

Commercial
Public Buildings
Lifestyle
Transport

REPORT



Project Number: IAAB140031

Project Title: Removal of Occupancy Condition, The Endrig, Auchlea Farm, Kingswells

Document Title: Local Review Body Statement

Date / Revision: 5th August 2014

Contents

- 1.0 Introduction
- 2.0 Application Site
- 3.0 Background
- 4.0 Reasons for Seeking a Review
- 5.0 Matters to be Taken into Account in Review
- 6.0 Summary of Reasons for Seeking Review
- 7.0 Requested Review Procedure
- 8.0 Conclusion

Appendix 1 - Planning Permission for the Endrig – Ref 92/0424

Appendix 2 - Letter from Opus Financial Consultants, 25th March 2014

Appendix 3 - Letter from Chief Planner, 11th November 2011

Appendix 4 - Email from Planner, 20th November 2013

1.0 Introduction

1.1 This request for a review follows Aberdeen City Council's refusal of application reference P131646 – *The removal of Condition No.1 and Condition No. 4 of Conditional Planning Permission Ref: 92/0424*, at The Endrig, Auchlea Farm, Kingswells. The refusal was made on the 17th July 2014. The request for review has been made on behalf of Mr Alexander Clark.

2.0 Application Site



Figure 1 – Aerial Image Showing Application Site

2.1 The application site lies approximately 1km to the south-east of Westhill. It is accessed via a farm track, which connects Auchlea Farm with the Aberdeen to Westhill road. The adjoining land is agricultural in character, with areas of woodland also found to the south and east.

