

ABERDEEN CITY COUNCIL

COMMITTEE: Planning Development Management Committee
DATE: 24 April 2014
DIRECTOR: Gordon McIntosh
LEAD HEAD OF SERVICE: Margaret Bochel
TITLE OF REPORT: Planning Digest
REPORT NUMBER : EPI/14/116

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

- 2.1 To note the outcome of the appeal decision.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from these appeal decisions.

4. OTHER IMPLICATIONS

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

5. BACKGROUND/MAIN ISSUES

APPEAL UPHELD SUBJECT TO CONDITIONS

**122 BROOMHILL ROAD, ABERDEEN
DETAILED PLANNING PERMISSION FOR CHANGE OF USE OF VACANT CAR
SHOWROOM TO CLASS 1 (SHOP), SHOPFRONT ALTERATIONS, AND OTHER
EXTERNAL ALTERATIONS, ERECTION OF GATE/FENCE TO REAR AND OTHER
ASSOCIATED WORKS, INCLUDING FOOTPATH AND PARKING IMPROVEMENTS.
APPLICATION REF: P130910**

Planning permission was refused by the Planning Development Management Committee in October 2013 in accordance with officer recommendation for the following reasons; 1) The proposal does not comply with Policy H1 (Residential Areas) as there would be conflict with neighbouring properties which would act as a nuisance to and impinge on the enjoyment of the existing residential amenity arising from the proposed servicing and delivery arrangements for the premises, in particular the noise disturbance therefrom in relation to loading /offloading, the movement of metal cages and also in relation to vehicular, 2) that the applicant has not demonstrated that suitable and appropriate servicing and delivery arrangements and facilities can be provided. This could therefore result in delivery vehicles stopping on the public road adjacent to the premises which would cause a road safety hazard and would interrupt the free flow of traffic.

The decision was appealed to the Scottish Government in December 2013. Following an unaccompanied site visit, the Reporter has allowed the appeal and granted planning permission subject to the following conditions:

- Deliveries to the premises shall only occur between the hours of 0900-1600 Monday to Friday and between the hours of 0900-1930 Saturday and Sunday. *[Reason: In order to protect residential amenity and in the interests of public safety, road safety and the free flow of traffic during peak hours.]*
- Deliveries to the premises shall only be to the rear of the building, from Pitstruan Terrace using the service yard as shown on drawing no. SK-003. *[Reason: In the interests of public safety, road safety and the free flow of traffic.]*
- Prior to the occupation of the building for the use hereby approved a delivery management plan describing matters to include the frequency of deliveries and the maximum size of vehicles to be used must be submitted to and approved in writing by the planning authority. *[Reason: Because deliveries to this property will need to be made along residential streets, the effective widths of which are restricted by parked vehicles, it is essential that deliveries to the premises are carried out using vehicles of an appropriate size and at appropriate times to cause the minimum of inconvenience to residents and other road users, in the interests of public safety and residential amenity.]*
- Prior to the occupation of the building for the use hereby approved provision must be made for a minimum of 2 long stay cycle parking spaces comprising Sheffield style stands within a secure compound or within the building itself. *[Reason: In the interests of sustainability and to encourage the use of cycles for travel to and from the site.]*
- Prior to the occupation of the building for the use hereby approved provision must be made within the application site for refuse storage and disposal in accordance with a scheme to be submitted to and approved in writing by the planning authority. *[Reason: In order to preserve the amenity of the neighbourhood and in the interests of public health.]*
- Prior to the occupation of the building for the use hereby approved on-street car parking and bollards must be provided in accordance with drawing no. SK-003 or any other drawing that has been submitted to and approved in writing by the planning authority. *[Reason: In the interests of public safety, road safety, free flow of traffic and residential amenity.]*
- Prior to the occupation of the building for the use hereby approved the fencing to the rear of the property must be provided in accordance with drawing no. SK-003

or any other drawing that has been submitted to and approved in writing by the planning authority. *[Reason: In the interests of public safety and residential amenity.]*

The Reporter noted that the determining issues in this appeal were (1) the principle of the proposed use in this location (2) residential amenity and (3) traffic and road safety. The Reporter concluded that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. Consideration was given to all the other matters raised, including effects on the appearance of the building and the potential for antisocial activity, but there are none which would lead the Reporter to alter their conclusions.

The appeal decision can be viewed at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=114830&T=20>

6. IMPACT

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

1 - We live in a Scotland that is the most attractive place for doing business in Europe;

2 - We realise our full economic potential with more and better employment opportunities for our people;

10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;

12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;

13 - We take pride in a strong, fair and inclusive national identity; and

15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

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

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

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