

ABERDEENSHIRE COUNCIL**GARIOCH AREA COMMITTEE****COMMITTEE ROOM 5, WOODHILL HOUSE, ABERDEEN ON 6 JUNE 2017**

Present: Councillors D Aitchison, N Baillie, C Clark, M Ewenson, M Ford, F Hood, S Leslie, D Lonchay, R McKail, A McKelvie, G Reid, H Smith, I Walker, J Whyte.

Apology: Councillor V Harper.

Officers: D Milne (Garioch Area Manager), A Overton, (Solicitor), G Steel (Principal Engineer), B Strachan (Senior Planner), W McLaren (Senior Engineer), P Hellings (Road Safety Engineer), A-M Davies (Quality Improvement Manager), T Buchan (Facilities Manager), M Mitchell (Programme Delivery Officer) and A Cumming (Garioch Area Committee Officer).

1. APPOINTMENT OF CHAIR AND VICE CHAIR

The Garioch Area Manager took the Chair and invited nominations for the position of Chair.

Councillor McKail, seconded by Councillor Lonchay, moved that Councillor Hood be the Chair of Garioch Area Committee. There being no other nominations, Councillor Hood was duly appointed as Chair.

Councillor Hood invited nominations for the position of Vice-Chair.

Councillor McKelvie, seconded by Councillor Ewenson, moved that Councillor Lonchay be the Vice-Chair of Garioch Area Committee. There being no other nominations, Councillor Lonchay was duly appointed as Vice-Chair.

The meeting was adjourned for a short time in order that the Chair and Vice-Chair could be briefed on the agenda.

The Chair accepted an urgent item of business on to the agenda. This item relating to a proposed speed limit in Cluny was numbered as item 17 and the Chair indicated that it would be taken following item 10.

2. DECLARATIONS OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct the following interests were declared:-

Item 17 – Councillor Leslie as he is well acquainted with the Chair of Cluny, Midmar and Monymusk Community Council.
Councillor Smith as she is acquainted with the Chair of Cluny, Midmar and Monymusk Community Council.

Councillor Leslie left the Council Chamber whilst the item was considered. Councillor Smith continued to take a full part in considering the item.

3. RESOLUTIONS

A. EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.

B. EXEMPT ITEMS

The Committee **agreed** that, under Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for certain items of business on account of the likely disclosure of exempt information of the classes described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Item No.	Paragraph No.
15	8
16	8

3. MINUTE OF MEETING OF 18 APRIL 2017

In accordance with Standing Order 7.1.1 the Committee **agreed** that the minute was a correct record of proceedings and it was duly signed by the Councillor presiding over the meeting.

4. INTIMATION OF PUBLIC QUESTION TIME

There were no public questions intimated.

5. APPOINTMENTS TO COMMITTEES, GROUPS, WORKING GROUPS AND PARTNERSHIPS

A report by the Director of Education and Children's Services was circulated seeking nominations for appointments for a range of Committees, Groups and Partnerships.

Town Centre First Ambassadors

Councillor Smith, seconded by Councillor McKelvie, moved that Councillor Whyte be appointed as a Town Centre First Ambassador.

Councillor Reid, seconded by Councillor Ford, moved that Councillor Aitchison be appointed as a Town Centre First Ambassador.

Councillor McKail, seconded by Councillor Ewenson moved that Councillor Leslie be appointed as a Town Centre First Ambassador.

Councillor Reid, seconded by Councillor Aitchison, moved that Councillor Baillie be appointed as a Town Centre First Ambassador.

As two appointments, were required, each Councillor was entitled to vote for two Councillors.

The Committee voted:-

Councillor Whyte	(11)	Councillors Hood, Clark, Ewenson, Ford, Leslie, Lonchay, McKail, McKelvie, Smith, Walker and Whyte
Councillor Aitchison	(4)	Councillors Aitchison, Baillie, Ford and Reid
Councillor Leslie	(10)	Councillors Hood, Clark, Ewenson, Leslie, Lonchay, McKail, McKelvie, Smith, Walker and Whyte
Councillor Baillie	(3)	Councillors Aitchison, Baillie and Reid

Therefore, the Committee **agreed** to appoint Councillors Whyte and Leslie as the Town Centre First Ambassadors.

