 Deeview Road South Cults	9	2 CCTV cameras fitted to west facing gable wall without planning consent.	Letter issued to property owners (August 2012) asking for 1 of the CCTV cameras to be removed/relocated to an alternative location to comply with permitted development guidelines, or to submit a formal planning seeking retrospective planning consent. Owners chose to remove 1 CCTV camera to negate the need to apply for retrospective planning consent. Resolved.

39 Deeview Road South Cults	9	Unauthorised importation of soil/material & extensive ground excavation works carried out without planning consent.	Ground/excavation works carried out to bolster/reinforce existing earth retaining wall to front garden area not subject to planning permission. Earth/sand imported & deposited to rear garden area to facilitate site access for earth moving vehicles deemed to be 'permitted development'. No further action to be taken at this time.
Earlspark Development & Earlspark Circle Bielside	9	Breach of planning condition re. provision of trees & hedge along boundary between Earlspark development & Earlspark Circle (Ref.110821).	Formal request for trees & hedge to be planted as per. condition set with the planning approval complied with. Resolved.
Earlspark Circle/Avenue (Earlspark Development) Bielside	9	Breach of Condition re. householders within the development erecting satellite antennae without obtaining planning consent. (Ref.P110821)	Condition set with approval removing householder permitted development rights makes it a requirement for owners to apply for formal planning consent only if works or alterations materially affect the external appearance of the house. Site inspection confirmed that the antennae erected have been positioned to minimise their visual impact and they do not materially affect the appearance of the properties concerned. No further action at this time.
Earlspark Crescent Bielside	9	Ground reinstated by BT following installation of new telephone cabling in sub-standard condition.	Installation of new telephone cabling not subject to planning permission. Issue concerning finished condition of ground referred to Grounds Maintenance Section to resolve directly with BT.
1 Earlspark Road Bielside	9	Large garage built within front garden area of property without planning consent.	Proposals to built a new garage within the front/side garden area of property included with planning application lodged, and approved unconditionally in August 2008 (Ref. 080426) Site inspection confirmed that new garage construction complies with the approved plans. No further action.
1 Earlspark Road Bielside	9	Site boundary works not in accordance with approved plans (Ref. 080426) and additional works carried out to front garden area 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) decision pending.

Johnston Gardens East Peterculter (former Council Depot)	9	Breach of Condition relating to permitted site working times. (P111574)	Formal request for permitted site working times to be adhered to complied with. Resolved.
Loirsbank Road Cults	9	Foundation base of house under construction at "Deeview" development built higher than approved. (Ref. 101384).	Foundation level resurveyed and found to be in accordance with approved plans. No further action.
106 Malcolm Road Peterculter	9	Breach of Condition relating to permitted site working times. (Ref.091645)	Formal request for permitted site working times to be adhered to complied with. Resolved.
Newleuchar Cottage (west of Peterculter)	9	Alterations carried out to cottage exterior without planning consent.	Site inspection confirmed that works carried out to cottage do not require formal planning consent. No further action.
North Deeside Road The Courtyard, Cults [ Domino's Pizza ]	9	Breach of Condition relating to permitted site working times (Ref 111915)	On site discussions with main contractor confirmed that permitted working times had not been adhered to on 2 occasions during the last 10 days of contracted works, however, no further breaches will occur as all works were completed & shop unit handed over to client on same day as site inspection. No further action.
23 North Deeside Road Bielside	9	New garage construction not built in accordance with approved plans. (Ref.P111101)	Site investigation established that new garage has been built in accordance with approved plans. No further action.
Westfield Estate Milltimber	9	Very large 'structure' erected in field within Westfield Estate without planning consent.	Site investigation confirmed that several large temporary marquee tents had been erected on a field within the Westfield Estate to accommodate upcoming wedding ceremony & reception, and are only scheduled to be on site for several days. Temporary erection of marquee tents not subject to planning consent. Marquee tents now removed. Resolved.
Beaconsfield Lane [former Grampian Court]	10	Breach of planning condition relating to permitted site working times (Ref.120034)	Formal request for permitted site working times to be adhered to complied with. No further action at this time.

48 Devonshire Road	10	Tall unauthorised boundary fence erected to front garden area of property in a conservation area without planning consent.	Letter issued to property owners (September 2012) asking for boundary fence to be reduced in height to 1metre & for a formal planning application to be lodged seeking the required retrospective consent for the altered fence.
120 Forest Avenue	10	Allegation of unauthorised business use operating from residential property.	Property owner is self employed & works from home address. Inspection of property and site monitoring found no evidence of unauthorised business use. No further action.
114a Hamilton Place	10	Construction of access walkway to rear of property not built as approved. (Ref. 070647)	Site inspection confirmed walkway/handrail construction not in accordance with approved plans. Agent requested to submit new planning application seeking consent for alterations. New application lodged August 2012 and approved unconditionally September 2012 (Ref.121070). 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) due to be presented to EPI Committee Meeting in December 2012.
Queens Road (near Rubislaw Quarry)	10	Unauthorised contractors advert signboard erected on Queens Road side of Rubislaw Quarry.	Request for contractor signboard to be removed complied with. Resolved.
91 Whitehall Place	10	Construction of new rear extension not in accordance with approved plans. (Ref. 100649)	Site investigation established that construction of rear extension appears to comply with the approved plans. No further action.
42 Airyhall Crescent	11	Additional new extension built to rear of property without planning consent.	Site inspection established that new extension to rear of property is not subject to planning permission. No further action.

