

## ABERDEENSHIRE COUNCIL

### KINCARDINE AND MEARN'S AREA COMMITTEE

COMMITTEE ROOM 1, WOODHILL HOUSE, ABERDEEN, 19 NOVEMBER 2019

**Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), Alastair Bews, George Carr, Sarah Dickinson, Alison Evison, Provost William Howatson, Jeff Hutchison, Colin Pike, Dennis Robertson, Sandy Wallace, Leigh Wilson.

**Officers:** Bruce Stewart (Acting Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Ann Overton (Senior Solicitor, Legal and Governance), Graeme McCallum (Principal Officer, Roads, Landscape Services), Gavin Penman (Projects Manager, Roads, Landscape & Waste Services), Maxine Booth (Quality Improvement Manager, Education) and Gregor Spence (Senior Planner).

**In Attendance:** Lenny Gibson (Station Commander - Item 04).

#### 1. DECLARATION OF MEMBERS' INTERESTS

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

Item 8c – Councillor Mollison explained that he had a connection by virtue of knowing the applicant's family. Councillor Mollison left the Chamber whilst the item was considered.

Item 7 – Councillor Carr explained that he had a connection by virtue that he was a fellow Fireball swinger. Councillor Carr left the Chamber whilst the Stonehaven Fireball application was being considered but remained for the Luthermuir application.

Item 8c – Councillor Evison explained that she had a connection by virtue of being contacted by the applicant in her role as a local Councillor however having applied the objective test she concluded she had no interest to declare.

#### 2. 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 its decision.

### **3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 29 OCTOBER 2019**

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 29 October 2019.

### **4. SCOTTISH FIRE AND RESCUE SERVICE – KINCARDINE & MEARN'S AREA COMMITTEE PERFORMANCE REPORT**

A joint report by the Local Senior Officer, Scottish Fire and Rescue, and the Director of Communities was circulated advising Members of the service performance for the period, April 2019 to September 2019.

The Station Commander was in attendance to present the report, drawing attention to local statistics in relation to accidental dwelling fires; fire casualties; deliberate fires; primary fires and road traffic accidents.

Members sought clarification about a number of items including what constituted a deliberate fire raising and if there was a link between them and anti-social behaviour. The Station Manager confirmed that this was not the case and that deliberate fires also took into account accidental BBQ fires and gorse fires. Members queried the definition of high risk in relation to home visits and were advised that this could be due to lifestyle choices and vulnerability of residents.

The Committee commended the work of the Scottish Fire and Rescue Service, the detailed report and **agreed** to acknowledge the performance report relating to the period, April 2019 to September 2019.

### **5. EDUCATION SCOTLAND INSPECTION, PORTLETHEN PRIMARY SCHOOL AND NURSERY CLASS**

A report by the Director of Education and Children's Services was circulated advising the Committee on the outcome of the Education Scotland Inspection of Portlethen Primary School and Nursery Class.

The Committee **agreed** to **defer** the item to the next Area Committee meeting on 10 December 2019 due to the Headteacher's time constraints.

### **6. STONEHAVEN BAY COASTAL FLOOD PROTECTION STUDY – PREFERRED OPTION**

A report by the Director of Infrastructure Services was circulated to Members asking the Committee to consider and provide comments to Infrastructure Services Committee.

The Chair indicated that a request to speak had been received. The Committee agreed to hear from and view the slides of Alan Turner, Stonehaven Flood Action Group.

The Principal Engineer explained that this report had been deferred from the previous Area Committee to allow for a site visit to take place. Members were advised that a number of options had been considered, short listed and that a preferred option had been identified. Members heard that the preferred option was a proposal to be put forward to the Scottish Government to be considered as part of a national prioritisation programme.

Members raised a number of concerns, these included, that by agreeing to the preferred option there would be no further flexibility within the design, ground conditions works had not been carried out, the impact on amenity to local residents and visitors by raising the wall and promenade one metre in height, the weight given to the residents feedback and the lack of costing for brackens and groynes at sea.