The Committee further **agreed** to:-

1. appoint Councillors Ewenson and Reid to the Schools Placings and Exclusions Appeals Committee;
2. to seek nominations from Parent Councils to Area Manager by end of June with a further report coming to Committee to consider any nominations:
3. appoint Councillor Hood as the Area Committee representative on the Garioch Area Community Planning Group; and

6. NOMINATIONS TO OUTSIDE BODIES

A report by the Director of Business Services was circulated seeking nominations to a number of outside bodies.

Bennachie Centre Trust

Councillor McKail, seconded by Councillor Walker. Moved that Councillor Smith be nominated to the Bennachie Centre Trust.

Councillor McKelvie, seconded by Councillor Smith, moved that Councillor Leslie be nominated to the Bennachie Centre Trust.

Councillor Baillie, seconded by Councillor Reid, moved that Councillor Harper be nominated to the Bennachie Centre Trust.

As two nominations were required, each Councillor was entitled to vote for two Councillors.

Councillor Smith	(10)	Councillors Hood, Clark, Ewenson, Leslie, Lonchay, McKail, McKelvie, Smith, Walker and Whyte
Councillor Leslie	(11)	Councillors Hood, Clark, Ewenson, Ford, Leslie, Lonchay, McKail, McKelvie, Smith, Walker and Whyte
Councillor Harper	(4)	Councillors Aitchison, Baillie, Ford and Reid

Therefore, the Committee **agreed** to nominate Councillors Smith and Leslie to the Bennachie Centre Trust

Bennachie Leisure Centre Association Ltd

Councillor Smith, seconded by Councillor McKail, moved that Councillor Leslie be nominated to the Bennachie Leisure Centre Association Ltd.

Councillor Baillie, seconded by Councillor Reid, moved that Councillor Harper be nominated to the Bennachie Leisure Centre Association Ltd.

The Committee voted:-

Councillor Leslie (10) Councillors Hood, Clark, Ewenson, Leslie, Lonchay, McKail, McKelvie, Smith, Walker and Whyte

Councillor Harper (4) Councillors Aitchison, Baillie, Ford and Reid

Therefore the Committee **agreed** to nominate Councillor Leslie to the Bennachie Leisure Centre Association Ltd.

Garioch and North Marr Community Safety Group

Councillor Leslie, seconded by Councillor Walker, moved that Councillor Whyte be nominated to the Garioch and North Marr Community Safety Group.

Councillor Reid, seconded by Councillor Aitchison, moved that Councillor Baillie be nominated to the Garioch and North Marr Community Safety Group.

Councillor Whyte (10) Councillors Hood, Clark, Ewenson, Leslie, Lonchay, McKail, McKelvie, Smith, Walker and Whyte

Councillor Baillie (4) Councillors Aitchison, Baillie, Ford and Reid

Therefore the Committee **agreed** to nominate Councillor Whyte to the Garioch and North Marr Community Safety Group.

The Committee further **agreed** to nominate:-

1. Councillor Whyte to the Garioch Sports Trust; and
2. Councillor Ewenson to Gordon Leisure Projects Trust.

7. INTIMATION OF PUBLIC QUESTION TIME

No public questions were intimated.

8. ABERDEENSHIRE PERFORMS

A. RESPONSES FROM HOUSING AND INFRASTRUCTURE SERVICES TO QUERIES PREVIOUSLY RAISED BY THE COMMITTEE

A report was circulated detailing responses received from Services to queries previously raised by the Committee.

The Committee **agreed** to note the responses provided.

9. PLANNING APPLICATIONS FOR DETERMINATION

The following planning applications were considered along with any valid representations received and were dealt with as recorded in **Appendix A** to this Minute.

A.	APP/2017/0447	Erection of 10 houses and associated infrastructure: Non Compliance with Condition 5 of Planning Permission Reference APP/2010/0289 at land to the South of Strawberry Field Road, Westhill	Delegated Grant
B.	APP/2017/1036	Change of use of agricultural land and erection of shed for the distillation, bottling and storage of gin (sui generis) at Elrick House, Newmachar	Grant

10. LOCAL REVIEW BODY DECISION NOTICE - 5 EARL'S REE, MEIKLE WARTLE

A decision notice from the Local Review Body was circulated detailing the decision relating to an appeal against refusal for Full Planning Permission for change of use of land from public open space to private garden ground (retrospective) at 5 Earl's Ree, Meikle Wartle.

