

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Kevin Duguid
Fitzgerald + Associates Ltd
53 Albert Street
Aberdeen
Scotland
AB25 1XT

on behalf of **Mrs Samina Tariq**

With reference to your application validly received on 27 February 2017 for the following development:-

Erection of enclosure and area of external seating for café at 12 St Swithin Street, Aberdeen

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
102 REV A	Elevations and Floor Plans

The reasons on which the Council has based this decision are as follows:-

1. The proposal is contrary to Policy H1 of the Aberdeen Local Development Plan 2017 as the proposed enclosure and external seating area would have a negative impact on surrounding residential amenity in terms of privacy.
2. The design, appearance and location of the enclosure are inadequate and inappropriate and do not contribute to successful placemaking and fail to comply with Policy D1 of the Aberdeen Local Development Plan 2017

3. Subsequently, as this application would create an adverse impact on the immediate area; the proposals do not enhance the character of the Conservation Area and do not accord with Scottish Planning Policy, Historic Environment Scotland Policy Statement and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017.

Date of Signing 9 May 2017



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.