The Officer advised that if funding should be made available from the Scottish Government, the final design can be looked at further with the Community being involved. The design of the defence wall along the banks of the River Cowie could potentially have some glass and or transparent options.

Members then heard from Alan Turner, Stonehaven Flood Action Group who advised of the Group's objection to the preferred option and stressed that residents would rather that no further action be taken than the preferred option.

Councillor Wallace seconded by Councillor Pike moved to recommend to Infrastructure Services Committee that no further action be taken.

As an amendment (A1) Councillor Agnew seconded by Councillor Carr moved to recommend to Infrastructure Services Committee that no further action be taken until further investigations into the costings of the Brackens and Groynes further along the beach.

As a further amendment (A2) Councillor Dickinson seconded by Councillor Robertson moved that the Kincardine and Mearns Area Committee support taking action to address the flood risk in Stonehaven to achieve a 1/200-year flood protection level. This action recognises the potential need for an increase in sea wall height as a result of projected sea level increases. However, the Committee asks that all defences at sea are maximised in order to ensure that the sea wall height is optimised at the lowest achievable level such that the promenade need not be raised.

The Committee voted:-

For the amendment (A1)	(2)	Councillors Agnew and Carr
For the further amendment (A2)	(8)	Councillors Bews, Dickinson, Evison, Hutchison, Howatson, Mollison, Robertson and Wilson.

Councillors Pike and Wallace abstained from voting.

For the motion	(2)	Councillors Wallace and Pike
For the amendment (A2)	(9)	Councillors Bews, Carr, Dickinson, Evison, Hutchison, Howatson, Mollison, Robertson and Wilson.

Councillor Agnew abstained from voting.

Therefore, the amendment (A2) was carried and the Committee **agreed** that the Kincardine and Mearns Area Committee supported taking action to address the flood risk in Stonehaven to achieve a 1/200-year flood protection level. This action recognises the potential need for an increase in sea wall height as a result of projected sea level increases. However, the Committee asks that all defences at sea are maximised in order to ensure that the sea wall

height is optimised at the lowest achievable level such that the promenade need not be raised.

## 7. AREA COMMITTEE BUDGET

A report by the Director of Infrastructure Services was circulated advising Members of applications to the Area Committee Budget for the financial year 2019/2020.

Members were advised, by the Acting Area Manager, that there were two applications to consider. Members were also advised that should both applications be approved that would equate to a total of fourteen approved applications, leaving a balance of £40,824.09 for this financial year.

As previously intimated Councillor Carr took no part in the discussions regarding the Stonehaven Fireballs application and only took part in the application for Luthermuir Village Hall.

The first application for consideration was an application received from Stonehaven Fireballs Association for £3,025.00, to support the annual Fireballs event. Members were advised that this year, BBC Scotland would be televising the event live and as a result they had anticipated increased numbers of those attending. Therefore the Association required additional stewards and first aiders including provision of an ambulance at a total cost of £4,250. Members were advised that as the event was being televised, there were aspirations to purchase additional fireworks to showcase the event, totalling £1,800. Members discussed the application and the Committee agreed to award the full amount to cover the cost of the stewards and first aiders, however, did not feel the additional fireworks fitted the criteria of the fund.

Luthermuir Hall and Park Committee had requested £3,324.00 towards the purchase cost of acoustic panels and replacement chairs. Members were advised that the fitting of the panels would improve the acoustic within the hall to enable the group to host a wide range of events including cinema evening and weddings.

