

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

**COUNCIL CHAMBERS, VIEWMOUNT, ARDUTHIE ROAD,
STONEHAVEN, 27 FEBRUARY 2018**

- Present:** W Agnew (Chair), I Mollison (Vice-Chair), A Bews, G Carr, S Dickinson, A Evison, Provost W Howatson, J Hutchison, C Pike, S Wallace, L Wilson.
- Apology:** Councillor D Robertson.
- Officers:** William Munro (Area Manager, Kincardine and Mearns), Karen McWilliam (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Legal and Governance,), Maureen MacAuley (Principal Officer, Finance), Natalie Greenland, (Welfare Reform, Finance,), Philip Boath (Adult Learning Team Manager), Gregor Spence (Senior Planning Officer,).
- In Attendance:** Dr Bronwen Croce (Item 7(C)), Kirsty Best (Item 7(D)), Richard Taylor (Item 7(D)), Kenneth Murphy (Item 7(D)), Gill Ross (Item 7(D)).

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 interests were declared:

Councillor Wilson declared an interest, detailed with regard to item (7d),

Councillor Evison declared an interest with regard to item (4), and

Councillor Carr declared an interest with regard to item (6).

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 MEARNS AREA COMMITTEE OF 6 FEBRUARY 2018

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 6 February 2018.

4. UNIVERSAL CREDIT - FULL SERVICE IN KINCARDINE AND MEARNS

A report by the Director of Business Services was circulated advising Members of the work that was being carried out in respect to the Universal Credit Full Service rollout in Kincardine and Mearns.

Councillor Evison declared an interest with regard to this item as she was a representative at the Citizens Advice Bureau. Having applied the objective test the connection was not considered to be significant enough to deter taking part in discussion and determination of the item.

The Principal Officer was in attendance to present the report and to answer any queries. Members were advised that Universal Credit Full Service was now being delivered to 40 residents in the Kincardine and Mearns Area

Members welcomed the report seeking clarification on a number of points including: access for those who have difficulty accessing the internet: visiting teams: response times for telephone queries: and internet access on the coastal strip of Kincardine and Mearns.

Being content with responses to queries the Committee **agreed** to noting, and supporting the work that was being carried out in respect of Universal Credit Full Service rollout in Kincardine and Mearns and to request the following:

1. Encourage officers to continue engagement, ensuring this was a two-way, proactive approach,
2. Request that further information be presented to the Kincardine and Mearns Area Committee, on rent arrears issues, when available, and
3. Ensure all learning opportunities of this pilot were considered for further rollout of Universal Credit Full Service across Aberdeenshire.

5. LITERACY STRATEGY

A report by the Director of Education and Children's Services was circulated requesting that Members comment on the Aberdeenshire Literacy Strategy for Education and Children's Services.

The Adult Learning Team Manager was in attendance to present the report and to answer any queries. Members were advised that there was not currently a Literacy Strategy and that in the adoption of such a strategy a consistent approach could be ensured.

Members fully discussed the report and **agreed** to provide the following comments on the Aberdeenshire Literacy Strategy, for consideration by the Education and Children's Services Committee in March 2018:

1. The aim of the Strategy should be to improve literacy skills and learning outcomes of learners in Aberdeenshire with the following outcomes then listed:
 - a) Develop a partnership approach to improve the literacy skills and learning outcomes of learners in Aberdeenshire.
 - b) Strengthen the leadership capacity of literacy learning providers.
 - c) Improve the professional knowledge and skills in delivery of literacy.
 - d) Enhance the use of data and systems to plan for, monitor and report on the performance of Adult and Children's Services.
 - e) Encourage and support communities to engage with literacy and the learning journey.
2. Ensure that the revised National Performance Framework was reflected in the strategy as some of the presented detail was outdated,
3. It was important to include that literacy work could be carried out in people's own language and or dialect,
4. It was important to include the work that was going on with partners, including Mental Health partners etc,
5. The inclusion of information about the work that was being done with regard to Trade Unions,
6. Mention should be made of those not in employment, and
7. Take more cognisance of the other interlinking strategies.

