

**ABERDEENSHIRE COUNCIL**

**GARIOCH AREA COMMITTEE ON 20 APRIL 2021**

**ALL ATTENDANCE BY SKYPE**

**(THE RECORDING WAS STREAMED LIVE, AND A RECORDING OF THE PUBLIC SECTION OF THE MEETING IS AVAILABLE TO GENERAL PUBLIC)**

**Order of Items:** 1-6B, 14, 13, 7, 11, 8, 9, 10 and 12

**Present:** Councillors D Lonchay (Chair) (absent during Item 6A), D Aitchison, N Baillie (absent during items 8, 9 and 10), L Berry, M Ewenson (Chair for Item 6A), M Ford (absent for Item 14), V Harper, S Leslie (absent for Items 10 and 12), R McKail (left after Item 14), A McKelvie, H Smith, G Reid, I Walker and J Whyte.

**Officers:** A Overton (Garioch Area Manager), J Joss (Senior Solicitor), B Strachan (Senior Planner), J Weir (Senior Planner), A Wilkinson (Principal Engineer), K Mercer (Civil Engineer/Technician) G Cunningham (Principal Engineer), P Blaxter (Planning Team Leader), B Strachan (Roads and Landscape Service Manager), A Macleod (Housing Manager), D Young (Asset Disposal Surveyor), Miss F Stewart (Senior Solicitor) and E Farquhar (Area Committee Officer)

**ANNOUNCEMENT**

Councillor Lonchay, on behalf of the Area Committee, paid tribute to Councillor Fergus Hood (Fergie) who passed away on 24<sup>th</sup> March 2021 whilst still holding the post of Chair of the Garioch Area Committee. Councillor Lonchay described Councillor Hood as very kind, true to his beliefs and a good friend, always happy to help and provide good and sound advice. He had a keen eye for numbers and a great sense of humour. Councillor Hood, in addition to being a Member of the Council since 2014, had served on various other Boards and Sub-Committees. He was a family man and was always there to help his colleagues and his constituents alike, and his sense of duty commanded respect from all around him and all who knew him.

Other members added their personal tributes, and all were in agreement that Councillor Hood would be greatly missed by many people.

The Committee's thoughts were with Councillor Hood's wife and family at this time.

## 1. DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct, the Chair asked Members if they had any interests to declare.

- Item 12 Councillor Ewenson declared an interest by virtue of the fact that she was a member of the Gypsy Traveller Sub-Committee and having applied the objective test, she concluded that her interest was remote and insignificant therefore she would remain and participate in the item.
- Item 12 Councillor Baillie stated that he had a connection to this item by virtue of the fact that he was a member of the Gypsy Traveller Liaison Group and having applied the objective test, he concluded that he had no interest to declare.
- Item 12 Councillor Smith stated that she had a connection to this item by virtue of the fact that she was a member of the Gypsy Traveller Sub-Committee and concluded that she had no interest to declare.
- Item 14 Councillor Lonchay declared an interest in this item but later withdrew his declaration following advice from the Senior Solicitor.

## 2. RESOLUTIONS

### 2A. 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.

### 2B. EXEMPT ITEM

The Committee **agreed** that, under Sections 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 13 on account of the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

### 3. APPOINTMENT OF CHAIR AND VICE CHAIR OF GARIOCH AREA COMMITTEE

A report by the Director of Education and Children's Services had been circulated to ask the Committee to appoint a new Chair of Garioch Area Committee.

The Committee **agreed** unanimously that Councillor Lonchay be appointed Chair of the Garioch Area Committee.

The appointment of Councillor Lonchay, as Chair, left the position of Vice Chair vacant and the Committee **agreed** unanimously that Councillor Ewenson be appointed Vice Chair of the Garioch Area Committee.

*Members of the Committee and the Area Manager congratulated Councillors Lonchay and Ewenson on their appointments.*

### 4. MINUTE OF MEETING OF 16 MARCH 2021

In accordance with Standing Order 7.1.1, the Committee **agreed** that the Minute of 16 March 2021 was a correct record of proceedings.