The Committee **agreed** to disburse the following grants from the Area Committee Budget 2019/2020:

1. Stonehaven Fireballs Association (Stewards and First Aiders only)	£4,250.00
2. Luthermuir Hall and Park Committee	£3,324.00

## 8. 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/2016/0934	Full Planning Permission for Erection of 175 Dwellinghouses with Associated Access, Infrastructure and Landscaping at Land at Leathan Fields, Schoolhill, Portlethen
(B) APP/2019/1656	Full Planning Permission for Redevelopment of Residential

Institution to Hotel Conference Centre and Ancillary Buildings and Steadings into Residential/Holiday Accommodation, Residential Development (220 Dwellings and 60 Affordable Dwellings), Formation of Golf Course, Equestrian Centre, all together with Associated Landscaping and Infrastructure Without Compliance with Condition 1 (Time) of Planning Permission APP/2006/4973 at Blairs College Development, Blairs

(C) APP/2019/2000

Full Planning Permission for Erection of Dwellinghouse at Land Adjacent to Hillcrest, Hill of Findon, Findon Road, Roadside of Findon, Portlethen

**KINCARDINE AND MEARN'S AREA COMMITTEE, 19 NOVEMBER 2019  
APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

**(A) Reference No: APP/2016/0934**

**Full Planning Permission for Erection of 175 Dwellinghouses with Associated Access, Infrastructure and Landscaping at Land at Leathan Fields, Schoolhill, Portlethen.**

**Applicant: Stewart Milne Homes, Osprey House, Mosscroft Avenue, Westhill Business Park, Westhill, AB32 6JQ**

**Agent: Keppie Planning, 160 West Regent Street, Glasgow, G2 4RL**

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 for major development.

The Senior Planning Officer introduced the report, and advised that full planning permission is sought for the delivery of a further 175 houses on this previously masterplanned site located within the settlement of Portlethen. The proposed site is located to the west of the A92 in the area of the settlement known as Hillside. The developer has split the site into 6 separate phases of development with a mixture of varying house types including the proposed provision of 46 affordable units. The site is considered to be 'white land' as it has no specific land use allocation and therefore is considered appropriate as an infill development opportunity under Policy P3 Infill and householder developments within settlements of the approved Local Development Plan 2017 (ALDP).

Members heard that there has been a total of 32 valid representations, 29 objections, raising various issues regarding the inadequate facilities in the area, lack of open space, shops and leisure facilities. Plus the impact on the school roll, education provision and road safety. Portlethen & District Community Council had also objected due to lack of facilities and services already being under severe pressure. The Senior Planning Officer stated that sufficient justification had been provided to support the delivery of a further 175 houses. When considering all factors, there would be no negative infrastructure impacts from the additional housing and the proposal would be appropriately designed. The site can be suitably accessed and serviced and will have no detrimental impact on the local amenity or character of Portlethen.

The Quality Improvement Manager from Education was in attendance to advise that a rezoning exercise would be required to address capacity concerns at Hillside Primary school. However, it was anticipated that children would be rezoned to Portlethen Primary or Fishermoss Primary. Members were advised that if a rezoning exercise was not successful the planning application would be referred back to Kincardine and Mearns Area Committee.

Members were advised that although the proposal does not fully comply with the ALDP, it was considered an acceptable departure from ALDP Policy P1 Layout siting and design and Policy RD1 providing suitable services until such a time as Roads Development have confirmed satisfaction with all details of the proposed submission. It is considered acceptable to depart from and Policy P2 Open space and access in new development in this

regard as it has been demonstrated that any associated negative impacts on open space provision are mitigated by the form and location of the open space proposed.

Members queried a number of issues with regard to the timescales for rezoning, safe routes to proposed schools and concerns regarding ongoing issues at Hillside with roads and facilities.

Following discussions, the Committee **agreed** to defer the report for a site visit to allow Members to see the issues raised in terms of compliance with Policy P3 and to gain a better understanding of how the site relates to the existing development in the vicinity.

**(B) Reference No: APP/2019/1656**

**Full Planning Permission For Redevelopment of Residential Institution to Hotel Conference Centre and Ancillary Buildings and Steadings into Residential/Holiday Accommodation, Residential Development (220 Dwellings and 60 Affordable Dwellings), Formation of Golf Course, Equestrian Centre, all together with Associated Landscaping and Infrastructure Without Compliance with Condition 1 (Time) of Planning Permission APP/2006/4973 at Blairs College Development, Blairs, Aberdeen, Aberdeenshire,**

**Applicant: Mr David Scobbie, JW Muir Group Plc, Muir House, Belleknowes Industrial Estate, Inverkeithing, Fife, KY11 1HF**

A report by the Director of Infrastructure Services was circulated advising Members that the Committee is 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 a consultee.