6. MARKET SQUARE STONEHAVEN – HOGMANAY

A report by the Director of Infrastructure Services was circulated advising Members of a request for use of the Market Square, Car Park, Stonehaven for an event to run on Hogmanay 2019.

Councillor Carr declared an interest with regard to this item as he was a member of the Fireballs Group. Having applied the objective test the connection was not considered to be significant enough to deter taking part in discussion and determination of the item.

The Area Manager introduced the report giving a history to previously hosted events at Hogmanay in Market Square, Stonehaven. Members were advised that the organisation seeking to run the event was a commercial organisation but that it was understood the proposal for Stonehaven was not for profit and that any profit made would be reinvested in the community. The recommendation was that the use of the Market Square Car Park be given free of charge as this event was to be run entirely for the benefit of the community, but that if there was a commercial profit to the organiser then the loss of car park income be recouped.

Members sought to clarify how determination of community, versus commercial, would be managed and were advised it would be dependent on who submitted the Public Entertainment Licence for the event.

Members had concerns about the use of the car park given that this was a busy retail time for the Town. Members were also keen not to stymie any potential tourism and profit making enterprise for the Town. Given there was some time to further consider the proposal the

Committee **agreed** to defer consideration for the request to use Market Square Car Park in Stonehaven for a community run event on Hogmanay 2019 to allow the following:

1. A further submission of information about the proposed event,
2. What area of the car park was being sought and could the event be run using less than all the car park, and
3. Consultation with the Business Association and the Community Council with regard to the event.

7. 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/2016/3282	Approval of Matters Specified in Conditions, Conditions 3 (Full details of the Siting, Design and External Appearance of all aspects of the development), 6 (Vehicle Accesses and Internal Road Network), 8 (Internal Footpaths and Cycle Ways), 9 (Transport Assessment), 10 (Safer Routes to School), 11 (Travel Plans), 12 (Location and Design of Bus turning and pick-up/drop-off Facility), 13 (Car Parking), 14 (Tree Protection), 15 (Bat Mitigation Report), 16 (Bat Impact Assessment), 17 (Woodland management plan), 18 (Street engineering review and Stage 2 Quality Audit), 24 (SUDS and Drainage Impact Assessment), 25 (Flooding), 26 (Surface Water Disposal), 27 (Zone 8 Flood Risk Assessment), 28 (Retail Impact Assessment), 29 (Buffer Strip), 30 (Road Crossings over Watercourses), 31 (Waste Management Facilities), 34 (Private Water Supply), 35 (Programme of Archaeological Works), 36 (Contaminated Sites), 37 (Remedial Scheme) of Previously Approved Planning Permission in Principle APP/2011/2355 for Mixed Use Development Including Restoration and Refurbishment of Existing Historic Buildings, Erection of 115 Dwellinghouses (Enabling Development), Visitors Centre, Cafe and Farm Shop and Roads Associated Infrastructure at Zones 3, 4, 5, 6 & 8 at Fasque House, Fettercairn.
(B) APP/2016/3284	Full Planning Permission for Formation of Equestrian Centre Comprising Arena/Toilets/Changing Area/Office, Parking Area, 3 Stable Blocks, Tack Store/Changing Area, 3 School Pens, Menage, 2 Holding Pens, Horse Box Storage Area, Formation of Vehicular Access, Drainage Infrastructure and Landscaping at Fasque House, Fettercairn.
(C) APP/2017/1165 and APP/2017/2183	Full Planning Permission for Change of Use of Former Piggery to Tourist Holiday Park Consisting of 49 Chalets (2 Chalets for Retail Units, 1 Chalet for Office/Reception, 1 Chalet for Bistro and 2 Chalets for Staff Accommodation), Erection of Fencing and Walls, Formation of Vehicular Access, Car Parking and Access Road, Installation of Entrance Feature and Bollard Lighting at Site At

Dowrieburn, Laurencekirk.