### 5. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children's Services had been circulated presenting the outstanding business for Garioch Area Committee as at 20 April 2021.

The Committee **noted** the following updates provided by the Area Manager on the outstanding items which would remain on the statement:

1. Remediation works at Littlewood Court - Next briefing note to be issued in June 2021.
2. Unisex Toilet Provision - Dependent on the review of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 and adoption of regulations as relates to policy development.
3. Kintore Railway Station - Still awaiting information from Network Rail and it is hoped that an update will be available for Committee in May 2021.
4. Ury Riverside Park - Still awaiting Asset Transfer application.

### 6. PLANNING APPLICATIONS FOR DETERMINATION

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

- |    |               |  |
|----|---------------|--|
| A. | APP/2020/1259 | Erection of 49 dwellinghouses and associated works at Land at Cluny Greens, Cluny Meadows, Sauchen |
| B. | APP/2020/2613 | Erection of dwellinghouse and garage at Site adjacent to Wester Muirton, Sauchen                   |

## 7. ROAD SAFETY AND ACTION PLAN

A report from the Director of Infrastructure Services had been circulated to inform the Committee and collect comments on the draft Road Safety and Action Plan to 2030.

The Committee considered the draft Road Safety Plan and associated Action Plan and **agreed** to make the following comments to be reviewed and considered for inclusion or reference in the report to be submitted to the Infrastructure Services Committee for final approval:

1. Paragraph 4.3 - Work should continue with NHS and other partners to consider some of the issues relating to older drivers
2. Consideration should be given to the provision of a particular campaign on winter driving.
3. Ways to improve speeding enforcement should be explored.
4. The issue of road surface conditions and potholes on the roads, and how these affect road users should be included.
5. It is good to see a reduction in the number of fatalities and serious injuries but would be good to include more information on all of the factors which have led to these reductions.
6. Paragraph 4.0 - Casualties on the roads occur for various reasons and consideration should be given to what responsibility it is reasonable for the Council to assume, and what responsibility rests with the individual road user.
7. Paragraph 4.1 - "Middle aged motor cyclists" should be more specific.
8. There needs to be an assessment of change of composition of road users in different categories, as things have changed significantly over the last 18 months, due to the pandemic. More consideration is necessary on the expected changes in road use by different categories, both in the immediate future and how that may develop over the next 10 years.
9. More education is necessary on the use of Zebra crossings as cars tend not to give way properly.
10. The safety of agricultural vehicles should be considered as these vehicles have increased significantly in size and speed, and a campaign is necessary to improve safety and ensure that these vehicles are legal in terms of lights, numberplates, etc.
11. The impact of Covid-19 on road usage should be assessed.
12. Businesses should be encouraged to adopt the approach of asking drivers to switch off mobile phones and place them out of reach.
13. New technology should continue to be investigated.

## **8. PUBLIC ROAD NETWORK – BRIDGES WORK BANK PRIORITISATION – DRAFT POLICY AND PROCEDURE**

A report from the Director of Infrastructure Services had been circulated to present initial proposals for a new policy (and associated procedure) and inviting the Committee to contribute to its development by commenting on the draft documents.

The Committee considered the draft policy and procedure, congratulated the officers on the report and **agreed** to make the following comment to the Infrastructure Services Committee:

The report, and the first class system ensured that bridges were being fairly and objectively assessed and prioritised.

## **9. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – DEVELOPMENT PLAN SCHEME 2021**

A report from the Director of Infrastructure Services had been circulated to allow the Committee to consider the revised Development Plan Scheme prepared to support the preparation of the Aberdeenshire Local Development Plan 2021.