The Chair indicated that a request to speak had been received. The Committee agreed to hear from Stewart McPhail on behalf of the applicant.

The Senior Planning Officer introduced the report and advised that previous consent had already been granted for 280 dwelling homes, to enabling the redevelopment of Blairs College and proved a footbridge across the River Dee. A Matter Specified in Conditions (MSC) application was submitted and subsequently approved and essentially this application had been made to vary the time constraints due to changes in the market conditions to enable further applications to be submitted for different house types.

A total of 10 valid representations had been received raising concerns around the deliverability of the footbridge and the length of time the development is taking. The Senior Planner advised that this was viewed as a way of making progress. Members raised concerns regarding would any future applications to changes in house types come before Area Committee and when does the footbridge have to be delivered. Members were advised that future applications would come back before them and that delivery of the footbridge was tied into the conditions.

Members heard from Stewart McPhail on behalf of the applicant in support of the application. He expressed that due to economic factors prominently the downturn in oil, to enable the project to move forward and be viable, changes were required to meet new market conditions by varying house types and scale.

Following discussions, the Committee **agreed** that the **grant** be delegated to the Head of Planning subject to the completion of a variation to the existing Section 75 Legal Agreement and the following conditions;

01. Application for approval of all Matters Specified in Conditions (MSC) within each respective phase of development shall be made to the Planning Authority within 10 years of the date of this planning permission, or within 3 years of the date of the final approval of MSC in the preceding phase of the development, as identified in the phasing plan to be submitted to and approved by the Council in accordance with Condition 4 of this permission, whichever is the later.

Reason: Pursuant to Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

02. The development hereby granted shall begin within two years from the date of approval by the Planning Authority of the last of the Matters Specified in Conditions (MSC) to be approved.

Reason: Pursuant to Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

03. No development in connection with each respective phase of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase of development (hereinafter referred to as the MSC) have been submitted to and approved in writing by the Planning Authority. The MSC shall include:

- (a) Details of all cut and fill operations in the construction of the golf course;
- (b) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (c) Full details of the proposed means of disposal of foul and surface water from the development;
- (d) The siting design and external materials of all buildings or structures;
- (e) The details of all roads, footpaths and cycleways throughout the development;
- (f) Details of any screen walls/fencing to be provided;
- (g) Measures to maximise micro-climate improvements through design, orientation and planting or any other means; and,
- (h) Details of all landscaping, planting and screening associated with the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for subsequent MSC applications in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

04. That concurrently with the submission of the first application for the approval of MSC, plans shall be submitted for the consideration and written approval of the Planning Authority showing the proposed phasing of the development in relation to the erection of numbers of houses, open space, other relevant development within the specified areas and the rehabilitation of the associated Listed Buildings in the Blairs College complex.

Reason: To ensure the timeous provision of different, inter-related parts of the development.

05. Prior to the submission of any MSC application, a comprehensive and detailed conservation plan shall be submitted for the approval of the Planning Authority in consultation with Historic Environment Scotland. Such plan will be based upon A Guide to the Preparation of Conservation Plans published by the formally named Historic Scotland (2000).

Reason: In order to effectively and efficiently manage the Built Heritage assets within the site.

Other than any dwellinghouses agreed with the Planning Authority as required to finance the River Dee Footbridge and associated infrastructure works referred to in Condition 37, no more than 280 dwellinghouses shall be built under the permission hereby granted, unless otherwise agreed in writing with the Planning Authority.

Reason: For the avoidance of doubt, in order to comply with the currently agreed level of enabling development.