Full Planning Permission for Formation of Riverside Park, Including Wildlife Ponds and Footpaths and Foul and Surface Water Drainage Proposals for Associated Holiday Park at Site At Dowrieburn, Fettercairn.

- (D) APP/2017/2742 Full Planning Permission for Erection of Summerhouse and Decking, Existing Shed Relocated (Retrospective) at Land To Rear Of, 14 West Street, Johnshaven.
- (E) ENQ/2017/1004 Masterplan for Residential Development at Site OP1 Land Between Park Place And Cairnhill Drive, Newtonhill.

**KINCARDINE AND MEARNS AREA COMMITTEE, 27 FEBRUARY 2018
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

- (A) Reference No: APP/2016/3282

Approval of Matters Specified in Conditions For Conditions 3 (Full details of the Siting, Design and External Appearance of all aspects of the development), 6 (Vehicle Accesses and Internal Road Network), 8 (Internal Footpaths and Cycle Ways), 9 (Transport Assessment), 10 (Safer Routes to School), 11 (Travel Plans), 12 (Location and Design of Bus turning and pick-up/drop-off Facility), 13 (Car Parking), 14 (Tree Protection), 15 (Bat Mitigation Report), 16 (Bat Impact Assessment), 17 (Woodland management plan), 18 (Street engineering review and Stage 2 Quality Audit), 24 (SUDS and Drainage Impact Assessment), 25 (Flooding), 26 (Surface Water Disposal), 27 (Zone 8 Flood Risk Assessment), 28 (Retail Impact Assessment), 29 (Buffer Strip), 30 (Road Crossings over Watercourses), 31 (Waste Management Facilities), 34 (Private Water Supply), 35 (Programme of Archaeological Works), 36 (Contaminated Sites), 37 (Remedial Scheme) of Previously Approved Planning Permission in Principle APP/2011/2355 for Mixed Use Development Including Restoration and Refurbishment of Existing Historic Buildings, Erection of 115 Dwellinghouses (Enabling Development), Visitors Centre, Cafe and Farm Shop and Roads Associated Infrastructure at Zones 3, 4, 5, 6 And 8, Fasque House, Fettercairn, Aberdeenshire, AB30 1DN.

Applicant: Fasque House Properties Limited, Fasque House, Fasque House Estate, Fettercairn, Laurencekirk, AB30 1DN.

Agent: Optimised Environments Ltd, Quartermile Two, 2 Lister Square, Edinburgh.

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider, and take a decision on this item, in terms of the Scheme of Governance, as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises and there is an unresolved objection from Mearns Community Council.

The Senior Planning Officer advised that the application was deferred at the last meeting of the Kincardine and Mearns Area Committee, 16th January 2018, for a site visit, which had

taken place, and then further deferred to allow the applicant to re-consider Zone 6 with regard to planning condition 3 (sitting, design and external appearance).

Members were advised that the application would not be considered at this meeting as the Applicant had asked for time to prepare a further change to the proposal in relation to Zone 6 of the application.

(B) Reference No: APP/2016/3284

Full Planning Permission for Formation of Equestrian Centre Comprising Arena/Toilets/Changing Area/Office, Parking Area, 3 Stable Blocks, Tack Store/Changing Area, 3 School Pens, Manege, 2 Holding Pens, Horse Box Storage Area, Formation of Vehicular Access, Drainage Infrastructure and Landscaping at Fasque House, Fettercairn, Aberdeenshire, AB30 1DN

Applicant: Fasque House Properties Limited, Fasque House, Fasque House Estate, Fettercairn, Laurencekirk, AB30 1DN

Agent: Optimised Environments Ltd, Quartermile Two, 2 Lister Square, Edinburgh, EH3 9GL

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider, and take a decision on this item, in terms of the Scheme of Governance, as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises and there is an unresolved objection from Mearns Community Council.