The Committee considered the Development Plan Scheme 2021 and **noted**:

1. that there is a statutory requirement to provide an annual Local Development Plan Scheme, that the proposed Local Development Plan (LDP) is currently with the Scottish Ministers for examination and all the necessary engagement and statutory consultation has taken place with the public, communities and stakeholders, and all those who have made representation on the Plan will be contacted by the Council or by the Director of Planning and Environmental Appeals,
3. that the Council is proposing to undertake a measure of targeted stakeholder engagement on a technical element called Planning Advice, a set of documents which tell people what information they need to submit to comply with the policy,
4. that the Council is unable to indicate a timeline for the next LDP as regulations have not yet been published to support the new style of LDPs that are being introduced under the Planning Scotland Act 2019 but a new LDP is likely to be needed before the summer of 2027, and
5. that LDPs are submitted to the Director of Planning and Environmental Appeals on a periodic basis and the documents are still being considered because of the success of the engagement on the proposed Plan and the significant amount of information that had to be provided before a reporter would be appointed to examine the LDP.

## **10. SERVICE RESPONSE TO B993 KEITHHALL PETITION**

With reference to Branch 10 of the minute of meeting of 23 February 2021, a report from the Director of Infrastructure Services had been circulated to present the Committee with the responses received in respect of the Keithhall petition.

The Committee considered the response from the Head of Roads, Waste and Landscape services and **agreed** that no further action be taken in respect of the subject matter of the petition.

## 11. AREA COMMITTEE BUDGET 2021-2022

A report from the Director of Education and Children's Services had been circulated to present the proposals for the allocations, structure, process and criteria for the Garioch Area Committee Budget 2021-2022.

The Committee considered the information provided and **agreed**:-

1. that the 2021-22, £80,800 budget be allocated as follows:-
  - a. £5,000 towards a Small Grants Fund;
  - b. £25,800 towards an Area Initiatives Fund; and
  - c. £50,000 towards a Strategic Budget.
2. that the Small Grants Fund be set at a maximum grant of £500 per application and managed in accordance with the criteria in Appendix 1;
3. that the Garioch Area Manager be delegated to approve the grants from the Small Grants Fund, following consultation with the Chair and Vice Chair and that she report to Committee quarterly, with an update on the uptake of the small grants fund,
4. that the Area Initiatives Fund:-
  - a. Will have a maximum grant of £5,000 except for festive lights, which will remain at £1,750;
  - b. will fund up to 50% of the total project cost;
  - c. will have two dates for closure of applications (31<sup>st</sup> May and 31<sup>st</sup> October) with the opportunity for emergency applications to be brought outwith these dates if required; and
  - d. that the criteria be as detailed in Appendix 1 to the report.
5. relating to the Strategic Budget:-
  - a. that applications to this fund should meet the following requirements:-
    - i) projects should advance or be aligned with the Council Priorities;
    - ii) projects should be of significant benefit to the local area
    - iii) projects should be identified through local community planning processes or demonstrate that relevant community consultation has taken place
6. that every opportunity should be taken to promote and advertise the funds available.
7. to acknowledge the allocation, ongoing activity and update on the Area Committee Budget for 2020-21 as detailed in Appendix 2 to the report.

## 12. DRAFT GYPSY/TRAVELLER SITE PROVISION STRATEGY 2021-2026

A report from the Director of Infrastructure Services had been circulated to present the Committee with the draft Gypsy/Traveller Site Provision Strategy 2021-2026.

The Committee considered the terms of the report and **agreed** to provide the following comments on the draft Gypsy/Traveller Site Provision Strategy 2021-2026 to be relayed to the Gypsy/Traveller Sub-Committee:

1. The Committee welcomed the availability of funding and that it brings the opportunity to strengthen and firm up the commitment of the Council to the provision of gypsy traveller sites and would suggest that the strategy needs to incorporate a timetable with clear deadlines for milestones to be achieved for the Garioch area, and in other areas of Aberdeenshire,
2. Consideration of the proposed site in the Inverurie Area should depend on its relation to the new A96 route, and
3. The provision of any site needs to be demand-led and provided specifically where the gypsy travellers require it.

