

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

COUNCIL CHAMBERS, VIEWMOUNT, STONEHAVEN, AB39 2DQ

22 AUGUST 2017.

Present: W Agnew (Chair), I Mollison (Vice-Chair) A Bews, G Carr, S Dickinson, A Evison, Provost Howatson, J Hutchison, C Pike, D Robertson, S Wallace, L Wilson.

Apology: Councillor Wallace.

Officers: William Munro (Area Manager, Kincardine and Mearns), Karen McWilliam (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Legal and Governance, Business Services), Val Milne (Mental Health & Learning Disability Manager, Social Work), Mark Skilling (Strategy Manager, Transportation), Gregor Spence (Senior Planning Officer, Infrastructure Services), Edith Criggie, Locality Manager Health and Social Care Partnership, Morna Harper, Service Manager, Community Economic Development, and Joe May Team Manager, Economic Development and Protected Services).

In Attendance: Item (4) Derek Johnson, Portlethen and District Community Council, and Inspector Kenny McGeouch, Police Scotland.

Item (5) Isabel Munn, Stonehaven Town Partnership.

Item 11 (a) - Elaine Farquharson-Black, Burness Paull, Dr Ewan Clark, Portlethen Medical Centre, Dr David Roberts, and Robin Winmill.

Item 11 (b) - Elaine Farquharson-Black, Burness Paull, and Andrew Hickman.

1. SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct, the following were intimated:

1. Councillor Carr (item 5 – 1.1.2), Area Committee Budget 2017/2018. As the Chair of the Stonehaven Scouts Group he would take no part in determination of their application and would withdraw from the Chamber during this item,
2. Councillor Dickinson (item 6), Mental Health Provision in Kincardine and Mearns. Councillor Dickinson had assisted in fund raising for Pillar Kincardine in the past but did not consider this significant and would therefore take part in determination of the item,
3. Councillor Evison (item 7), Programme for Walking, Cycling and Safety Initiatives. Councillor Evison was a founding member of Dementia Friendly Portlethen but did not consider this significant enough to prohibit taking part in the determination of the item. Also, (item 11a), Full Planning Permission for Erection of Dwellinghouse, Detached

Garage, Biomass Shed and Storage Building, Formation of Vehicular Access at Site to the South West of Cookney Ridge, Netherley, Stonehaven. Two people who had submitted representations to the application had been involved in Councillor Evison's election team therefore she would take no part in the determination of the planning application and would withdraw from the Chamber during this item, and

4. Councillor Pike (item 11a) Full Planning Permission for Erection of Dwellinghouse, Detached Garage, Biomass Shed and Storage Building, Formation of Vehicular Access at Site to the South West of Cookney Ridge, Netherley, Stonehaven. Councillor Pike had been a member of North Kincardine Rural Community Council who had objected to the application, he would therefore take no part in determination of the item and would withdraw from the Chamber during this item. Also, Councillor Pike (item 11c) Full Planning Permission for Change of Use from Agriculture and Class 6 (Storage and Distribution) to Mixed Use of Class 6 (Storage and Distribution) and Class 5 (General Industrial) for Units 5, 6, 7 and the Agricultural Shed (Retrospective) and Retention of Storage Containers at Gillybrands Farm, Cammachmore, Newtonhill. Councillor Pike had been a member of North Kincardine Rural Community Council who had objected to the application, he would therefore take no part in determination of the item and would withdraw from the Chamber during this item.

2A. STATEMENT ON 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.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

3. MINUTE OF MEETING OF KINCARDINE AND MEARNES AREA COMMITTEE OF 13 JUNE 2017

The Committee had before them but deferred approval until the next meeting instructing officers to revise item (9) to more fully reflect the process.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF LATE HOURS CATERING LICENCE.

A report by the Director of Business Services was circulated advising Members that a report had been prepared requesting Members to consider an application for the grant of a Late Hours Catering Licence.

In accordance with the procedure as set out in the report the Chair sought to clarify if the applicant, and objectors were present. The applicant was not present nor represented. Derek Johnson from Portlethen and District Community Council was in attendance to speak

in objection to the application. Inspector Kenny McGeoch was also present as the representative of Police Scotland.

The Committee heard from Mr Johnson who advised that in addition to what had been submitted in the letter of objection from Portlethen and District Community Council the residents of the sheltered housing complex, which was close to the premises which was the subject of the application, were unaware of the application and in that regard it was suggested that there needed to be better communication. It was suggested that there was no passing footfall trade for this business therefore people would need to be attracted to use the facility which was considered to be the wrong location for business to operate until 3am.