06. No works in connection with each respective phase of the development hereby approved shall take place until a scheme of hard and soft landscaping works, linked to the agreed phasing plan pursuant to Condition 4 above, has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- (i) Existing and proposed finished ground levels relative to a fixed datum point;
- (ii) Existing landscape features and vegetation to be retained;
- (iii) Existing and proposed services including cables, pipelines and substations;
- (iv) The location of new trees, shrubs, hedges, grassed areas and water features;
- (v) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- (vii) An indication of existing trees, shrubs and hedges to be removed; and;
- (viii) A programme for the completion and subsequent long-term maintenance 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.

07. Prior to the commencement of each respective phase of the development, a tree survey shall be carried out identifying existing tree species, an estimation of their

height and spread of branches, and their location within the site accurately plotted to the satisfaction of the Planning Authority. Those trees which it is proposed to retain or to fell or remove shall be separately identified.

Reason: In the interests of visual amenity and to safeguard as many trees as possible on the site.

08. No development of any phase shall take place until all existing trees, bushes and hedges to be retained within that phase have been protected by appropriate fencing, to be approved in writing by the Planning Authority, erected around each tree or group of vegetation at a distance from each tree trunk commensurate with the tree crownspread or such distances as may be agreed in writing by the Planning Authority. Within the areas so fenced off, the existing ground level shall neither be raised or lowered and no material, temporary buildings, plant, machinery or surface soil shall be placed or stored and no fires shall be lit thereon without the prior written approval of the Planning Authority. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

09. Prior to the commencement of works in relation to the golf course hereby authorised, details of the seed mixes to be used for the planting of the golf course shall be submitted to and approved in writing by the Planning Authority and the works when undertaken shall accord with the details as approved.

Reason: To ensure that a satisfactory seed mix is used in the interests of habitat enhancement.

10. Within 3 months of the date of this consent, full details of a waste management plan incorporating on-site disposal shall be submitted for the further approval of the Planning Authority. The waste management plan shall be carried out in complete accordance with the approved scheme.

Reason: In the interests of the sustainable disposal of waste.

11. No works in connection with the construction of the golf course shall take place until a turf management plan including full details of fertilisers, herbicides and pesticides has been submitted to and approved in writing by the Planning Authority.

Reason: In the interest of protecting the environmental sensitivity of the site.

12. As part of any application related to the formation of the golf course, a full topographical survey including all engineering works, site levelling etc required for the formation of the course shall be carried out and details of the proposed levels shall be submitted for the further written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: In the interest of protecting the environmental sensitivity of the site.

13. No development in connection with any phase of the permission hereby approved shall take place until details of all of the proposed means of enclosure

to be provided in the proposed development have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

14. The details to be submitted pursuant to Condition 3 for each respective phase of the development shall also include details of the proposed site lighting. All site lighting shall be so designed and installed so as not to cause undue light pollution.

Reason: In the interests of the amenity of the area.

15. Prior to the submission of any MSC application, an access strategy and plan shall be prepared which shall include details of how public access shall be catered for, and of paths and tracks within the golf course and housing areas to the satisfaction of the Planning Authority. The plan should clearly show all existing access land, paths, tracks and desire lines within the site, together with the existing and potential links to other networks outwith the site and how public access will be protected and enhanced. In any event, no public right of way or public footpath shall be obstructed without the prior written consent of the Planning Authority, except where necessary on a temporary basis for construction and/or health and safety purposes.

Reason: In order to promote public access and maintain appropriate pedestrian links into and out of the estate in the interests of a sustainable form of development.

16. The details to be submitted pursuant to Condition 3 for each respective phase of development shall include (unless already submitted in respect of the whole development) a biodiversity action plan.

Reason: To ensure the enhancement of the biodiversity of the site.

17. The details to be submitted pursuant to Condition 3 for each respective phase of development shall (unless already submitted in respect of the whole development) include a sustainability statement which will address the following principles:
  - quality in layout, building and landscaping design;
  - design of inclusive, healthy and safe environments;
  - reduction of pollution and improvement in recycling; and,
  - sustainable construction and operation.

The sustainability statement must demonstrate how the proposals address the principles and how they will be implemented, or identify those which cannot, with reasons setting out what other aspects of sustainability have been substituted in their place.