The Committee **agreed** to: note the decision of the Local Review Body to **agree** with the determination before it and refuse Full Planning Permission for the application for change of use of land from public open space to private garden ground (retrospective) at 5 Earl's Ree, Meikle Wartle.

11. ABERDEENSHIRE COUNCIL (GARIOCH) (TRAFFIC MANAGEMENT) ORDER, APRIL 2017

A report by the Director of Infrastructure Services was circulated to seek authorisation to commence statutory procedures to make a traffic management order.

The Committee **agreed** to

1. authorise the commencement of the statutory procedures for the making of the "Aberdeenshire Council (Garioch) (Traffic Management) Order, April 2017"; and 2. authorise the subsequent making of the "Aberdeenshire Council (Garioch) (Traffic Management) Order, April 2017" in the event that no valid objections are received or any received are resolved and withdrawn; or
3. instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

12. PROPOSED SPEED LIMITS ASSOCIATED WITH THE NEW GOVAL JUNCTION

A report by the Director of Infrastructure Services was circulated to seek authorisation to commence statutory procedures to make a traffic order at Goval junction.

The Committee **agreed** to

1. authorise the commencement of the statutory procedure for the making of The Aberdeenshire Council (Goval Junction Traffic Management) Order 2017; and
2. authorise the subsequent making of The Aberdeenshire Council (Goval Junction Traffic Management) Order 2017 in the event that no valid objections are received or any received are resolved and withdrawn; or
3. instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

13. STATUTORY CONSULTATION PROPOSAL: THE RELOCATION OF ST ANDREW'S SCHOOL WITHIN THE INVERURIE COMMUNITY CAMPUS

A report by the Director of Education and Children's Services was circulated giving details of the consultation undertaken regarding the proposed relocation of St Andrew's School within the Inverurie Community Campus.

Officers explained the consultation process that had been undertaken and confirmed that it had been the subject of examination by the Inspectorate. They confirmed that a report from the Inspectorate on the process was provided within the papers.

Members sought clarification as to what would happen to the current site. Officers confirmed that there were currently no plans in place for the site.

Councillors acknowledged the importance of the decision and the complexity of the proposals, but commended Officers on the approach taken to the consultation process. Members were content that the correct option had been consulted upon and indicated that all of the options would have attracted both positive and negative comments. They indicated that Councillors needed to consider wider interests and the longer term vision and indicated that they were content to recommend to Education and Children's Services to proceed with the proposed option.

The Committee **agreed** to:-

1. commend the approach taken and the work done by Officers in relation to the consultation;
2. recommend to the Education and Children's Services Committee to proceed with option 6;
3. forward the following comment to Education and Children's Services Committee:-

Given the physical constraints of the site, that Officers bear in mind the impact on all users and how they interact together.

14. AREA COMMITTEE BUDGET 2017/18

A report by the Director of Education and Children's Services was circulated asking the Committee to consider two applications to the Area Committee Budget

The Committee **agreed** to

1. a grant of £1,900 to Grampian District Pipes & Drums for new uniforms and associated costs; and
2. award £1,360 to Echt & Skene Community Council to purchase portable toilet for community use which will replace previous public convenience

15. BUSINESS SERVICES ANNUAL WORK PLAN 2017/18

A report by the Director of Business Services was circulated asking the Committee to consider the Business Services Annual Work Plan 2017/18.

The Committee **agreed**:-

1. to the Directorate Work Plan as detailed in Appendix 1 to the report;
2. to approve the items on the Work Plan identified as falling within the remit of the Committee;
3. not to reserve approval of the Business Case for any item on the Work Plan which falls within the Committee's remit where the value of the matter is between £50,000 and £1,000,000; and
4. to note that the Committee will receive the Business Case for approval for any item on the Work Plan which is within the Committee's remit and the value of the matter is over £1,000,000.

16. ANNUAL WORK PLAN

A report by the Education and Children's Services was circulated asking the Committee to consider the Annual Work Plan 2017/18.

The Committee **agreed**:-

1. to the Education & Children's Services Directorate Work Plan as detailed in Appendix 1 to the report;
2. to approve the items on the Work Plan identified as falling within the remit of the Committee;
3. not to reserve approval of the Business Case for any item on the Work Plan (which fall within the Committee's remit where the value of the matter is between £50,000 and £1,000,000; and
4. to note that the Committee will receive the Business Case for approval for any item on the Work Plan which is within the Committee's remit and the value of the matter is over £1,000,000

17. PROPOSED SPEED LIMIT IN CLUNY

As previously indicated Councillors Leslie and Smith declared interests. Councillor Leslie left the Council Chamber whilst the item was considered, Councillor Smith continued to take a full part in considering the item.