61 Gray Street	11	Installation of unauthorised windows to front bay window	Owner contacted & letter issued (June 2012) asking for unauthorised windows to be replaced. Owner responded to advise that new quotations to replace windows as per the original 'sash & case' design would be sought. Letter issued September 2012 asking owner to confirm his intentions and timescale for resolving the issue.
189 Great Western Road [ West End Dental ]	11	Large unauthorised banner erected along front elevation of building without consent.	Formal letter issued September 2012 asking for banner to be taken down. Site inspection carried out late September 2012 confirmed that banner had been removed. Resolved.
2 Oakdale Terrace	11	Building work carried out to rear outhouses/storage areas of property in conservation area without prior consent.	Existing rear outhouses/storage areas repaired and refurbished. Upgrading of roofing materials not considered to adversely affect character of conservation area. No further action.
146 South Anderson Drive	11	Unauthorised business use operating from a summer house erected to rear of property without planning consent, and smoke emanating from flue linked to wood burning stove installed to summer house entering neighbouring properties.	Inspection established that summer house built to the rear of the property is not subject to planning permission. No evidence found to substantiate claims that summer house is being used for unauthorised commercial or business related purposes. Installation of wood burning stove/flue also not subject to planning permission. No further action to be taken.
38 Albury Road	12	Unauthorised works carried out to rear garden area of property in conservation area without consent.	General modifications to rear garden area do not adversely effect the character of the conservation area and are not subject to formal planning consent. No further action.

52 Bridge Street [Magma Night Club]	12	Illuminated signage erected on fascia not in accordance with approved plans (Ref.110234)	"Mask' sign erected above the entrance door does not comply with recently approved plans. Letter sent to agent September 2012 confirming breach & seeking clarification of his clients intentions for resolving the issue. Response received 20th Sept. confirming his clients intentions to replace the mask, however, alternative signage proposals submitted with letter also not in accordance with approved plans. Letter sent to agent October 2012 requesting the removal of the unauthorised sign by November 1st not complied with. City Solicitor has now been asked to serve an Advert Enforcement Notice to secure the removal of the unauthorised sign.
Dee Place	12	New tarmac road surface laid to lane area of Dee Place without planning consent.	Lane roadway privately owned and not adopted or maintained by Council. Resurfacing work not subject to planning permission. No further action.
515-519 Holburn Street [former Texaco filling station]	12	Height of new flatted development not in accordance with approved plans. (Ref. P101426)	Site investigation established that height of new flatted development appears to comply with the approved plans. No further action.
1 Justice Mill Lane [Park Inn, Aberdeen]	12	Breach of condition concerning the relocation of archway formerly located within Strawberry Bank Parade to area of ground near boundary line adjacent to Hardgate.	Condition cannot be implemented due to loss of original archway stonework. Property owners asked (September 2012) to submit for consideration a formal planning application for a new boundary wall as an alternative to the former archway construction.
31 Polwarth Road Torry	12	Large lighting unit installed to front garden area without planning consent.	Installation of ornamental lighting unit not subject to formal planning permission. No further action.
7 South Crown Street	12	Various minor unauthorised works carried out to rear of property situated within designated Conservation Area without planning consent.	Letter sent to property owner (October 2012) asking for on site meeting to discuss resolving unauthorised issues. Site meeting confirmed for 21st November 2012.
491 Union Street	12	Replacement windows following refusal of retrospective planning application (P111024).	Letter sent August 2012 to agent requesting action to remedy breach of planning.

10 Charleston Avenue Cove	13	Rear mutual boundary fence increased in height without planning consent.	Alteration of boundary fence to form small canopy not subject to formal planning consent. No further action.
60 Charleston Way Cove	13	Large store/shed under construction within rear garden without planning permission.	Site inspection found that store/shed under construction does not require formal planning permission. No further action.
Leggart Terrace/Stonehaven Rd	13	Developer of new housing scheme on Leggart Terrace (Ref. 090318) depositing large quantities of soil/sand along site boundary adjacent to Stonehaven Road without planning consent.	Application seeking to form earthwork bund along southern site boundary & boundary near Stonehaven Road lodged by Developer May 2012 (Ref.120719) Application approved conditionally November 2012. No further action.
7-13 Provost Watt Drive Kincorth [Spar Store]	13	Unauthorised selling of hot food products from Class 1 shop premises.	Site investigation established that extent of hot food sales (1 solitary small hot dog cabinet) is very minor and considered to be ancillary to the principal use of the shop requiring no additional planning permission. No further action.
Stoneyhill Terrace Cove [land adjacent to]	13	Position & dimensions of new agricultural store not in accordance with plans lodged with recent Agricultural Notification application. (Ref. 120485)	Site inspection established that position & size of new agricultural store complies with plans submitted along with Agricultural Notification application. No further action.