Reason: To ensure a sustainable form of development.

18. No watercourse or ditch within the site shall be culverted or otherwise altered without the prior written consent of the Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA). Furthermore, provision shall

be made for a 10 metre (minimum) buffer zone, either side of any watercourses and ditches, unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason: To safeguard and enhance the biodiversity of the site.

19. Prior to the commencement of the relevant phase of works hereby authorised, details of any electricity sub-station or gas governor kiosks shall be submitted to and approved in writing by the Planning Authority and the works when completed shall accord with the details as approved.

Reason: To ensure that any electrical sub-station or gas governor kiosks are to be sited in appropriate locations and are of appropriate materials for the natural environment of the site and the setting of the former Blairs College buildings.

20. No work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation if required for that phase. When required, such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud on their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason: In the interests of road safety.

21. During the construction phase, the normal hours of operation shall be between 0700 to 1900 hours Monday to Friday and, 0700 and 1200 hours on Saturday with no working on Sundays, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of the amenity of residential properties in the vicinity.

22. All services to any buildings and to the golf course will be routed underground unless otherwise agreed by the Planning Authority.

Reason: In order to safeguard the visual amenity of the area and the setting of the former Blairs College listed buildings.

23. The details to be submitted pursuant to Condition 3 for each respective phase of the development shall show the means to provide a water supply and include for a development impact assessment and detailed methodology statement, all to the satisfaction of SEPA and the Planning Authority. In any event, all water supplies to the site, excluding the golf course which has its own on-site spring source, will be provided by the water main from the existing reservoir at Clochandigher, or such other alternative source as may be agreed with SEPA and the Planning Authority. All works when undertaken shall accord with the details as approved.

Reason: To ensure that a satisfactory and appropriate water supply is available.

24. The details to be submitted pursuant to Condition 3 for each respective phase of the development shall show the means of disposal of foul drainage and surface water drainage within the form of a Sustainable Urban Drainage System (SUDS) and include for a development impact assessment and detailed design and methodology statement, which must explicitly identify measures for the

containment and treatment of all surface and waste water arising from the construction process, including the sewer river crossing, before discharge to the River Dee, all to the satisfaction of SEPA, SNH and the Planning Authority. In any event, the development shall connect to the public sewer and no new building shall be occupied until a connection is made to the mains drainage which is of an adoptable standard. Furthermore, the SUDS system should be designed to a standard that guarantees there will be no unacceptable level of chemical or particulate contamination of the River Dee SAC. All works when undertaken shall accord with the details as approved.

Reason: To ensure that the site is adequately drained and the interests of the River Dee SAC are safeguarded, particularly the conservation objectives of Atlantic salmon and freshwater pearl mussels.

25. The details to be submitted pursuant to Condition 3 for each respective phase of the development shall also include a detailed maintenance programme for the SUDS facility. The programme should apply to the construction of the facility and the development and operation on completion of the development, all to the satisfaction of SEPA, SNH and the Planning Authority.

Reason: To ensure maintenance of the SUDS facility does not compromise the conservation objectives of freshwater pearl mussels.

26. Immediately prior to the location of the SUDS outfall being identified, an additional pearl mussel survey of the River Dee will be undertaken. The location of the outfall should be placed as such that it minimises disturbance of pearl mussel population concentrations identified by the survey, all to the satisfaction of SNH and the Planning Authority.

Reason: To avoid any compromise of the conservation objectives of freshwater pearl mussels by the inappropriate location of the outfall.

27. The sewer construction work adjacent to the River Dee must only take place between the 1st June and 15 October in any year.

Reason: To avoid unacceptable disturbance of Atlantic salmon at this time and avoiding the time of year when flooding is most likely.

28. Any construction works specifically associated with the riverbank/bed of the River Dee will not start until two hours after sunrise and will stop two hours before sunset.

Reason: To protect the undisturbed movement of Atlantic salmon and otters up and down the river.