The Committee **agreed** to suspend Standing Orders in order to reconsider a decision taken on 20 December 2016.

A report by the Director of Business Services was circulated asking the Committee to consider the implementation of "The Aberdeenshire Council (Cluny) (Speed Limits) Order 2016

The Principal Engineer confirmed that the current speed limit in Cluny was 60mph with a temporary 20 mph during school pick up and drop off times. He explained the process that had been undertaken as a result of the planning permission for eight houses and confirmed that the outcome of the assessment process was that a 40 mph speed limit was appropriate for the location taking into account the criteria that needed to be met. However, he acknowledged that as part of the consultation process an objection was received from the Community Council seeking the speed limit to be reduced to 30 mph. He confirmed that at its meeting in December 2016 the Committee agreed to request officers to promote a 30 mph speed limit instead. Officers confirmed that this decision had seen the 60 mph speed limit remaining in place as Officers were in a position where the piece of road did not meet the policy criteria for a 30 mph speed limit. Officers indicated that they were seeking approval to implement to 40 mph speed limit, which could be done right away, and for a further assessment to be carried out on the piece of road following the development of the housing and the paths.

Councillors were content with the immediate implementation of the 40mph speed limit, but some Councillors were concerned by the fact that the decision had not been implemented and sought clarification as to whether the Committee had the power to take the decision to go beyond the policy criteria. As it was not possible to get a definitive response to that question during the meeting given the possible implications, the Committee agreed to the recommendation subject to it being reviewed once the housing and footpaths were in place, but requested that clarification be provided explaining the extent of the Committee's powers in these matters.

The Committee **agreed** to:-

1. the implementation of the 40mph traffic order as detailed in appendix 1 to the report subject to it being reviewed in 12 months time when the footpaths and housing are in place; and
2. request that Officers provide clarification as to whether the Area Committee has the delegated powers to make decisions regarding the setting of speed limits that fall outwith the criteria of Council policy.

Councillor Presiding over meeting

Print Name

Signature

Date

DRAFT

GARIOCH AREA COMMITTEE

6 JUNE 2017

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2017/0447

Planning Permission in Principle for erection of 10 houses and associated infrastructure: non-compliance with condition 5 of Planning Permission Reference APP/2010/0289 at land to the South of Strawberry Field Road, Westhill

Applicant: Mr Grant Williamson
Agent: NORR Consultants Ltd

The Senior Planner explained that the application sought to change the access road into the development that had been previously conditioned. He said that the original permission accessed the site from Broadstraik Road, but that the revised proposals would see the access coming on to Straik Road (A944). He confirmed that although the Roads Service preferred the original access, that it considered that the alternative proposal was still acceptable in road safety terms. He indicated that the proposal was not considered to have a detrimental impact on the area and the loss of trees would be minimised. He pointed out that the Community Council had submitted an objection on road safety grounds on the basis that the access would be joining a busier road through the revised proposals.

Councillors sought clarification as to why the previous proposals was preferred by the Service. The Principal Engineer explained that both accesses met the requirements, but the lower volume of traffic on Broadstraik Road made it the preferred option.

Councillors asked whether there would be further development permitted under the pylons. The Senior Planner confirmed that there would be no housing permitted for 30 metres either side of the pylon. Councillors asked whether compensatory planting was being included to cover the loss of trees. It was confirmed that no compensatory planting was being sought in this case and as many trees as possible would be protected.

Some Members remained concerned about the revised access pointing out its proximity to the roundabout and the greater volume of traffic on that road. They indicated that they did not consider the proposed access to be safe for vehicles or pedestrians.

However other Councillors were reassured by the Roads Officers and considered the proposals to be acceptable, but required compensatory planting to be provided to at least equal the trees lost by the creation of the junction.