**Resolved Cases From Previous Report - July 2012**

<b>ADDRESS</b>	<b>WARD</b>	<b>COMPLAINT</b>	<b>CURRENT STATUS</b>
48 Hopetoun Avenue Bucksburn	1	Mini bus / coach hire operating from house.	Monitoring of situation has not shown any evidence that any material change of use has taken place. No further action at this time.
Birchmill (formerly Overhills) Farm Kingswells	1	Erection of wall over 1.0 metres in height at front of house.	Retrospective planning application submitted (P120762) and approved July 2012. No further action.
201 Victoria Street Dyce	1	Car parking arrangements not in accordance with planning permission for guest house.	Breach of control has not been resolved by applicant. It is considered that the breach does not affect amenity and that it is not expedient to take enforcement action. Breach noted for future property searches on property.
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 and approved May 2012. No further action.
Dykeside Steading Kingswells	3	Erection of store/workshop without planning permission.	Breach of control has not been resolved by applicant. It is considered that the breach does not affect amenity and that it is not expedient to take enforcement action. Breach noted for future property searches on property.
1 Stocket Parade	4	Coach/taxi hire use operating from residential property.	From information provided by householder, No material change of use of property has taken place. 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. Satellite dish relocated to less obtrusive location. No further action.
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, and approved August 2012. Resolved.

Unit 4, Centrepoint Retail Park Berryden Road	7	New signs erected on shop unit not in accordance with approval.	Fascia signs erected similar to that which was granted consent and considered to be a minor breach. Additional sign erected on side elevation does not affect amenity due to its limited visibility. It is considered that the breaches are minor and it is not expedient to take enforcement action. Breach noted for future property searches.
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. Resolved.
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.
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. Dish relocated to less prominent location. No further action.
17 Gallowgate	8	Erection of illuminated lettering to facade.	Retrospective application for signs (P120755) submitted May 2012 and approved July 2012. Resolved.
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.120561) Approved unconditionally through delegated powers June 2012. 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) April 2012 seeking clarification of works being carried out. Sketch plans lodged by Agent on behalf of owners April 2012 confirm that formal planning consent is required for proposed alterations. Formal planning application requested & lodged June 2012 approved unconditionally August 2012. Resolved.

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. Advert Enforcement Notice asking for unauthorised signboards to be removed served March 2012. Notice fully complied with April 2012. No further action.
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 asked [March 2012] to submit a new planning application. New application lodged May 2012 (Ref.120726) approved unconditionally August 2012. Resolved.
11 Marine Terrace Ferryhill	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 April 2012 (Ref. P120503) approved unconditionally June 2012. Resolved.
Hareness Road [Altens Lorry Park]	13	Unauthorised large building/store erected to south side of lorry park without planning consent	Site owner contacted March 2012 and asked to submit a formal planning application seeking retrospective planning consent for the new structure/store. Formal planning application submitted May 2012 and approved by DM Sub-Committee July 2012. No further action.

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 & the City Solicitor for the owners to remove from the encroached land and reinstate fence to the original boundary line eventually complied with. Issue now resolved.
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### Outstanding Cases From Previous Report - July 2012

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). Notice requires to be complied with by 31st December 2012.
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.
Wynford 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.
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. Decking has been cut back and planning application has been submitted for extension to house (P120980) which included decked area.
5 Cottown of Balgownie	2	Erection of solar panels on roof of Category B listed building.	No response to letters sent to householder. No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
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 & boundary wall removed from front garden area of property in conservation area without consent.	Property owner/agent asked & agreed to submit a formal planning application seeking retrospective consent for works carried out. Application seeking retrospective consent registered March 2012. (Ref.120412) Amendments to the application proposals currently being negotiated, however, formal enforcement action may be initiated if amendments to the application proposals cannot be agreed with applicant.
27 Cadenhead Road Ashgrove	7	Formation of driveway and erection of walls at flatted property	Retrospective planning application (P120652) submitted May 2012 and awaiting determination.
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. 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 (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 and awaiting determination.
33 Kings Crescent (Ground Floor/Right (North)) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householder. Considering serving a section 33A Notice requiring the submission of a planning application.
35 Kings Crescent (1st Floor/Left (South)) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.

23 Spital (1st Floor/Right (North)) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
57 Spital Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
69 Spital Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
15 Hillhead Terrace (Top Floor) Old Aberdeen	8	Erection of satellite dish on front elevation of property in conservation area.	No response to letters sent to householders. A section 33A Notice requiring the submission of a planning application to be sent to householders.
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.
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.
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 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 and the floodlight units around the main arena have been altered to meet recommended lighting specs. Site will continue to be monitored over the next few months.

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.
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 has been consulted on resolving the issue through direct action and costs for carrying out the required works currently being sourced.