Inspector Kenney McGeouch advised that Police Scotland did not object as such to the application but in making representation suggested that the area was a residential area and that it would be unusual for a standalone business to seek to operate until 3am. There was the likelihood that this may cause some nuisance and disorder.

Members heard from the Team Leader Economic Development and Protective Services who advised that they had not objected and that they had suggested a trial period of twelve months for the business to operate within the hours applied for i.e. (11pm until 3am).

After discussion the Committee **agreed** to grant a Late Hours Catering Licence to Mr Shariful Khan from, 23:00 until 01:00, for a period of one year.

5. KINCARDINE AND MEARN'S AREA COMMITTEE BUDGET 2017/2018.

Councillor Carr, having declared an interest left the Chamber during determination of the item in relation to the Stonehaven Scout Group.

A report by the Director of Infrastructure Services was circulated advising Members of the most recent applications for the Area Committee Budget 2017/2018.

The Area Manager introduced the report advising that there was a balance of some £70,000 available for disbursement from the Area Committee Budget and that seven local projects had already been supported this year. Members were advised that there were three applications to consider. One of the applications was for over £5,000 and a representative from Stonehaven Town Partnership was present to talk to that application. The outcome of funding from other sources for this ambitious project for the former Court building in Stonehaven was unknown but if Members, after consideration, were minded to support the application to mitigate the risk of the Area Committee Budget being underutilised, the grant could be conditioned to a time period therefore the funding could be re-distributed should the project for the Court Building be unsuccessful in this financial year.

Members were advised that the 1st Stonehaven Scout Group were seeking £4,000 towards the cost of refurbishing the Scout Hut which, in total was costing £11,306.00. Further funding was being sought from the Meikle Carewe Windfarm (£3,000) and Auquhirie Windfarm (£3,900), the outcome of which was still unknown. The refurbishment would include re-flooring, roof repairs and painting. The Area Manager suggested that an option might be to support the application should funding be granted from the wind turbine grant or for a set time period to ensure the funding was not tied up and then not utilised.

Members were then advised that the Royal Burgh of Inverbervie Heritage Group were looking for funding to set up a heritage display in the Library in Inverbervie. The intention was to wallmount 20 existing photographs depicting the history of the town and also to use a display unit for further exhibits which could be changed throughout the year. The total cost

of the project was £1,139.26. The Library and Information Services Manager was supportive of the project. At the time of writing the report the remaining funding had not been achieved but the group were confident it could be gathered through local funding events.

The Committee then heard from Isabel Munn, Stonehaven Town Partnership in support of their application advising that they had been unsuccessful in achieving funding from Heritage Lottery but were seeking funding from LEADER, the result of which was unknown. Members were told that the group had letters of intent from organisations who wished to have office space in the building.

After discussion the Committee **agreed** to disburse the following funding from the Area Committee Budget 2017/2018:

1. Stonehaven Town Partnership - £8,000.00 (provided the remaining project funding had been achieved by the end of November after which it would be available for further disbursement),
2. 1st Stonehaven Scout Group -£4,000.00 (provided further funding had been achieved by the second week of December, after which it would be available for further disbursement), and
3. The Royal Burgh of Inverbervie Heritage Group - £570.

6. MENTAL HEALTH PROVISION IN KINCARDINE AND MEARNES.

A report by the Chief Officer of the Integration Joint Board was circulated advising Members that information had been assembled at the request of the Kincardine and Mearns Area Committee.

The Mental Health & Learning Disability Manager, Social Work, was in attendance to present the report and to answer any questions.

Members welcomed the report and sought clarification with regard to the promotion of the resources available to residents in Kincardine and Mearns; the numbers of referrals and how this data was collected; and monitoring of signposting.

Members being content with responses **agreed** that the detail of the report was welcomed and encouraged staff to continue to promote the services available to the communities of Kincardine and Mearns using the networks and media outlets that were currently utilised, or being developed. Keeping information up-to-date on websites was seen as critical as was the continued need to monitor and evaluate provision both in terms of relevance and accessibility, particularly to those who might need support to access resources.

7. PROGRAMME FOR WALKING, CYCLING AND SAFETY INITIATIVES.

A report by the Director of infrastructure Services was circulated seeking Members to comment on the programme of walking and cycling safety initiatives.

The Strategy Manager, Transportation introduced the report advising that Appendix One and Two of the report had already been agreed by Infrastructure Services and comment was being sought on the detail of Appendices Three and Four.