The Senior Planning Officer advised that the application was deferred at the last meeting of the Kincardine and Mearns Area Committee, 16th January 2018, for a site visit, which had taken place, and then further deferred to allow the applicant to re-consider Zone 6 with regard to planning condition 3 (sitting, design and external appearance).

Members were advised that the application would not be considered at this meeting as the Applicant had asked for time to prepare a further change to the proposal in relation to Zone 6 of the application.

(C) Reference No: APP/2017/1165

Full Planning Permission for Change of Use of Former Piggery to Tourist Holiday Park Consisting of 49 Chalets (2 Chalets for Retail Units, 1 Chalet for Office/Reception, 1 Chalet for Bistro and 2 Chalets for Staff Accommodation), Erection of Fencing and Walls, Formation of Vehicular Access, Car Parking and Access Road, Installation of Entrance Feature and Bollard Lighting at Site at Dowrieburn, Laurencekirk, Aberdeenshire

AND

Reference No: APP/2017/2183

Full Planning Permission for Formation of Riverside Park, Including Wildlife Ponds and Footpaths and Foul and Surface Water Drainage Proposals for Associated Holiday Park at Site at Dowrieburn, Fettercairn, Laurencekirk

**Applicant: Monarch Leisure And Park Homes Ltd, 88 Scott Road, Glenrothes, KY6
1AE**

Agent: Ben Freeman, OBO Monarch Leisure And Park Homes Ltd

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item, in terms of the Scheme of Governance, as the application for development was a departure from the Development Plan and was being recommended for approval, there had also been valid objections from six or more individuals or bodies with separate postal addresses or premises and there was an unresolved objection from Mearns Community Council.

The Senior Planning Officer advised that the application was deferred at the last meeting of the Kincardine and Mearns Area Committee, 6 February 2018, for a site visit, which had taken place. The Senior Planning Officer advised that the two applications for Dowrieburn would be presented together. Members were advised that the development proposed had addressed all relevant technical constraints outlined for the site. It was apparent that the proposal was a departure from the Local Development Plan policy, in terms of the specific criteria related to scale of the development in the countryside and in terms of location as the proposal was not immediately well related to an existing settlement and would result in the loss of agricultural land. However, it was accepted that the scale of the development could be accommodated on this site without significant undue impact on the surrounding landscape and amenity of neighbouring residents. Likewise, given the nature of the development, no objection had been raised in terms of the sustainability of the location by Infrastructure Services (Transportation) as a walking and cycle route could be achieved to the settlement of Laurencekirk or Luthermuir and an agreed Travel Plan Framework had been agreed.

Members were advised that the nature of the development was somewhat reliant on a rural location and the use of a private vehicle. The tourism accommodation nature of the proposal was welcomed in principle. This was supported by several national and Aberdeenshire identified priorities and would provide wider economic benefits for the area through the encouragement of increased visitors to the area. It was the opinion of the Planning Service that the development proposed would provide the opportunity for a tourist accommodation offering, which was compatible with its surroundings, but which also removed an unsightly derelict group of buildings and structures in the countryside. Without planning permission, the site would remain in this state and continue to deteriorate in the future as had been established through the extensive planning history of this site, constraints related to seriously contaminated land and significant remediation requirements which render the site unsuitable for small scale residential development. Members were advised that, if permission was granted for the proposal, it would be controlled by legislation for the operation of a Caravan Park.

Members sought clarification with regard to the proposed passing places on access roads; paths network and the proposed travel plans. Being content with Officers' responses the Committee then heard from the following speakers:

Dr Bronwen Croce spoke on behalf of the Mearns Community Council in objection to the application. Members were advised that the proposal would not be a tourist destination well related to any settlement, there was no detailed business case evidencing the proposed employment, and issues relating to a Right of Way.