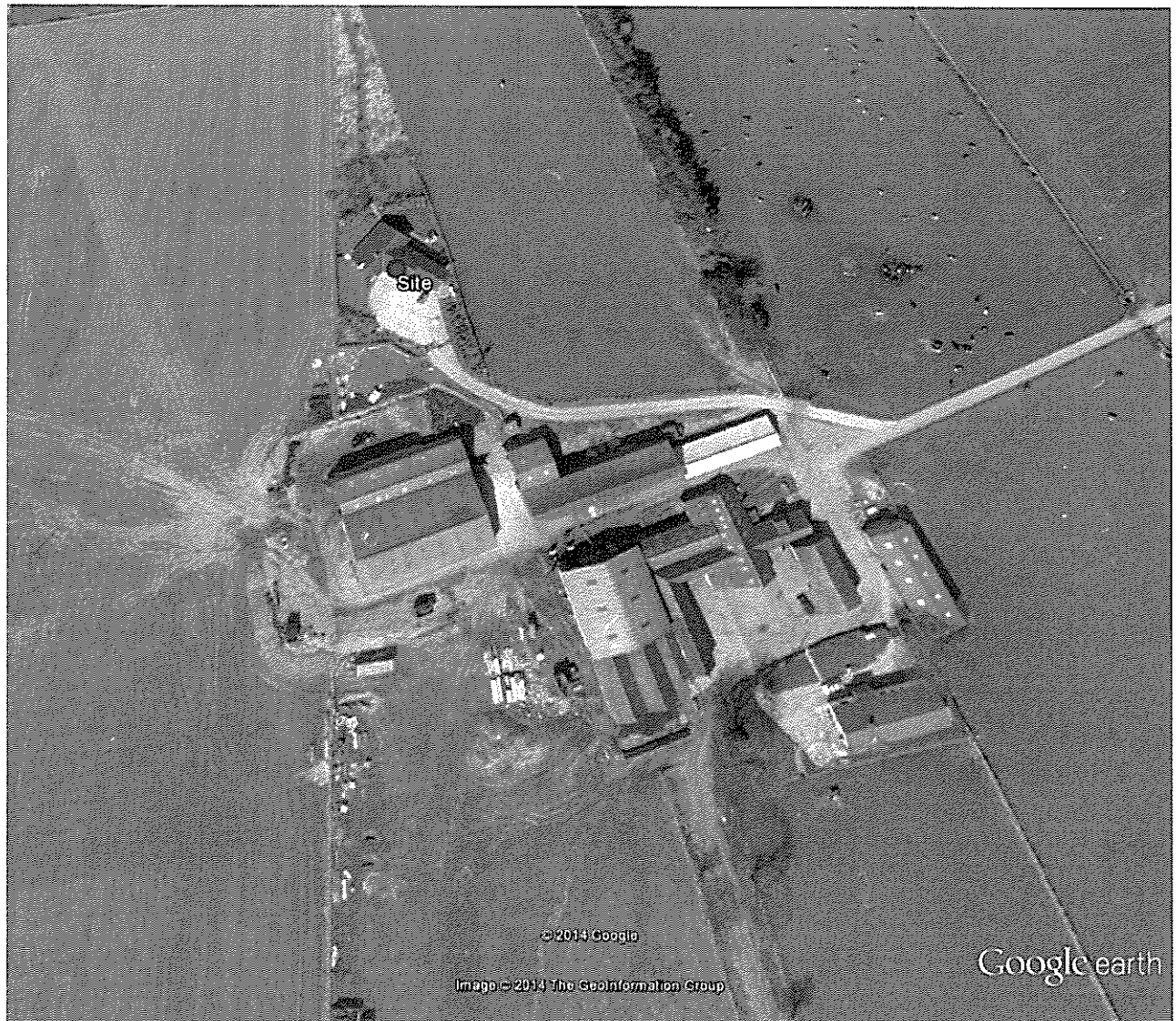


Figure 2 – Aerial Image Showing The Endrig in Relation to Auchlea Farm

2.2 A larger scale photograph of the site is included in Figure 2 above, which shows the relationship of The Endrig with the adjacent Auchlea Farm.

3.0 Background

3.1 In 1992 planning permission was granted for the erection of the dwellinghouse known as The Endrig (ref 92/0424). The application was subject to 4 conditions, however the 2 most relevant were numbers 1 and 4, which were as follows:

- 1) *That the occupation of the dwelling shall be limited to a person solely or mainly employed in the locality (ie Auchlea Farm) in agriculture as defined in Section 275 of the Town and Country Planning (Scotland) Act 1972.*
- 4) *That the dwellinghouse hereby approved shall at no time be sold off or separated in any manner from the farm known as Auchlea without the prior approval of the planning authority.*

3.2 A copy of the decision notice is included as Appendix 1.

3.3 This application was applied for by Mr Alexander Clark, who has lived in The Endrig, since its construction soon after approval of the application in 1992. He has lived there with his wife, and has farmed at Auchlea Farm over that period. Due to advancing age and health issues Mr and Mrs Clark will be moving to a flat in sheltered accommodation. It is now proposed that Mr Clark's grandson – Mr Davidson would now move into the Endrig with his wife. Mr Davidson already works at Auchlea Farm, and this would continue.

3.4 Following the agreement that Mr and Mrs Davidson would move to The Endrig, they began to explore the possibility of obtaining a mortgage for the property. At that stage it became apparent that it was not possible to obtain a mortgage, as a result of the agricultural occupancy condition which was attached to the permission for the dwellinghouse. Mr and Mrs Davidson have explored this matter with Opus Financial Consultants, who in turn have approached a large number of lenders. The response which has been received is that no lenders would consider providing a mortgage due to the existence of the occupancy condition. A copy of the response from Opus Financial Consultants is included in Appendix 2.

4.0 Reasons for Seeking a Review

4.1 The reason for seeking a review is that the proposal complies with planning policy, and should therefore be approved.

5.0 Matters to be Taken into Account in Review

Reasons for Refusal

5.1 The application was refused for the following reasons:

Whilst the removal of Condition 4 of planning permission 92/0424 would be deemed acceptable in this instance, the proposed removal of Condition 1 which relates to occupancy, is contrary to Scottish Planning Policy (SPP) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, and would appear to be contrary to advice provided by the Chief Planner in 2011. SPP and Policy NE2 seek to protect the integrity of green belts and to prevent their cumulative erosion. In this instance, if it were not for the original

requirements of the farm business, the dwellinghouse which is the subject of this application would not have complied with green belt planning policy and would ultimately have been refused. Current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt area and the removal of Condition 1 would undermine such policies. It is judged that Condition 1 continues to meet the tests set out in Circular 4/1998. Taking all of the above into consideration, the proposal to delete Condition 1 is deemed unacceptable in planning policy terms.