## 13. PROPOSED SALE OF FORMER HATTON OF FINTRAY SCHOOL HOUSE, STATION ROAD, HATTON OF FINTRAY, AB21 0YG

A report from the Director of Business Services had been circulated to the Committee to seek their approval to sell the former schoolhouse, Hatton of Fintray.

The Committee **agreed** to:

1. instruct the Head of Legal and People to complete the sale of the former schoolhouse, Hatton of Fintray on the terms set out in the report, and
2. delegate to the Head of Legal and People the agreement of detailed terms following consultation with the Head of Property and Facilities Management.

## 14. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 APPLICATION FOR GRANT OF SECOND-HAND DEALER'S LICENCE

A report from the Director of Business Services had been circulated to present an application for the grant of a second-hand dealer's licence.

The Committee **agreed** to proceed in the absence of the applicant, and that there was enough evidence before it to enable a determination to be made.

Thereafter, Councillor Ewenson, seconded by Councillor McKelvie **moved**, in light of the representation containing relevant matters, that the licence be granted for a period of one year.

The motion was passed by majority on a roll call vote, with Councillor Walker voting against the motion.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

DRAFT

## GARIOCH AREA COMMITTEE

20 APRIL 2021

### APPENDIX A

#### PLANNING APPLICATIONS FOR DETERMINATION

##### A. Reference No: APP/2020/1259

**Full Planning Permission for Erection of 49 Dwellinghouses and Associated Works at Land at Cluny Greens, Cluny Meadows, Sauchen, Aberdeenshire, AB51 7JH**

**Applicant:** Stewart Milne Homes North  
**Agent:** N/A

A report from the Director of Infrastructure Services had been circulated seeking the Area Committee's determination of the above planning application.

*During this item, the Committee **agreed to suspend Standing Order 2.1.3** to enable the discussion and decision of this item to be completed.*

Councillor Ewenson assumed the Chair for this item only.

The Chair indicated that requests to speak had been submitted by a representative from Cluny, Midmar and Monymusk Community Council and, from the applicant. The Committee **agreed** to hear from those who had requested to speak.

The Senior Planner introduced the report relating to the application which sought full planning permission for the Erection of 49 dwellinghouses and associated works. He described the location of the site to the immediate east of the existing built-up area of Sauchen, and the exact location of the proposed development which would accommodate the third phase of a wider modern housing development. The proposed development is within an area included as part of an approved masterplan for new housing within Sauchen which was agreed by the Area Committee on 9 October 2012. He explained that the site is also fully within the OP1 land allocation contained within the Aberdeenshire Local Development Plan 2017 and this development would fully complete the allocation.

A range of supporting information had been submitted with the application and one valid letter of representation had been received siting concerns regarding the capacity of Cluny Primary School to cope with further children and the lack of infrastructure or amenities which had been promised, including a safe walking route to school, as reasons for objection.

The Senior Planner explained that no objections had been received from consultees and any concerns would be covered by conditions. A letter of objection had been received from Cluny, Midmar and Monymusk Community Council with concerns regarding flood risk, construction traffic access, footpath provision and sewage, increased congestion, and school capacity. The Senior Planner stated that all the

concerns raised by the objector and the Community Council had been considered in detail.

The proposed development represented the final phase of a site allocated for residential use in the Local Development Plan and which was in compliance with the agreed Masterplan. The application complied fully with the principle of development and was considered to be acceptable in layout and design terms as well as fulfilling all technical requirements in accordance with all relevant policies contained within the Aberdeenshire Local Development Plan 2017. The Senior Planner highlighted that since the time of writing the report, the applicant advised that it was now in a position to provide a temporary construction access from the east of the site.

The Senior Planner concluded that there were no material considerations that would justify a recommendation of refusal and recommended that, in the event of conclusion and registration of a Section 75 Legal Agreement, the application be granted.

Members sought and received clarification on changes that had been made to the original masterplan, the temporary access road, sewage arrangements, parking provision, maintenance of public areas, potential flooding, and funding for the path to Cluny primary school.

The Chair invited Mrs Robin Worsman, Consultee, on behalf of Cluny, Midmar and Monymusk Community Council, to address the Committee.