The Committee **agreed** to:

1. Note the Aberdeenshire wide projects that were approved by Infrastructure Services Committee on 1 June 2017 and were included in Appendices one and two to this report; and
2. Forward the following comments to the Infrastructure Services Committee on the programme of works for Kincardine and Mearns, for financial year 2017/18, as shown in Appendix three to the report:
 - a) It was important to continue to progress the Stonehaven to Aberdeen (walking, cycling) route as this was an important link. Communicating progress with the community was important as there had been a view that the detail of the project was a little vague,
 - b) Walking and Cycling maps were seen as good initiatives,
 - c) Upgrading of dementia friendly paths were also seen as a good initiative,
 - d) Consider how to make progress with the Mearns Cycle route as it had been some time since the community had received any update on this project,
 - e) The work on the Inverbervie to Gourdon coastal path was welcomed and consideration should be given to extend the path to Johnshaven and perhaps then to join up with the Angus coastal path in time, and
 - f) To encourage officers to continue to consider the path in relation to Old Wellington Road as this was a key section in terms of safety of walkers.

8. APPOINTMENT TO THE SCHOOL PLACINGS AND EXCLUSIONS APPEALS COMMITTEE

A report by the Director of Infrastructure Services was circulated advising Members that the previous member of the public appointed to the School Placings and Appeals Committee had retired.

The Area Manager advised that the Area Committee, at its meeting of 13th June, had requested that Mr Fairclough be asked to continue to serve as the external appointee on the School Placings and Exclusion Appeals Committee. Mr Fairclough had resigned from this position and as requested by the Area Committee further suggestions were now being sought to fill this appointment.

The Committee **agreed** to invite Morag Andrew from Newtonhill to be on the School Placings and Appeals Committee as the external member for Kincardine and Mearns

9. ABERDEENSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP PERFORMANCE AND OUTCOMES FRAMEWORK, QUARTER 4 REPORTING 2016/2017.

A report by Aberdeenshire Health and Social Care Partnership was circulated advising Members of performance in relation to the outcomes framework for Quarter (4) 2016/2017.

The Locality Manager was in attendance to present the report and to answer any queries.

Members welcomed the report and sought clarification with regard to adult protection cases and telehealth.

Members being content with responses **agreed** to forward the following comments to the Integration Joint Board for their consideration:

1. Request that the Locality Plan, Health Profiles for Kincardine and Mearns, currently being assembled, be uploaded to Councillors' Ward Pages,
2. Continue to find ways of improving support for unpaid carers,
3. Whilst the post-diagnostic support for dementia sufferers was welcomed it was seen as critical that the information assembled, and disseminated both electronic and in paper was kept up to date and relevant, and
4. Whilst Community Psychiatric Nurse (CPN) recruitment and retention was not an issue in Kincardine and Mearns further information in relation to the support being offered to CPNs was requested.

10. RURAL PARTNERSHIP ANNUAL REPORT (2016/2017) AND FUNDING 2017/2018 AND 2018/2020.

A report by the Director of Infrastructure Services was circulated advising Members of the ongoing financial support to Kincardineshire Development Partnership (KDP) and the work the Partnership have been undertaking over the last year.

The Service Manager for Community Economic Development was in attendance to present the report and to answer any queries.

Members were advised that Kincardineshire Development Partnership was the newest of Aberdeenshire's Rural Partnerships and had been gaining momentum over the last two years.

Members sought clarification with regard to the development of Community Action Plans and were advised that one had been completed so far but that four or five other Community Actions Plans were in the process of being drawn together.

Members also sought clarification with regard to input the Rural Partnership had with regard to LEADER applications and were advised that KDP had a seat on the Local Action Group. Also that in general communities were having difficulties with the LEADER process but that there had been more successful projects in South Aberdeenshire.

The Committee offered a note of support to the work of KDP and **agreed** to:

1. Note and support the continuing development of the Kincardineshire Development Partnership (KDP), and
2. Note the progress made on the Action Plan for 2017/2018 and the Service Level Agreement 2017/2018.