5.2 In summary, the above reasons state that the application is contrary to a range of planning policies and guidance, which are discussed below.

Scottish Planning Policy

5.3 The first area which the reasons for refusal refer to is *Scottish Planning Policy* (SPP). The most up to date version of this document was recently published on the 23rd June 2014. This document includes both *Principal Policies* and *Subject Policies*. Under the *Principal Policies* section, a description of the types and scales of development which should be supported in green belts is set out (para.52). This includes development associated with agriculture. There is no reference to the use of occupancy conditions in this section.

5.4 The *Subject Policies* area includes a section on *Promoting Rural Development*, which makes reference to green belts and to the use of occupancy conditions. Paragraph 81 states:

In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car based commuting or suburbanisation in the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision making should generally:

- *Guide most new development to locations within or adjacent to settlements; and*
- *Set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.*

5.5 Paragraph 81 provides the clearest reference to occupancy conditions contained in the SPP, and as stated above, it is confirmed that they should be avoided.

5.6 SPP therefore makes reference to the range of uses which are acceptable in the green belt, which includes those related to agriculture. In its reference to occupancy conditions it states that they should be avoided. This position is entirely supportive of the current application, in that it does relate to agriculture, and seeks to remove an occupancy condition.

5.7 It appears from the delegated report that in making an assessment of national planning policy it has been considered that the section on *Promoting Rural Development* does not apply to green belts. We note that

paragraph 82 which is contained in this section does make reference to the allocation of green belts, and we therefore see no reason why it would not apply to these areas.

- 5.8 For the foregoing reasons, the proposal would not conflict with any of the terms of the SPP, and indeed is provided with support from this document in its reference to avoiding the use of occupancy conditions.

Aberdeen Local Development Plan 2012

- 5.9 The second element of the reasons for refusal states that the application is contrary to the requirements of *Policy NE2 – Green Belt*. This policy sets out the restrictive range of policies which apply to the green belt. It confirms that development related to agriculture is permissible, and in light of the fact that the occupants of The Endrig will continue to be employed in this sector, the proposal would not result in any conflict with NE2. It can be noted that the policy does not contain any specific reference to the use of occupancy conditions, and the removal of the condition in question would therefore not conflict with any requirements in this regard.

Letter from Chief Planner – 4th November 2011

- 5.10 In November 2011, the Chief Planner issued a letter entitled *Occupancy Restrictions and Rural Housing*. The third area referred to in the decision notice suggests that the application “*would appear contrary to advice provided by the Chief Planner*”. A copy of this letter is included in Appendix 3, and it sets out the Scottish Government’s views on the use of occupancy conditions in relation to new rural housing.

- 5.11 It recognises that restrictions have been typically used to limit the occupancy of new houses in the countryside, to people who are mainly employed in agriculture. It goes on to state that these restrictions have caused a number of issues, including the difficulties which are experienced in obtaining a mortgage, and problems which arise when it is necessary to sell the house out of necessity. These are the precise set of circumstances which apply to the current application, as the existence of the occupancy restriction is preventing a mortgage being obtained, and causing an obstacle to the sale of the property.

- 5.12 The letter notes that occupancy restrictions introduce an additional level of complexity (and potentially expense) to the planning process and that they can be intrusive, resource intensive and difficult to monitor and enforce. There can be little doubt over the over-riding message contained in the letter, as it states that Scottish Planning Policy does not promote the use of occupancy restrictions, and includes the following message in bold lettering:

The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.

- 5.13 The Chief Planner does make reference to green belts, recognising that in such locations there is additional pressure for development which could lead to the suburbanisation of the countryside, and as a result a more

restrictive approach should be applied. However it does not state that occupancy conditions are the method through which this should be achieved.

5.14 This letter contains a clear policy direction in relation to the use of occupancy restrictions, which the current application is entirely in accordance with. We find no evidence in the letter to suggest that the application is contrary to any of its content, and consider that reference to it in stated reasons for refusal is unjustified.