Councillor McKail, seconded by Councillor McKelvie, moved that Planning Permission in Principle be refused on the grounds that it does not provide a safe access for road users and pedestrians and therefore does not comply with Policy RD1

As an amendment, Councillor Ford, seconded by Councillor Walker, moved that authority to grant Planning Permission in Principle be delegated to the Head of Planning and Building Standards subject to the:-

1. the delegated matters detailed in the report; and

2. the conditions detailed in the report with an amendment to conditions 11 or 1c to seek compensatory tree planting to at least equal the loss of trees at the junction.

The Committee voted:-

- For the motion (3) Councillors Lonchay, McKail and McKelvie
- For the amendment (11) Councillors Hood, Aitchison, Baillie, Clark, Ewenson, Ford, Leslie, Reid, Smith, Walker and Whyte

Note: Condition 1d was amended to include compensatory tree planning.

Therefore the amendment was carried and the Committee **agreed** that authority to grant Planning Permission in Principle be delegated to the Head of Planning and Building Standards subject to:-

- a) the satisfactory conclusion of the variation of the existing Section 75 Legal Agreement for the development; and
- b) the following conditions:
 1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- a) Full details of the siting, design, layout, external appearance and finishing materials of the proposed development including any garage, the off-street car parking, turning area, driveway, access onto the new road serving the development for each dwellinghouse; location of any visitor car parking and boundary treatments serving each dwellinghouse;
- b) full details of the proposed means of vehicular access to the development site including surface treatment;
- c) a tree protection plan for the development including details of the location of all trees and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction) and hedges on the site to be retained; the position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction); The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas; an arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation; an arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained; a method statement for any works proposed within the root protection areas of the trees shown to be retained.
- d) a landscaping scheme for the development including details of the existing landscape features and vegetation to be retained; the locations of new trees, which shall include at least the same number of trees that are to be removed from the site as a result of the access to be formed, to ensure there is no net loss of trees on the site, shrubs, hedges and grassed areas; a schedule of

- plants including species, plant sizes and proposed numbers and density; the layout, design and materials of all hard landscaping works including walls, existing and proposed services including cables, pipelines and substations, fences and gates; and a programme for the completion and subsequent maintenance, including who will be responsible, of the proposed landscaping.
- e) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
 - f) Full details of the proposed means of disposal of foul and surface water from the development including details of an inspection regime relating to matters such as offlets/inlets; frequency and method of cleaning of filter trenches, removal of silt etc; grass cutting and weeding regime for swales; details of the long term maintenance of the systems including means of access; measures to ensure that planting will not be undertaken over perforated pipes; and details of the contact parties for future factoring/maintenance of the scheme;
 - g) Full details of storage space within each domestic curtilage for 2 no. 240 litre wheeled refuse bins and recycling boxes, and details of how they will be adequately serviced.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the details shown on the plans submitted and approved under condition 1. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

3. No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 90 metres in a westerly direction and 79.7 metres in an easterly direction along the channel line of the A944, public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access road in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

4. No development in connection with the permission hereby granted, other than that required by condition 3, shall commence unless the vehicular access serving the development from the A944 public road has been provided and surfaced in accordance

with the details shown on the plans submitted and approved under condition 1. Once provided, the vehicular access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

5. No residential unit in this development shall be occupied unless all roads, footpaths, parking and turning areas within and serving the development have been completed to the level of bottoming and binder course, including the access bellmouth and all turning heads in accordance with the Council's Standards for Road Construction Consent and Adoption.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

6. Within 6 months of the occupation of the penultimate residential unit in this development or upon the expiry of a period of three years from the date of the first residential unit to be occupied, whichever is the sooner, all roads, footpaths, parking and turning areas within and serving the development shall be completed to their final surface course specification in accordance with the Council's Standards for Road Construction Consent and Adoption. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

7. No dwellinghouse hereby approved shall be occupied unless its access, driveway, parking and turning area has been provided and fully paved in accordance with the details shown on the plans submitted and approved under condition 1. The maximum gradient of each access shall not exceed 1:20 gradient and each access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of each driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

8. No dwellinghouse hereby approved shall be occupied unless all of its associated means of enclosure has been provided in accordance with details shown on the plans submitted and approved under condition 1. Once erected, the approved means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the occupiers of the dwellinghouse and the visual amenities of the area.

9. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the details shown on the plans submitted and approved under condition 1. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

10. No dwellinghouse hereby approved shall be occupied unless the storage space for refuse and recycling bins has been provided in accordance with the details shown on the plans submitted and approved under condition 1. Once provided, the storage space for refuse and recycling bins shall thereafter be permanently retained.