Dr Bronwen Croce then spoke in relation to her own objection to the application advising that the application site was adjacent to the Dowrie Burn which was an important freshwater habitat and salmon spawning ground and the proposal would have a detrimental effect of this water course. Given the level of contamination on this site there was a concern about

the management of decontamination as there had already been materials removed and appeared to be a poor appreciation of risks.

Members sought to clarify comments made by an objector in relation to a reinstatement bond and were advised that whilst that was something used for developments such as quarry excavation it was not appropriate for this application. Members also sought to clarify if Visit Scotland had responded to the consultation sought in relation to the application and were advised that they had not.

Members sought to clarify if in granting the application the Planning Service were content that the decontamination of the site could be managed. Members were advised that the application had been thoroughly assessed and the decontamination of the land would be managed.

Provost Howatson, seconded by Councillor Hutchison, moved to refuse the applications for the following reasons:

1. The application did not comply with the Local Development Plan policies for the following reasons:
 - a. Policy B3 Tourist Facilities – the proposal was not well related to a settlement as it was an isolated tourist facility,
 - b. Policy R2 Housing and employment development elsewhere in the countryside – the scale of the proposed development was too large,
 - c. Policy E2 Landscape – the scale of the development was not in keeping and too large for the landscape,
 - d. Policy RD1 providing suitable services – the proposal would impact negatively on road safety, traffic movements would be an issue on the rural narrow access roads to the site, which also included a weak bridge,
2. There were also concerns in relation to the loss of agricultural land and the negative impact on the environment.

As an amendment, Councillor Wilson, seconded by Councillor Evison, moved to refer the application to the Infrastructure Services Committee with a recommendation that they be granted, subject to appropriate conditions.

The Committee voted:

For the motion (3) Provost Howatson, Councillor Hutchison and Councillor Carr.

For the amendment (8) Councillors, Agnew, Bews, Dickinson, Evison, Mollison, Pike, Wallace and Wilson.

The Committee **agreed** that applications (APP/2017/1165 and APP/2017/2183), be referred to the Infrastructure Services Committee for determination and confirmed their support for the applications by recommending that they be granted, subject to the following conditions:-

APP/2017/1165

01. The holiday chalets/caravans 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. The holiday chalets/caravans shall not be occupied as a person's sole or main residence and the owner of the holiday chalets/caravans shall maintain an up-to-date register of the name of each occupier of the holiday chalets/caravans 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.

02. No works in connection with the development hereby approved shall commence unless a scheme of landscaping works to be implemented around the earlier of the proposed site 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) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) An indication of existing trees, shrubs and hedges to be removed;
- g) A programme for the implementation, completion and subsequent management of the proposed landscaping. The Landscaping Scheme MUST include timescales for the implementation of the works.

All soft 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.

03. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:

- a) The location of existing paths, including core paths and desire lines on or adjoining the site;
- b) The location and duration of temporary diversions during construction of the approved development;
- c) Details of new routes and proposed route changes;
- d) Path construction specifications;
- e) Details of structures, fittings and signage;
- f) Details of and timescales for the implementation and phasing of the path works;
- g) Details of the future maintenance of the proposed path(s);
- h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan MUST include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

04. 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.

05. No development in connection with the permission hereby granted shall commence unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the drawing 1987_PL_010D. Once provided, the vehicular and pedestrian 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.

06. No works in connection with the permission hereby granted shall commence unless passing places have been provided in accordance with Drawing Numbers 1987_PL_030 and 1987_PL_031, and surfaced in accordance with the Council's Standards for Road Construction Consent and Adoption in the locations shown on the approved plans.

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. The development hereby approved shall not be brought into use unless off-street car parking for 60 cars, surfaced in hardstanding materials are provided within the site. Once provided, the approved car parking shall thereafter be permanently retained as such.

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

08. 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 120 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 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.

09. No chalet/caravan hereby approved shall be occupied unless a turning area, measuring not less than 7.6 metres by 7.6 metres has been formed within the site. Once provided, the turning area shall thereafter be permanently retained as such.