5.15 The advice contained in the letter from the Chief Planner is translated into policy via *Circular 3/2012 – Planning Obligations and Good Neighbour Agreements*. Whilst it is recognised that this does not directly apply to the current application, it does reinforce the clear policy message in relation to opposition to occupancy restrictions, which is expressed in the SPP, the letter from the Chief Planner.

5.16 The stated reason for refusal suggests that current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt, and that the removal of Condition 1 would undermine these policies. In practical terms the refusal of the application would result in an increase in unsustainable travel patterns in the area. There is no question that it is not possible to obtain a mortgage on a property which is restricted by an occupancy condition. Therefore if the condition in question remains in place, then it will be necessary for Mr and Mrs Davidson to find an alternative dwellinghouse away from the farm. This would result in increased travel patterns on a daily basis, and would create an unnecessary barrier to the efficient operation of Auchlea Farm. Furthermore it would be necessary for The Endrig to either remain vacant, or to be occupied by a farmer from another farm unit away from Auchlea Farm, thereby resulting in additional traffic movement by that party. In the event that the current application was approved, this would allow Mr and Mrs Davidson to live at their place of work, thereby resulting in the most sustainable solution in terms of travel. Refusal of the application would result in a dramatic increase in the number of vehicle movements to and from The Endrig and Auchlea Farm.

5.17 The foregoing addresses the reasons for refusal that have been listed in the decision notice. In addition there are other matters which are relevant to the determination of the review. In an effort to reach a solution, the planning officials have proposed the use of a Section 75 agreement which would restrict the occupancy of the dwellinghouse in the same way that Condition 1 does. It has been suggested by the planning officials that this approach may be acceptable to lenders, in the event that the agreement includes a clause which would allow the discharge of the agreement should the associated farm business go into bankruptcy. It is stated that this has been acceptable at another unnamed planning authority. This suggestion has been made to the lenders which have been approached by Opus Financial Consultants and is not acceptable to any of them. Whilst this suggestion would cover the eventuality of Auchlea Farm going into bankruptcy, it would not address the situation of the occupant getting into financial difficulties. Under such circumstances the lender would be left in the position of attempting to sell a property with an agricultural occupancy restriction imposed on it. This would severely limit the range of potential purchasers, and it is therefore not surprising that this option has been rejected by lenders.

5.18 This approach suggested by planning officials is in direct contravention of the national guidance contained in *Circular 3/2012 – Planning Obligations and Good Neighbour Agreements*. This reiterates the guidance contained in the letter from the Chief Planner, stating that:

While the most common use of planning obligations is to ensure the provision of infrastructure to make the development acceptable in planning terms, there is a limited role for obligations in restricting the use of land or buildings.

Such restrictions have historically been used particularly in respect of housing in rural areas. Imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints. (paras. 49 & 50)

5.19 In light of the most up to date planning policy which is included in Circular 3/2012, it is not considered that the use of a Section 75 agreement would be a workable solution to the current situation.

5.20 It can be noted that the approach now taken by Aberdeenshire Council to occupancy restrictions reflects the content of up to date national policy. Applications to remove such conditions are recommended for approval, and any new dwellinghouses in the countryside which are deemed to be acceptable are approved without any occupancy conditions. The boundary with Aberdeenshire Council lies only 650 metres to the west of the site.

5.21 Interestingly an approach which reflects the content of national planning policy has also been taken with other applications within Aberdeen City, which are also located in the green belt. Application P121357 for the removal of an occupancy condition at Newmill, North Deeside Road, Peterculter, was recommended for approval. The delegated report for this application states:

The guidance from the Chief Planner indicates that the Scottish Government see the use of such conditions as introducing an extra layer of complexity to the planning process. When conditions are causing problems for those living in the property or circumstances change, it is clear from the letter that the Scottish Government encourages the removal of such conditions.

5.22 Moreover the reasons for approval took into account the advice on removal of occupancy conditions that had been issued by the Scottish Government.

5.23 The approach taken with the current application is in stark contrast to that applied by Aberdeenshire Council and this other example from Aberdeen City Council, both of which correctly reflect the up to date national guidance which is in place.