Reason: To ensure that suitable provision is made for the storage of recycling, food waste and residual bins.

11. All soft and hard landscaping proposals shall be carried out in accordance with the planting scheme and management programme submitted and approved under Condition 1. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

12. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.

Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

No dwellinghouse shall be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

13. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

14. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

Reason for Decision

The proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.

B. Reference No: APP/2017/1036

Full Planning Permission for change of use of agricultural land and erection of shed for the distillation, bottling and storage of gin (Sui Generis) at Elrick House, Newmachar

Applicant: Mr Stuart Ingram
Agent: Lippe Architects + Planners

The Senior Planner explained that the application was for the change of use for agricultural land and erection of a new shed to allow distilling, bottling and storage of gin. He explained that there was significant planning history in this location and that the proposals were to expand the business which had already received planning permission, but that had not yet been implemented. As a result he confirmed that the application was considered to be a departure from the Local Development Plan as it was neither small scale nor ancillary to a current business. It therefore did not comply with the criteria for greenbelt or Housing Market area policies. He explained that the application would see the road being extended to the east of the walled garden with the proposed shed being clad in green to blend in with the surrounding area. He confirmed that there was not considered to be any adverse impact on the listed buildings. He also indicated that condition 8 was no longer considered to be required and was proposed to be removed from any grant of planning permission.

Members queries why condition 8 was being removed. The Senior Planner explained that there were no noise sensitive properties within the vicinity. Members asked the Senior Planner to explain the relationship of the proposals to the other previously granted permissions. The Senior Planner confirmed that there was enabling development to restore Elrick House, the walled garden and doocot but that this funding would not go towards the café or gin still. He confirmed that if the planning permission for the gin still had been implemented, the application would have been considered ancillary, but as it was not in place, the application was a departure. He indicated that Planning Service accepted the overall vision for the site and supported the economic development nature of the proposals.

Some Councillors pointed out that the application was for development in the countryside that had no policy support and expressed concerns about the precedent that this could set. They were keen to explore options to tie the development to the other permissions at Elrick House and asked Officers to explore these.

However, other Councillors were content with the Officer recommendation and accepted the reason for departing from the Local Development Plan. They were content that the application be granted subject to removal of condition 8.

Councillor Ford, seconded by Councillor Reid, moved that consideration of the application be deferred in order that potential options can be explored to get a legal agreement or another mechanism to tie the application to the rest of the development at Elrick House.

As an amendment, Councillor Clark, seconded by Councillor Leslie, moved to grant Full Planning Permission subject to the conditions detailed in the report except condition 8

The Committee voted:-

For the motion (5) Councillors Aitchison, Ford, McKelvie, Reid and Walker

For the amendment (9) Councillors Hood, Baillie, Clark, Ewenson, Leslie, Lonchay, McKail, Smith and Whyte

Therefore the amendment was carried and the Committee **agreed**:-

a) that the reason for departing from the Aberdeenshire Local Development Plan 2017 is that there are exceptional circumstances in this case that indicates support for the proposed development as a departure to Policy R2. These include, that the building would support consented development on Elrick Estate, would enable an existing business to locate in Aberdeenshire and make a contribution to a growth sector in the local economy. The development is unobtrusively sited and appropriate in scale and appearance to the existing built and natural landscape; and

b) to grant Full Planning Permission subject to the following conditions:-

1. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

2. No works in connection with the development hereby approved shall commence unless a sample/details/the specification and colour of the cladding to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area

3. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) Existing and proposed finished levels.
- b) The location of new trees, shrubs, hedges and grassed areas:
 - (i) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- c) The location, design and materials of all hard landscaping works including walls, fences, gates.

- d) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

4. The tree protection proposals shall be carried out in complete accordance with the approved scheme as shown on drawing 5387/007B.

Reason: In order to preserve the character and visual amenity of the area.

5. The development hereby approved shall not be brought into use unless a parking area for 5 vehicles has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

6. The building hereby approved shall not brought into use unless the proposed foul and surface water drainage system have been provided in accordance with the approved plans, 5387/007A and Drainage Report dated May 2017. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

7. The development hereby approved shall not operate outwith the hours of 07.00-23.00 Sunday to Thursday and 07.00-00.00 hours Friday to Saturday.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.