11. APPLICATIONS FOR DETERMINATION

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

Reference Number	Address
(A) APP/2017/0691	Full Planning Permission for Erection of Dwellinghouse, Detached Garage, Biomass Shed and Storage Building, Formation of Vehicular Access at Site to the South West of Cookney Ridge, Netherley, Stonehaven.
(B) APP/2017/1152	Full Planning Permission for Erection of 3 Dwellinghouses and 1 Detached Garage at Land to West of West Cairnbeg Farmhouse, West Cairnbeg, Laurencekirk.
(C) APP/2016/2838	Full Planning Permission for Change of Use from Agriculture and Class 6 (Storage and Distribution) to Mixed Use of Class 6 (Storage and Distribution) and Class 5 (General Industrial) for Units 5, 6, 7 and the Agricultural Shed (Retrospective) and Retention of Storage Containers at Gillybrands Farm, Cammachmore, Newtonhill.
(D) APP/2017/0560 & 0561	Full Planning Permission and Listed Building Consent for Installation of Replacement Windows at 9B Market Square, Stonehaven.
(E) APP/2017/1434	Full Planning Permission for Erection of 3 Dwellinghouses (Short Term Letting Accommodation) at Land to West of Cairnton Cottage, Durriss.
(F) ENQ/2017/1004	Masterplan for Residential Development (Proposed Erection of 131 Units) at Site OP1, Land Between Park Place and Cairnhill Drive, Newtonhill.

**KINCARDINE AND MEARN'S AREA COMMITTEE, 22 AUGUST 2017
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

(A) **Reference No: APP/2017/0691**

Full Planning Permission for Erection of Dwellinghouse, Detached Garage, Biomass Shed and Storage Building, Formation of Vehicular Access at Site to the South West of Cookney Ridge, Netherley, Stonehaven.

Applicant: Mr Douglas Burr, C/o Agent
Agent: Burness Paull LLP, Union Plaza, 1 Union Wynd, Aberdeen

Full Planning Permission for the Erection of Dwellinghouse, Detached Garage, Biomass Shed and Storage Building, Formation of Vehicular Access at Site to the South West of Cookney Ridge, Netherley, Stonehaven.

Applicant: Mr Douglas Burr, C/o Agent.
Agent: Burness Paull LLP, Union Plaza, 1 Union Wynd, Aberdeen.

Councillors Evison and Pike, having declared an interest left the Chamber during discussion and determination of this item.

A report by the Director Infrastructure Services was circulated advising Members that an application for Full Planning Permission was being sought for the erection of a dwellinghouse, and associated detached garage, biomass shed and storage building and yard area for a timber and firewood sales business on a site to the south west of Cookney Ridge, Netherley, Stonehaven. Members were being asked to determine the application which was being recommended for refusal but, in the professional opinion of the Head of Planning and Building Standards, there had been a substantial body of support for the development and there had been valid objections from six or more individuals or bodies with separate postal addresses.

The Senior Planning Officer was in attendance to present the report and advised that whilst the siting of the proposal was considered inappropriate the Planning Service accepted that there was scope to support the relocation of the business as a departure from policy, providing full and sufficient justification could be provided in relation to the impact created by the Aberdeen Western Peripheral Route. However, the need for the dwellinghouse for an essential worker, whilst desirable for a number of reasons outlined in the report was not considered to be justified. The business operated by the applicant was not considered by the Planning Service to be a 'primary industry'. Further to this, the applicants existing dwellinghouse was considered to be located in close enough proximity to the proposed business site to service the operations and provide for adequate supervision and care for the applicant's wife, in light of the stated protected characteristics. The submission of the application, which included the erection of a dwellinghouse, rendered the entire proposal unacceptable. Therefore, the proposal was not considered to comply with Policy R2 Housing and employment development elsewhere in the countryside within the Aberdeenshire Local Development Plan 2017.

The Committee heard from;

The agent, Elaine Farquharson-Black, Burness Paull who spoke in support of the application. She said that the land use required for the AWPR and Fastlink were threatening the viability of this business which was seen to be at odds with previous documentation produced by Scottish Government on the AWPR. She referred to other businesses within the Aberdeen City boundary that had been supported to relocate in similar circumstances.

Ms Farquharson-Black went on to say that for reasons of security, viability and the need for Mr Burr to be on hand for his wife who had deteriorating ill health this application should be supported. She submitted that the definition of a primary industry for the purposes of the relevant policy in the Local Development Plan would include this type of business and that the erection of the house could therefore be supported in terms of Policy R1 as accommodation within the immediate vicinity of a business required for a worker in a primary industry.

Members then heard from Dr Ewan Clark, Portlethen Medical Centre, in support of the application who advised that Mrs Burr had a progressive illness and had deteriorating mobility issues which would warrant Mr Burr being on hand to support his wife.

Members also heard from Dr David Roberts, in support of the application advising that the proposed business and house would have no detrimental impact on the area. For reasons of safety of the business Mr Burr was required to be on-site.

