

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Craig Gray
Ken Mathieson Architectural Design Ltd
Mansard House
15 Oldmeldrum Road
Bucksburn
Aberdeen
Scotland
AB21 9AD

on behalf of **Fleet Properties**

With reference to your application validly received on 20 April 2018 for the following development:-

**Erection of cafe with hot food take away and flat above including car parking and associated works
at Former public convenience, adjacent to Dyce Church Hall**

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
003 Iss A	Location Plan
002 Iss C	Elevations and Floor Plans

REASON FOR DECISION

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

The proposal (subject to appropriate conditions) could comply with policies H1 (Residential Areas), D1 (Quality Placemaking by Design), D2 (Landscape), T2

(Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), R6 (Waste Management Requirements for New Development) and R7 (Low and Zero Carbon Building and Water Efficiency) and the associated Supplementary Guidance documents 'Transport and Accessibility' and 'Resources for New Development' of the Aberdeen Local Development Plan. Notwithstanding, the provision of a residential flat in this location fails to comply with policies B4 (Aberdeen Airport), T5 (Noise) and the relevant sections of the associated Supplementary Guidance document 'Noise' and Technical Advice Note 'Planning and Aberdeen Airport' of the Aberdeen Local Development Plan. The principle of residential development in this location is not supported due to the inability to create an adequate residential environment due to the proximity of Aberdeen International Airport, and further, to safeguard its future operation. It is accepted that the development would result in an improvement to the visual amenity of the area through the removal of a gap site, however, this could be achieved through the provision of a non-residential development which does not have the same noise sensitivities. On the basis of the above it is considered that the proposal does not accord with the provisions of the development plan, and there are no material planning considerations that are of sufficient weight to warrant approval contrary to the provisions of the plan.

Date of Signing 29 June 2018

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

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 Strategic Place Planning (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.