Removal of Condition 4

5.24 Condition 4 states:

That the dwellinghouse hereby approved shall at no time be sold off or separated in any manner from the farm known as Auchlea without the prior approval of the planning authority.

5.25 During discussions on the application, the planning officials have confirmed that they have no opposition to the removal of Condition 04. This is confirmed in the email dated 20th November 2013, which is included as Appendix 4. This indicates that Condition 04 could be removed via an exchange of letters. Moreover, the decision letter for the current application which is the subject of this review, states that the removal of Condition 04 is acceptable.

5.26 There have been no objections to the application from any neighbouring party.

6.0 Summary of Reasons for Seeking a Review

6.1 This appeal to the local review body has been submitted to allow the applicant's grandson to move into The Endrig and to continue farming at Auchlea Farm.

6.2 The existence of the occupancy condition prevents Mr & Mrs Davidson obtaining a mortgage, and therefore being able to purchase The Endrig.

6.3 The practical implications of this are that Mr & Mrs Davidson would require to live remotely from Auchlea Farm, with Mr Davidson travelling back and forth from the farm on a daily basis. Furthermore, The Endrig would require to be sold to another agricultural worker who had no relationship with Auchlea Farm, which would create further vehicle movements. This is a far less sustainable solution than the one which would result from the approval of the current application.

6.4 The Scottish Government has recognised that the attachment of occupancy conditions to rural housing has created considerable problems for the occupants. In recognition of this, all national policy and guidance since 2011 has taken a consistent line in discouraging the use of such conditions. The letter from the Chief Planner is clearly opposed to their use, stating that they are rarely appropriate, and should generally be avoided. The SPP is more explicit, stating that occupancy conditions should be avoided. This message is also included in Circular 3/2012 in relation to planning obligations, stating that occupancy restrictions are rarely appropriate and should generally be avoided. Since 2011 there has been a concerted policy shift away from the use of occupancy conditions, with all current forms of guidance and policy indicating that they are rarely appropriate. This policy stance at the national level is supportive of approval of the application in

question. In light of the foregoing, we cannot agree that the application is contrary to the requirements of the SPP and the Chief Planner's letter in relation to occupancy conditions.

- 6.5 Policy NE2 – Green Belt, contained in the Local Plan is silent on the use of occupancy conditions, and it is therefore not accepted that the proposal is contrary to it.
- 6.6 The neighbouring local authority 650 metres to the west in Aberdeenshire have recognised the shift in policy at the national level, and are now as a matter of course approving applications to remove occupancy conditions.
- 6.7 This approach has also been taken in relation to other applications which have been dealt with within the green belt in Aberdeen City, with the example quoted above recognising the support for the approach which has been expressed at the national level.
- 6.8 The reasons for refusal which have been listed state that the proposal would undermine the policies which seek to safeguard against unsustainable development and the suburbanisation of the countryside. In response to this, it can be highlighted that the application would not result in the construction of any additional housing in the green belt. It would simply allow the applicant's grandson to take over the farmhouse and continue working on the adjoining farm.
- 6.9 The planning officials' suggested solution involves the drafting of a legal agreement to restrict the occupancy of the dwellinghouse. This approach is contrary to the requirements of Circular 3/2012, and is also not acceptable to any mortgage lenders. This therefore does not represent a workable solution to the current situation.

11

7.0 Requested Review Procedure

- 7.1 The Notice of Review indicates that the favoured review procedure involves further written submissions.

8.0 Conclusion

- 8.1 This supporting statement describes the reasons for seeking a review, and the matters to be taken into account during its determination. Planning policy has now shifted away from the use of occupancy conditions, with the Scottish Government recognising that they create unnecessary burdens for occupiers of rural housing. The current case is a prime example of this, with the condition in question preventing the applicant's grandson from taking over The Endrig. Approval of this application for review would remove this unnecessary burden, and it is hoped that favourable consideration can be given to its approval.