Members then heard from Robin Winmill, who also spoke on behalf of Alison Saunders, Bruce and Gillian Bennett, John Carmichael, Robert Keeler, Rodney Farquhar, Kathleen Downie, and Nicola Farquhar, Uisdean Morrison and Richard Morrison in objection to the application for the following reasons, the proposal was contrary to the Local Development Plan, outside the settlement boundary and Members had already rejected a number of planning applications that were seen as contrary to the LDP.

Members sought to clarify if this business could be considered a primary industry and were advised that it could not. The business was considered to be a wood processing business and for it to be considered a primary industry it would need to be sited at the source of the location of the woodland and felling to be part of the works.

After discussion Councillor Mollison, seconded by Councillor Howatson agreed with officer recommendation and to refuse the application.

As an amendment, Councillor Bews, seconded by Councillor Carr, moved against officer recommendation to delegate the authority to the Head of Planning and Building Standards to grant Full Planning Permission, subject to the appropriate Developer Obligations Contributions and appropriate planning conditions. The following reasons were given:

1. The impact of the AWPR offers a material justification for the approval of this application,
2. On-site security was required for the business,
3. The proposal could be accepted in the landscape with regard to policy E2 Landscape,
4. The proposal was acceptable in terms of policy R2 housing and employment development elsewhere in the countryside as this was considered to be a primary industry and justification was made for an essential worker,
5. In terms of equalities and protected characteristics a case had been made for a house on the site of the business given the deteriorating mobility issues of the applicant's wife.

The Committee voted:

For the motion (5) Councillors Agnew, Dickinson, Howatson, Hutchison
And Mollison.

For the amendment (4) Councillors Bews, Carr, Robertson and Wilson.

The motion was carried and the Committee **agreed** to refuse the application for the following reasons:-

The proposed development for the erection of a dwellinghouse and relocation of an existing business enterprise in the Aberdeenshire countryside was not considered to be justified in terms of relevant planning policy as the proposed dwellinghouse had not been demonstrated to be required for the purposes of an essential worker, related to a primary industry, whose presence on site was required on a full time basis. Furthermore, as the site was located within the identified Aberdeen Housing Market Area, relevant planning policy did not support the creation or re-location of employment development of this scale in this location. The proposal therefore failed to comply with the relevant provisions of Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

(B) **Reference No: APP/2017/1152**

Full Planning Permission for Erection of 3 Dwellinghouses and 1 Detached Garage at Land to West of West Cairnbeg Farmhouse, West Cairnbeg, Laurencekirk, Aberdeenshire

Applicant: Craigallan Homes Ltd, Industrial Unit, Montrose Road Industrial Estate, Montrose Road, Brechin.

Agent: A B Roger & Young Ltd, 9 MacGregor Street, Brechin.

A report by the Director Infrastructure Services was circulated advising Members that the application sought Full Planning Permission for the erection of three dwellinghouses and one detached garage at land to the west of West Cairnbeg Farmhouse. Members were advised that the application was before them as there had been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Senior Planning Officer presented the report advising that the proposed development met the terms of (Policy P3) infill and householder developments within settlements (including home and work proposals), and was an appropriate development within this residential area. The site could adequately accommodate three dwellinghouses without adversely impacting upon the amenity currently afforded to neighbouring residents. The proposal was acceptable in terms of design and scale and all technical matters had been addressed. The proposal complied with the relevant policies of the Aberdeenshire Local Development Plan 2017.

The Committee heard from;

The agent, Elaine Farquharson-Black, Burness Paull, in support of the application for the following reasons, the proposal complied with policies in the Local Development Plan and there were no technical objections.

Members also heard from Andrew Hickman, who also spoke for Gary Gibson, Kevin Gaffney, Angela and Barry Fergus, David Sutherland, Jason Annandale, Mhairi Annandale, David and

Marina Stewart and Gareth Whitby, in objection to the application for the following reasons, it was not considered appropriate to continue with incremental growth at West Cairnbeg in terms of education capacity, lack of facilities on site, road safety issues, and the multiple sewerage systems already in place.

Members had concerns about the incremental growth at West Cairnbeg and the need to address the issue of amenities but also noted the current position with the Local Development Plan.

The Committee **agreed** to grant subject to the following conditions:-

01. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 25 metres in both directions along the channel line of the 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 each approved new driveway 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.