29. Prior to the commencement of development, an otter survey will be undertaken and the findings used to determine the location of the SUDS outfall and the need for effective mitigation of the impacts of the proposals, all to the satisfaction of SNH and the Planning Authority.

Reason: To ensure effective mitigation of any disturbance to otters.

30. Prior to the commencement of development, a spring and summer bat emergence survey shall be undertaken to the satisfaction of SNH and the Planning Authority.

Reason: To ensure no damage to the conservation objectives of a European protected species.

31. Within 3 months of the date of this consent, the details of the completed archaeological standing building survey Prior to development commencing, the developer shall secure the implementation of an archaeological standing building survey will be submitted to the Planning Authority for approval.

Reason: To record features of the historic environment of the area.

32. Within 3 months of the date of this consent, details of a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved by the Planning Authority.

Reason: To ensure that any archaeological remains in the area are properly identified, protected and recorded.

33. All archaeological discoveries resulting from work carried out in respect of the approved development will be reported to the Planning Authority within two working days from the date of discovery. No archaeological artefacts or other discoveries will be removed from the site of the find without the prior approval of the Planning Authority. All archaeological discoveries will be protected from damage by whatever means made by the applicant and approved by the Planning Authority. The subsequent disposal or treatment of archaeological finds will be carried out in accordance with the instructions of the Planning Authority.

Reason: To ensure that discoveries of archaeological importance are protected and adequately recorded.

34. Within 3 months of the date of this consent, a detailed construction method statement to include details of management of waste water and sediment, buffer zones, public access arrangements during construction, signage details and car parking, shall be submitted to the Planning Authority to be agreed in writing in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage and once agreed all construction works on site shall comply with the approved method statement.

Reason: In the interests of protecting the environmental sensitivity of the site, especially with reference to the River Dee SAC.

35. Sixty dwellinghouses within the site shall be affordable housing as defined in the glossary contained within Scottish Planning Policy (February 2010). These dwellinghouses shall be integrated within the residential development hereby approved.

Reason: To help address the shortage of affordable housing in the housing market area and interests of social inclusion.

36. In accordance with the provisions of the agreed phasing plan submitted and approved under Condition 4 above, the following shall be completed to the satisfaction of the Planning Authority in consultation with Transport Scotland Trunk Road Network Management Directorate:

- a) pedestrian / cycle links between the site and the North Deeside Road incorporating a new crossing of the River Dee;
- b) bus stops, boarding platforms and shelters with related footpaths and hardstandings to Aberdeenshire Council's current specifications comprising two complete installations, the specific location of which to be agreed with the Planning Authority within the relevant MSC; and
- c) shared use paths to link the proposed pedestrian / cycle bridge (referred to in a) above) to the B9077.

Reason: To be consistent with the requirements of Scottish Planning Policy (2014); in the interests of promoting sustainable transport and enhancing the accessibility of the site; and, in the interests of road safety and in particular to provide a safe means to crossing the B9077.

37. Within 3 months of the date of this consent, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland Trunk Road Network Management Directorate. The Travel Plan shall identify measures to be implemented; the systems of management, monitoring, review and reporting; and, the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (2014).

38. A residential travel pack will be provided to all occupants within the site, as each dwellinghouse is occupied (The content of the pack will be agreed within the travel plan for the site).

Reason: In the interests of promoting sustainable transport and enhancing the accessibility of the site.

39. All internal roads, service areas and car parking areas which are to be adopted, shall meet with the current Aberdeenshire Council standards. Prior to the commencement of each phase of the works hereby authorised, details of the surfacing materials proposed to be used for the site access roads, associated visitor car parking spaces and footpaths, shall be submitted to and approved by the Planning Authority and the works when undertaken shall accord with the details so approved.

Reason: To ensure that adequate road access, service areas and car parking areas are proposed to serve the development in the interests of highway safety.