Appendix 1 – Planning Permission for the Endrig – Ref 92/0424

CITY OF ABERDEEN DISTRICT COUNCIL

REF. NO.:- 92/0424

DECISION DATE 30.04.92

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 (AS AMENDED)

CONDITIONAL PLANNING PERMISSION

To LIAM FINDLAY,
WESTHILL HOUSE,
WESTHILL,
SKENE,

on behalf of A. CLARK

With reference to your application dated 03.03.92 for Planning Permission under the abovementioned Act for the following development, viz:-

FOR THE ERECTION OF A DWELLINGHOUSE AND INTEGRAL GARAGE.

at
AUCHLEA, KINGSWELLS, ABERDEEN.

the Council in exercise of their powers under the abovementioned Act hereby GRANT Planning Permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject however to the following condition(s), for which reason(s) are stated viz:-

- 01 That the occupation of the dwelling shall be limited to a person solely or mainly employed in the locality (ie Auchlea Farm) in agriculture as defined in Section 275 of the Town and Country Planning (Scotland) Act 1972-in order to safeguard the amenity of this Green Belt location.
- 02 that samples of the granite facings shall be provided to the satisfaction of the City Planning Officer prior to the commencement of works on site-in order to preserve the visual amenity of this Green Belt location.
- 03 That the site shall be suitably landscaped, to the satisfaction of the City Planning Officer-in order to preserve the amenity of the neighbourhood.
- 04 That the dwellinghouse hereby approved shall at no time be sold off or separated in any manner from the farm known as Auchlea without the prior approval of the planning authority-in order to preserve the amenity of this Green Belt location.

IT SHOULD BE UNDERSTOOD THAT THIS PERMISSION DOES NOT CARRY WITH IT ANY NECESSARY APPROVAL TO THE PROPOSED DEVELOPMENT UNDER THE BUILDING STANDARDS REGULATIONS OR OF THE OWNER OR SUPERIOR OF THE LAND OR PROPERTY INCLUDING, WHERE APPLICABLE, THE DISTRICT COUNCIL.

CITY PLANNING OFFICER

Dated 30th April 1992

APB

ENC.

Handwritten signature

0127

Appendix 2 – Letter from Opus Financial Consultants, 25th March 2014

Opus Financial Consultants

Personal & Corporate Financial Advice

Cowdray House, 102 Crown Street, Aberdeen, AB11 6HJ Telephone 01224 765350
Fax 01224 584383 Email opus@openwork.uk.com Website www.openwork.uk.com
Principal - Frank McCann Financial Advisers - Barry Robertson, Donald J Love and Drew McLelland
Opus Financial Consultants is a trading name of Francis McCann.

Roger Laird
Senior Planning Consultant
Archial NORR
3 Bon Accord Crescent
Aberdeen
AB11 6XH

Tuesday 25th March 2014

ARCHIAL NORR		
Rec'd by:		
Date: 27 MAR 2014		
Route	Copy	Action
<i>R</i>		<i>ll</i>
<i>F</i>		

Dear Mr Laird,

Endrig, Auchlee Farm, Kingswells

Further to our recent conversations regarding Craig and Jennifer Davidson's proposed purchase of the above property, I write to confirm the problems I have faced in getting a lender to approve a mortgage.

I am a financial adviser with Opus Financial Consultants and we operate through a national network, Openwork, which is a substantial introducer to lenders of mortgage business in the UK.

I have approached several lenders regarding this proposed purchase, including details of the restrictions currently in place on the property. The information I have received back is that the existence of the planning condition restricting occupancy of the dwellinghouse to a worker at Auchlea Farm would prevent lenders providing a mortgage to my clients. Similarly, in the event of a Section 75 legal agreement being entered into, (which contains the same restriction), this would also prevent a mortgage being obtained.

In summary, the feedback I have been given means that in order to get a mortgage, all restrictions need to be lifted, otherwise my clients simply cannot buy this house.

Yours sincerely,

Drew McLelland
Financial Adviser

Appendix 3 – Letter from Chief Planner, 11th November 2011

Directorate for the Built Environment
Jim Mackinnon, Director and Chief Planner

T: 0131-244 0770 F: 0131-244 7174
E: jim.mackinnon@scotland.gsi.gov.uk



Heads of Planning



4 November 2011

Dear Sir/Madam

OCCUPANCY RESTRICTIONS AND RURAL HOUSING

I am writing to clarify the Scottish Government's views on the use of conditions or planning obligations to restrict the occupancy of new rural housing.