02. The vehicular access, driveway and parking areas hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details to be submitted and approved in writing by the Planning Authority and the drop kerb footway crossing has been formed at the new access. The first five metres of the driveway measured from the edge of the road shall be fully paved and shall have a maximum gradient not exceeding 1:20. Off-street parking for 8 cars, surfaced in hard standing materials must be provided within the site. The access/driveway/parking area 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, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

03. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area have been submitted to and approved in writing by the planning authority. The area shall be constructed behind any visibility splay at the access to Plots 1 and 2 and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

04. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) 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).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

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 approved tree protection plan. 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.

05. 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 landscape features and vegetation to be retained.
- b) Protection measures for the landscape features to be retained.
- c) The location of new trees, shrubs, hedges, grassed areas and details of the proposed landscaping around the drainage infrastructure to the north of the proposed dwellings.
- d) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- e) An indication of existing trees, shrubs and hedges to be removed.
- f) 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.

06. No dwellinghouse hereby approved shall be occupied unless the proposed foul water drainage systems have been provided in accordance with the approved plans and the Ground Assessment and Drainage Recommendation Report by S.A. McGregor dated 7 March 2016. The foul 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.

07. 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:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) 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.

The development shall not 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.

Reason for Decision

The proposal can be adequately accommodated within the site without adversely impacting upon the amenity currently afforded to neighbouring residents and the design and scale of the dwellings would be in keeping with neighbouring properties. The proposal meets the terms of Policy P3 Infill and householder developments within settlements (including home and work proposals) and is an appropriate development within the settlement boundary of West Cairnbeg and all technical matters have been addressed. The proposal complies with all other relevant policies of the Aberdeenshire Local Development Plan 2017.

(C) Reference No: APP/2016/2838

Full Planning Permission For Change of Use from Agriculture and Class 6 (Storage and Distribution) to Mixed Use of Class 6 (Storage and Distribution) and Class 5 (General Industrial) for Units 5, 6, 7 and the Agricultural Shed (Retrospective) and Retention of Storage Containers at Gillybrands Farm, Cammachmore, Newtonhill, Aberdeenshire, AB39 3NS.

Applicant: Mr Alexander Shepherd, C/o Agent.

Agent: Burness Paull LLP, Union Plaza, 1 Union Wynd, Aberdeen.

Councillor Pike, having declared an interest, left the Chamber during discussion and determination of this item.

A report by the Director Infrastructure Services was circulated advising Members that the application was before them as there had been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Senior Planning Officer presented the application advising that the 'retrospective' change of use of a number of buildings would be in keeping with the established use of the site and would not exacerbate the use of the site significantly beyond what was currently occurring. The proposal was considered to be small scale and therefore compatible with a rural location. Drainage proposals had been submitted to ensure that existing drainage issues at the site were addressed and sufficient off street car parking had been proposed to service the proposed use of the buildings. As such, it was considered that the development complied with Policy R2: Housing and employment development elsewhere in the countryside and Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017.

After discussion the Committee **agreed** to grant subject to the following conditions:-

01. That within 3 months of this approval the approved remedial surface water drainage works and foul drainage proposals hereby approved shall be carried out in accordance with drawing reference 119348/2101 (Drainage Layout) by Fairhurst dated 29th May 2017 and recommendations included in the Ground Investigation Report by Fairhurst dated July 2017 as certified by a suitably qualified drainage engineer. The foul and surface water drainage system shall be permanently retained thereafter and maintained in accordance with a maintenance regime to be submitted for the further consideration and approval of the Planning Authority within one month of this permission.

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

02. That within 3 months of this approval a total of 25 car parking spaces surfaced in hard standing materials shall be provided within the site in accordance with the approved site plan (16/109/B). Once provided the car parking spaces shall thereafter be permanently retained as such.

Reason: In order to ensure the timely completion of all parking spaces to an appropriate standard and to ensure the retention of adequate off-street parking facilities within the site in the interests of road safety.

03. That the use of power tools within the site area shall only occur between the hours of 8:00 to 18:00, Mondays to Saturdays with no use of power tools anytime on Sundays.

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

04. That no industrial process or repairs or vehicle maintenance or open storage shall take place outwith existing buildings located within the site hereby approved at any time.

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

Reason for Decision

It is considered that the 'retrospective' change of use of a number of buildings would be in keeping with the established use of the site and not exacerbate the use of the site significantly beyond what is currently occurring. The proposal is considered to be small scale and therefore compatible with a rural location. Drainage proposals have been submitted to ensure that existing drainage issues at the site are addressed and sufficient off street car parking has been submitted to service the buildings. As such, it is considered that the development complies with Policy R2: Housing and employment development elsewhere in the countryside and Policy RD1: Providing suitable services of the Aberdeenshire Local Development Plan 2017.