40. The details to be submitted pursuant to Condition 3 above shall show the site accessed from the B9077 with the junction of such access road(s) to be positioned so as to achieve a visibility splay to the standard required by the Roads Authority in both directions from the site access onto the public highway and there shall be no obstruction to visibility exceeding 1.00 metres in height within the splayed area measured from the adjacent carriageway level. The works when undertaken shall be completed in accordance with the details as

approved, prior to the commencement of the use of any elements of the development hereby permitted.

Reason: To ensure that the standard of access layout complies with current standards and that the safety of traffic on the B9077 is not diminished.

41. All construction traffic serving the development hereby approved shall access the site from the B9077 unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety, there are no other suitable points from which vehicular access can be taken.

42. The existing football pitch within the site shall be retained in situ unless appropriate alternative provision is made elsewhere within the site, in accordance with details that have been submitted and approved by the Planning Authority.

Reason: To prevent the loss of a facility which is of importance to the local community and help promote sport and recreation in line with Government and Council policies and aspirations.

43. In association with condition number 1 above, following the completion of each individual phase, as specified within the approved phasing scheme, a notification of the completion of that said phase and the completion of each phase thereafter, other than the last phase of development, shall as soon as practicable, and prior to the commencement of each phase following, be submitted to the Planning Authority. Such notification shall contain the information set out in the 'Notification of Phased Completion of Development' Notice as appended.

Reason: Pursuant to Section 27B(2) of the Town and Country Planning (Scotland) Act 1997.

**(C) Reference No: APP/2019/2000**

**Full Planning Permission For Erection of Dwellinghouse at Land Adjacent to Hillcrest, Hill of Findon, Findon Road, Roadside of Findon, Portlethen, Aberdeenshire, AB12 4SL**

**Applicant: Mrs Nicola Garrett, 18 Ninian Place, Portlethen, AB12 4QW**

**Agent: Mark Morley, Morph Arch Ltd, Framor House, 19 Monduff Road, Muchalls, AB39 3XR**

A report by the Director of Infrastructure Services was circulated advising Members the Committee is able to consider and take a decision on this item, in terms of the Scheme of Governance as the application is recommended for refusal but in the professional opinion of the Head of Planning, there has been a substantial body of support for the development.

Councillor Mollison as previously indicated took no part in the discussion and left the chamber at this time.

The Chair indicated that three requests to speak had been received from Nicola Garrett, applicant, Jill Bothwell on behalf of mother, Joyce Robson and Evelyn Noble, objectors. Members agreed to hear all the requests to speak.

The Senior Planner introduced the report and advised that the application was for a single dwellinghouse and change of use of agricultural land to residential land along with formation a vehicular access. The applicant states that the requirement for a dwellinghouse is justified by the current presence of livestock on site.

A total of 26 valid representations have been received, 23 in support and 3 objections. Support stating reduced travel time, enhanced green space and appropriate use of the site. Objections focused on drainage concerns and questions over use of site. There was an unresolved objection from Roads Development regarding insufficient information being received.

Members heard from Nicola Garrett in support of the application, stating that they operate a small family business on site, they wish to expand and develop new initiatives but require to live on site for the welfare of the animals. Members queried the outstanding issue with Roads, Nicola Garrett confirmed that discussion were still ongoing. Jill Bothwell spoke on behalf of her mother Joyce Robson who objected to the application as it was in the greenbelt and stated that the applicant did not have the requisite number of animals to justify living on site. At this time, Evelyn Noble removed her request to speak.

Following discussions Councillor Pike seconded by Councillor Evison moved that the application be deferred to a future Kincardine and Mearns Area Committee to obtain further clarification from Roads Development.

As an amendment, Provost Howatson, seconded by Councillor Dickinson moved to support the officer recommendation.

The Committee voted:-

For the motion (6) Councillors Carr, Evison, Hutchison, Pike, Robertson and Wilson.

For the amendment (3) Councillors Agnew, Dickinson and Howatson.

Councillors Bews and Wallace were absent from the vote.

Therefore, the motion was carried to **defer** to a future Kincardine and Mearns Area Committee to obtain further clarification from Roads Development.