Reason: To enable all vehicle movements onto or from the public road to be carried out in a forward gear in the interests of road safety.

10. The development hereby approved shall not brought into use unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. 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.

11. Prior to occupation of the first unit, the developer shall provide an access path for pedestrian and cyclist use to allow connectivity to either of the settlements of Luthermuir or Laurencekirk. Full details of the proposed route shall be submitted to and approved in writing by the planning authority.

Reason: In order to ensure that the proposed development is well connected to existing infrastructure and public transportation.

12. Prior to the commencement of the development a travel plan shall be submitted to and approved in writing by the planning authority. The travel plan shall identify measures and incentives that are to be adopted to encourage more sustainable means of travel, including a draft user travel survey, and details of the system of management, monitoring, review and reporting of the travel plan implementation. The development shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

The Travel Plan shall be subject to ongoing annual review for the first 5 years of the development. In line with these reviews, the travel plan shall be updated to report on progress and to identify any changes to the proposed measures for the remaining years of the process. The document updates shall be submitted to the Planning Authority for reference, review and acceptance.

Reason: To be consistent with the requirements of Scottish Planning Policy and to reduce the dependency on use of the private car.

13. No works in connection with the development hereby approved shall commence unless details of a permanent accessible nesting space for barn owls have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the barn owl nesting space has been provided in accordance with the approved details. Once provided, the nesting space shall thereafter be permanently retained.

Reason: To secure the long-term protection of the species.

14. No works in connection with the development hereby approved shall commence unless details of the design and location of a temporary barn owl nesting space have been submitted to and approved in writing by the planning authority. The barn owl

nesting space shall be provided at least 30 days before any other works commence in connection with the development. Thereafter, the temporary nesting space shall not be subjected to direct disturbance and shall remain in place until nesting has finished in the nesting season immediately following the provision of the permanent barn owl nesting space required by condition number 13.

Reason: To secure the long-term protection of the species by maintaining continuity of occupation on-site.

15. No works in connection with the development hereby approved shall commence unless a detailed check of the site for active barn owl nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting barn owls on the site. The check shall be undertaken not less than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation has been submitted to and approved in writing by the planning authority.

Reason: In the interest of safeguarding the habitat of the species and securing its long-term protection.

16. Subject to the conclusions of the required Bat Survey required under condition 15 of this consent, where barn owls are identified to be nesting on site, no works in connection with the development hereby approved shall be carried out in the period between 1 March and 31 August in any year or at any time when barn owls are nesting on the site.

Reason: In the interests of safeguarding the habitat of the species and securing its long-term protection.

17. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

18. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Himalayan Balsam on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

19. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

20. No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

21. No chalet/caravan hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans Drainage Strategy 14152 and Drawing Ref: 14152/02/100 rev C. 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.

22. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of biodiversity protection zones;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

APP/2017/2183

01. No works in connection with the development hereby approved shall commence unless an Access Plan for continuing non-motorised public access has been submitted to and approved in writing by the planning authority. Details of the plan shall include:
- a) The location of existing paths, including core paths and desire lines on or adjoining the site;
 - b) The location and duration of temporary diversions during construction of the approved development;
 - c) Details of new routes and proposed route changes;
 - d) Path construction specifications;
 - e) Details of structures, fittings and signage;
 - f) Details of and timescales for the implementation and phasing of the path works;
 - g) Details of the future maintenance of the proposed path(s);
 - h) Written justification for the measures proposed.

The development shall be carried out in complete accordance with the approved Access Plan. For the avoidance of doubt, the Access Plan MUST include timescales for the implementation of the works.

Reason: To ensure the adequate provision of public access within and around the site.

02. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

03. No works in connection with the development hereby approved shall commence unless an invasive non-native species protocol, including an associated management, maintenance and monitoring scheme, has been submitted to and approved in writing by the planning authority. The protocol shall detail the containment, control and removal of Himalyan Balasam on the site. No other works in connection with the development hereby approved shall commence unless all the measures set out in the approved protocol have been carried out in accordance with the approved protocol.

Reason: To protect the natural environment and ensure that measures are put in place to prevent the spread of invasive non-native species.

04. No works in connection with the development hereby approved including demolition, ground works and vegetation clearance shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:
- (a) Risk assessment of potentially damaging construction activities;
 - (b) Identification of biodiversity protection zones;
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - (e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - (f) Responsible persons and lines of communication;
 - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - (h) Use of protective fences, exclusion barriers and warning signs.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

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) A tree survey in accordance with BS 5837:2012;
- b) Existing landscape features and vegetation to be retained;
- c) Protection measures for the landscape features to be retained;
- d) Existing and proposed finished levels;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) 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 land raising shall take place within the 1 in 200 year flood extent as detailed in the Flood Risk Assessment by Envirocentre associated with APP/2017/1165.

Reason: In the interests of flood prevention and public safety.

07. No works in connection with the development hereby approved shall commence unless a satisfactory investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

08. No works in connection with the development hereby approved shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

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

The development proposed will provide the opportunity for a tourist accommodation offering, which is compatible with its surroundings and aspirations of Aberdeenshire Local Development Plan 2017 Policies R2 Housing and employment proposals elsewhere in the countryside and B3 Tourist Facilities. The development will also remove an unsightly derelict group of buildings and structures in the countryside. Without a planning permission, the site would remain in this state and continue to deteriorate in the future as it has been established through the extensive planning history of this site that constraints related to contaminated land remediation requirements render the site unsuitable for small scale residential development.

(D) Reference No: APP/2017/2742

Full Planning Permission For Erection of Summerhouse and Decking, Existing Shed Relocated (Retrospective) at Land To Rear Of 14 West Street, Johnshaven, DD10 0HL

Applicant: Mr George Best, 14 West Street, Johnshaven, DD10 0HL
Agent: StudioEAST Chartered Architects, King James VI Business Centre, Friarton Road, Perth, PH2 8DY

Councillor Wilson felt he had prejudiced himself with regard to his consultation response to this planning item therefore he would take no part in discussion or determination of the item and removed himself from the Chamber.

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item, in terms of the Scheme of Governance, as the application was being recommended for refusal and at least two Local Ward Members had requested that the application be referred to the Area Committee.

The Senior Planning Officer advised that the application was deferred at the last meeting of the Kincardine and Mearns Area Committee, 6 February 2018, for a site visit, which had taken place. The Senior Planning Officer introduced the report advising that the development of the raised decking and the summerhouse were considered inappropriate for the steeply sloping site located on the edge of the Conservation Area. There would be an unacceptable impact on the privacy of properties on West Street which would be difficult to adequately mitigate because of the level change. In addition the design, scale and siting of development resulted in an adverse impact on the character and appearance of the adjacent Conservation Area. Whilst it was accepted that the applicant had attempted to find solutions to resolve concerns it was considered that the development was not acceptable and was being recommended for refusal.

The Committee heard from Ms Best and Mr Taylor (Agent) in support of the application advising that there were already a number of similar structures in Johnshaven, there would be no overlooking problem and that the proposed summerhouse was not in the Conservation Area.

The Committee heard from Mr Murphy and Ms Ross in objection to the application for reasons of overlooking, visual impact and the potential for landslip.

Councillor Hutchison, seconded by Councillor Carr, moved against officer recommendation and to grant full planning permission, subject to the inclusion of a planning condition relating to appropriate planting, to act as screening, and the summerhouse balustrade to be solid and not glass. The reason given was that there were already a number of summerhouses in the vicinity.

Councillor Dickinson, seconded by Provost Howatson, moved to refuse the application, as per officer recommendation with the addition of a further reason relating to the negative impact on Springfield House, an adjacent category C listed building in the Conservation Area of Johnshaven.