(D) **Reference No: APP/2017/0560 & APP/2017/0561**

Full Planning Permission for Installation of Replacement Windows at 9B Market Square, Stonehaven, Aberdeenshire, AB39 2BT, and

Listed Building Consent for Installation of Replacement Windows at 9B Market Square, Stonehaven, Aberdeenshire, AB39 2BT.

Applicant: Mr D Scorgie, 9B Market Square, Stonehaven.

Agent: John Gordon Associates Ltd, 3 Dean Acres, Comrie, Dunfermline.

A report by the Director Infrastructure Services was circulated advising Members that the application had been deferred at the last meeting of the Kincardine and Mearns Area Committee on 13 June 2017 to allow the submission of further information on the materials to be used for the replacement windows.

The Senior Planning Officer advised that following comments from Members at Area Committee on 13 June 2017, further details were requested on the proposed windows. No samples or details had been submitted but the agent had stated that the proposed windows would be the same as those on the flat above – 9C Market Square. As the proposed windows remained to be UPVC, this was still not considered appropriate and there would be an unacceptable impact on the listed building and the Conservation Area. The proposal remained contrary to the aims of Policy HE1 Protecting historic buildings, sites and monuments and Policy HE2 Protecting historic and cultural areas.

The Committee agreed to move against officer's recommendation and to grant Full Planning Permission and Listed Building Consent for Installation of Replacement Windows at 9B Market Square, Stonehaven. The following reasons were given:

1. The proposed windows were to be the same as existed at the flat above, 9C, Market Square, Stonehaven, so there would be consistency, and
2. The proposal was deemed to comply with Policy HE2 (Protecting Historic and Cultural Areas), as the windows would protect the integrity of the building.

(E) **Reference No: APP/2017/1434**

Full Planning Permission for Erection of 3 Dwellinghouses (Short Term Letting Accommodation) at Land to West of Cairnton Cottage, Durris.

Applicant: Maryculter House Hotel, South Deeside Road, Aberdeen.

Agent: Wcparchitects, 6 Albyn Lane, Aberdeen.

A report by the Director Infrastructure Services was circulated advising Members that the proposed application for development was a departure from the Development Plan and was being recommended for approval.

The Senior Planning Officer advised that although the proposed development was not well related to a settlement and therefore non-compliant with Policy B3: Tourist facilities, it would be located within walking distance of the resource it was seeking to exploit i.e. the River Dee. It was suggested that although the proposed accommodation would not be used exclusively by fishing parties throughout the year, it was primarily aimed at anglers. In addition, it had been demonstrated that the development would have no significant landscape or visual impacts and all other relevant issues relating to drainage, nature conservation, access and servicing had been addressed. As such, the Planning Service was satisfied that the proposal could be supported as a departure from Policy B3: Tourist facilities, of the Aberdeenshire Local Development Plan 2017. The proposal was otherwise fully compliant with all relevant policies of the Aberdeenshire Local Development Plan 2017 notably Policy P1 Layout, siting and design, Policy E1 Natural heritage, Policy E2 Landscape, Policy C4 Flooding and Policy RD1 Providing suitable services.

The Committee **agreed** to grant Full Planning Permission, subject to the following conditions:-

01. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 215 metres in both directions along the channel line of the [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 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.

02. No part of the development hereby approved shall be erected unless an Energy Statement applicable to that building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;

- b) 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.

The development shall not 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.

03. The development hereby approved shall not be occupied unless a refuse bin uplift store area has been constructed (behind any visibility splay) so as to be accessible for bin uplift and shall be secure enough to prevent empty bins from being windblown. Details shall be submitted for approval by the Planning Authority in consultation with the Roads Authority. Once provided, the refuse bin uplift store area[s] shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

04. No part of the development hereby approved shall be occupied unless off street car parking for 9 cars and turning area measuring 7.6m x 7.6m have been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely provision and completion of the car parking spaces and turning area to an adequate standard in the interests of road safety and to prevent the release of loose materials into the River Dee in the interests in nature consultation.

05. No part of the development hereby approved shall be occupied until the first 5m of the access (measured from the edge of the public road) has been fully paved.

Reason: To prevent the carriage of loose driveway material on the public road in the interests of road safety

06. No part of the development hereby approved shall be occupied unless a passing place measuring as shown on drawing reference 2374/1000/D has been formed. Once provided the passing place shall thereafter be retained as such in permanently.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

07. No part of the development hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Ground Assessment and Drainage Recommendation Report by SA McGregor dated 31st 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.