Occupancy restrictions are typically used in Scotland to limit the occupancy of new houses in the countryside either to people whose main employment is with a farming or other rural business that requires on-site residency, or to people with a local connection. Sometimes new houses are tied to particular land holdings, preventing them being sold separately. Such restrictions have been applied either through planning conditions or Section 75 planning obligations.

A number of issues have arisen with the use of occupancy restrictions, some of which have been exacerbated by the current economic situation. Some people have found it difficult to get a mortgage to buy a house with an occupancy restriction. Others have found it difficult to sell the house, or have the restriction lifted, when they are forced by necessity to move. While it may be possible to include provisions in the condition or obligation that attempt to address these issues, any use of occupancy restrictions introduces an additional level of complexity (and potentially expense) into the process of gaining consent for a new house. Occupancy restrictions can also be intrusive, resource-intensive and difficult to monitor and enforce.

Scottish Planning Policy promotes a positive approach to rural housing. It states that development plans should support more opportunities for small scale housing development in all rural areas, including housing which is linked to rural businesses. It does not promote the use of occupancy restrictions.

The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.

B5142669
Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk

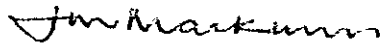


In determining an application for a new house in the countryside, it may be appropriate for the planning authority to consider the need for a house in that location, especially where there is the potential for adverse impacts. In these circumstances, it is reasonable for decision-makers to weigh the justification for the house against its impact, for example on road safety, landscape quality or natural heritage, and in such circumstances it may be appropriate for applicants to be asked to make a land management or other business case. Where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.

The Scottish Government believes that a vibrant populated countryside is a desirable objective and that new housing to realise this aim should be well sited and designed, and should not have adverse environmental effects that cannot be readily mitigated. In areas, including green belts, where, due to commuter or other pressure, there is a danger of suburbanisation of the countryside or an unsustainable growth in long distance car-based commuting, there is a sound case for a more restrictive approach. In areas where new housing can help to support vibrant rural communities or sustain fragile rural areas, planning authorities should seek to support suitable investment in additional provision, focussing on the issues of location, siting, design and environmental impact rather than seeking to place restrictions on who occupies the housing.

Where sites are considered unsuitable for new housing, more acceptable locations will often exist elsewhere on the same landholding or nearby, and planning authorities can assist applicants by advising where these are.

Yours faithfully



JAMES G MACKINNON

Appendix 4 - Email from Planner, 20th November 2013



Jim Davidson <jim.davidson9@gmail.com>

Planning application Ref 13/1646 - Removal of Condition 1 of Conditional Planning Permission Ref 92/0424

Jane Forbes <JANEF@aberdeencity.gov.uk>
To: "jim.davidson9@gmail.com" <jim.davidson9@gmail.com>

20 November 2013 15:14

FAO Kathleen Davidson

Dear Kathleen,

I refer to our recent telephone discussions regarding the above application, some of which focussed on the purpose of us requesting clarification as to the reason your client was seeking removal of the conditions applied to planning permission Ref 92/0424. I can confirm that following further discussion with colleagues on the most appropriate means of progressing this application, and thereby addressing your request to remove both Condition 1 and 4 with the intention of securing suitable documentation for mortgage purposes, it would be possible at this stage to amend the description of the planning application to read: 'Removal of Condition 1 and Condition 4 of Conditional Planning Permission Ref 92/0424'. Should you wish the description to be amended in this manner, could you please e-mail me with this request.

Notwithstanding the above, it does remain possible to have the removal of Condition 4 dealt with in writing alone, without the need for it to form part of a planning application, and should you wish to proceed on that basis I would ask that you submit in writing a formal request for the removal of Condition 4, including the reason for such a request. I will await your decision on how you wish to proceed.

In the meantime, I would wish to advise you at this early stage that whilst in terms of planning policy, the removal of Condition 4 would appear acceptable, this would not apply to the removal of Condition 1, and on that basis we would not be in a position to approve the current application as it stands.

Should you have any queries regarding the above, please do not hesitate to contact me.

Regards

Jane Forbes
Planner (Development Management)
Planning & Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4