The Committee voted:

For the motion	(3)	Councillors Carr, Evison and Hutchison.
For the amendment	(7)	Councillors, Agnew, Bews, Dickinson, Provost Howatson, Councillors, Mollison, Pike and Wallace.

The amendment was carried and the Committee agreed to refuse planning permission for the following reasons:-

01. By virtue of its siting and the sloping nature of the site, the development would have an unacceptable impact on the privacy and amenity of nearby properties and would be contrary to Policy P1: Layout, siting and design and Policy P3: Infill and

householder developments within settlements of the Aberdeenshire Local Development Plan 2017.

02. By virtue of its proximity to the Johnshaven Conservation Area, nature of the development proposed and prominence of the site from public viewpoints, the development would not be considered to preserve or enhance the character or appearance of the conservation area and as such it would not comply with Policy HE2: Protecting historic and cultural areas of the Aberdeenshire Local Development Plan 2017.
03. By virtue of its close proximity to the boundary of the site with Springfield House, a category C listed building, the proposed development would have a detrimental effect upon the setting of the adjacent listed building and would not respect or enhance the character of Springfield House. The proposal therefore fails to comply with Policy HE2: Protecting historic and cultural areas of the Aberdeenshire Local Development Plan 2017.

E) **Reference No: ENQ/2017/1004**

Masterplan for Residential Development at Site OP1 Land Between Park Place and Cairnhill Drive, Newtonhill

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

The Senior Planning Officer introduced the report advising that the Planning Service was satisfied with the detail and structure of the Masterplan, and that the correct process and public engagement had taken place. Whilst it was acknowledged that the indicative layout shown within the submitted masterplan showed an increase in dwelling numbers over and above the 70 indicated within the site allocation, the impact of any increase in housing numbers on services and amenities of the existing area was not being assessed as part of the current masterplan submission and would be addressed as part of any subsequent planning application.

Members fully discussed the masterplan proposal seeking clarification with regard to indicative numbering, the materiality of the masterplan with regard to subsequent planning applications.

Members felt that there had been improvements made since this item had been refused at the meeting of the Kincardine and Mearns Area Committee of 22 August 2017. However there were still areas of concern for some Members.

Some Members were concerned that in approving the masterplan they would be setting a precedent with regard to indicative housing numbers for any future planning application.

The Area Manager advised that masterplanning was an additional stage agreed through the Local Development Plan and that it would be a future material consideration for future planning applications. Members were advised that there was provision in the Local Development Plan for development on this site and that the Council had accepted the reporters' recommendations making housing numbers indicative rather than maximum if there was infrastructure capacity and other LDP policies were met.

Councillor Dickinson, seconded by Councillor Mollison, moved to defer consideration of the Masterplan at Site (OP1) Land between Park Place and Cairnhill Drive, Newtonhill, to allow the applicant to consider the following:

1. The removal of the indicative housing numbering in the Masterplan,
2. Reconsider the Southern boundary line to comply with the green belt boundary, and
3. More detailed information on how issues with the farm track access could be resolved.

As an amendment, Councillor Hutchison, seconded by Councillor Carr moved to agree the revised Newtonhill South Masterplan as planning advice to be used as a material consideration in the determination of any future planning application on this site.

The Committee voted:

For the motion (7) Councillors Bews, Dickinson, Evison, Provost Howatson, Councillor Mollison, Pike and Wallace.

For the amendment (3) Councillors Agnew, Carr and Hutchison.

The motion was carried and the Committee agreed to **defer** consideration on the Masterplan at Site (OP1) Land between Park Place and Cairnhill Drive, Newtonhill, to allow the applicant to consider the following:

1. The removal of the indicative housing numbering in the Masterplan,
2. Reconsider the Southern boundary line to comply with the green belt boundary, and
3. More detailed information on how issues with the farm track access could be resolved.