08. 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.

09. All construction works in connection with the development hereby approved shall be carried out in complete accordance with the approved Construction Method Statement by WCP Architects dated May 2017 and amended on 19th June 2017 and associated drawing reference 2374/1006B.

Reason: In the interests of protecting the natural environment.

10. 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.

(The agreed landscaping scheme MUST be comprehensive and include timescales for the implementation of the works)

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.

11. That no external lighting shall be erected without first submitting details (including location) and specification for the further consideration and approval by the Planning Authority. For the avoidance of doubt any external lights shall be low level and shall not be directed towards the river. Once installed the lights shall be retained as such permanently.

Reason: In the interests of avoiding impact on otters and foraging bats.

12. Each fishing lodge hereby approved shall be used solely as temporary holiday letting accommodation and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the planning authority. Each fishing lodge shall not be occupied as a person's sole or main residence and the owner of the fishing lodges shall maintain an up-to-date register of the name of each occupier of the fishing lodges on the site, their length of stay and their main home address and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the [holiday chalets/caravans] as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

13. No windows are to be installed in connection with the development hereby approved unless full details of the proposed windows have been submitted to and approved in writing by the planning authority. The details shall include elevational and sectional drawings at a sufficient scale [e.g. 1:5/1:10/1:20] to show the proposed new window detailing; dimensions, glazing patterns, ventilation and opening methods. Thereafter, the windows shall be installed in accordance with the approved details.

Reason: In the interests of the appearance of the building and the visual amenities of the area.

14. The development hereby approved shall not be harled unless a sample panel of the proposed harling has been made available to and approved in writing by the planning authority. The development shall not be brought into use unless the harling has been applied in its entirety in accordance with the approved details.

Reason: In the interests of the appearance of the building and the visual amenities of the area.

Reasons for Decision

Although the proposed development is not well related to a settlement and therefore non-compliant with Policy B3: Tourist facilities, it would be located within walking distance of the resource it is seeking to exploit i.e. the River Dee. As such, the Planning Service is satisfied that a departure from Policy B3: Tourist facilities, of the Aberdeenshire Local Development Plan 2017 can be supported in this instance. The proposal is otherwise fully compliant with all relevant policies of the Aberdeenshire Local Development Plan 2017 notably Policy P1 Layout, siting and design, Policy E1 Natural heritage, Policy E2 Landscape, Policy C4 Flooding and Policy RD1 Providing suitable services.

That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan 2017.

(F) Reference No: ENQ/2017/1004

Masterplan for Residential Development (Proposed Erection of 131 Units) at Site OP1, Land Between Park Place and Cairnhill Drive, Newtonhill.

A report by the Director Infrastructure Services was circulated advising Members of the Masterplan for residential development at a site in Newtonhill.

The Senior Planning Officer advised that the report outlined the Newtonhill Masterplan which was being prepared as a guide for future development of land in Newtonhill as identified in site OP1 in the Aberdeenshire Local Development Plan (2017).

Members raised concerns with the number of objections that had been raised to a planning application on this site and were advised that they should consider that when they were considering the planning application and that today they were being asked to consider the Masterplan only.

Members had concerns about the perceived lack of community engagement, infrastructure issues arising from the proposed Masterplan, and a number of the proposed features being proposed.

The Committee took time to fully consider the implications of the proposed Masterplan and **agreed** to disagree with the proposed Newtonhill South Masterplan as planning advice to be

used as a material consideration in the determination of any future planning application on the site. The following actions were to be taken:

1. Arrange a site visit of the site to consider the following issues that were raised by the Area Committee, and any others that might also be deemed as critical to any Masterplan of the site:
 - a. The Core Path route to be considered giving due regard to its protection as “welcoming”, well-maintained” and “meeting the community’s needs”, being a well-used and appreciated local facility,
 - b. The Core Path to/from the south of the site to be re-considered given it was the access for a local farm to the public road at Cairnhill Road,
 - c. Clarification as to why such a large landscape buffer between the railway line and housing was required,
 - d. Consideration of the road infrastructure from Park Place to Cairnhill Way,
 - e. Consideration of the southern boundary lines as they did not match those of the Local Development Plan with the proposal impinging on the Green Belt,
 - f. Consideration of the topography and characteristics of the site and the visual impact of the proposed Masterplan on the landscape,
2. Further public consultation on the masterplan, in line with Council policy.