Mrs Worsman spoke of the Community Council's concerns regarding flooding, construction traffic access, sewage treatment, access and footpaths, travel congestion and school capacity. The Chair thanked Mrs Worsman for her presentation.

The Chair invited Ms Marianne Evans, applicant, to address the Committee.

Ms Evans commented on the Community Council concerns and reiterated that neither the Council's flood prevention team advisors nor SEPA had objected to the application. The Chair thanked Ms Evans for her presentation.

Members discuss the proposed development in detail and sought clarification from both speakers on the issues raised.

Thereafter, Councillor McKail, seconded by Councillor McKelvie **moved** that, in the event of conclusion and registration of a Section 75 Legal Agreement, the application be delegated to the Head of Planning and Environment to grant full planning permission on the following conditions (including the amended Condition 10).

1. No dwellinghouse hereby approved shall be occupied unless both its respective driveway and parking areas have been provided and surfaced in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed at the new access. The first five metres of the driveway measured from the back of the footway shall be fully paved and shall have a maximum gradient not exceeding 1:20. Each individual driveway shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access,

driveway and parking area shall thereafter be permanently retained as such. All garages are to remain no less than 6 metres from the rear of the footway serving any particular dwelling.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order the garages shown on the approved plans shall be permanently retained as such and shall not be altered in any way under the terms of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: To ensure the retention of adequate off-street parking facilities within the site in the interests of road safety.

3. 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.

4. Wastewater from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the Planning Authority.

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

5. No dwellinghouse hereby approved shall be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plan reference 112782/2220 Rev B. The surface water drainage systems shall be permanently retained thereafter in accordance with the approved plan. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme. Certification (from an appropriately qualified professional) that the maintenance regime has been implemented shall be provided on an annual basis thereafter, or as otherwise agreed with the Planning Authority.

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

6. That the finished floor levels for all properties are set a minimum of 600mm above the 200-year flood levels (including the necessary allowance for Climate Change) as identified in section 6 of the associated Supplementary

Flood Risk Assessment by Fairhurst, dated November 2020, project reference 112782.

Reason: In order to make the dwellinghouses hereby approved more resistant to flood events.

7. 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.

8. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
  - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

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

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

9. No dwellinghouse hereby approved shall be occupied unless all of its associated means of enclosure have been provided in accordance with the approved scheme. Once erected, the approved means of enclosure shall thereafter be permanently retained in accordance with the approved details.

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

10. No works in connection with the development hereby approved shall commence unless a site-specific construction management plan, including details of any temporary construction access, noise and dust control measures, has been submitted to and approved in writing by the Planning

Authority. The development shall be carried out in complete accordance with the approved construction method statement.

Reason: In the interest of environmental and public health protection.

**As an amendment**, Councillor Ford, seconded by Councillor Reid **moved** that, in the event of conclusion and registration of a Section 75 Legal Agreement, the application be delegated to the Head of Planning and Environment to grant full planning permission on the conditions stated above (including the amended Condition 10), and subject to the Planning Service checking with the Council's Flooding Risk and Coast Protection Team and with SEPA that the information provided by the Community Council in terms of the flooding extent in 2016 being greater than that shown on the maps, although the event on that occasion was thought to be less than a 1:200 year event, and asking them to clarify whether they still stand by their current position or whether, in light of the information provided, they would wish to re-visit their position as to where the flood risk lay on that site.

Members of the Committee voted:

For the motion	5	Councillors Aitchison, Berry, McKail, McKelvie and Whyte
For the amendment	8	Councillors Baillie, Ewenson, Ford, Harper, Leslie, Reid, Smith and Walker
Absent from the vote	1	Councillor Lonchay

The Chair **declared the amendment carried** in the following terms:

That in the event of conclusion and registration of a Section 75 Legal Agreement, the application be delegated to the Head of Planning and Environment to grant full planning permission on the conditions stated above (including the amended Condition 10), and subject to the Planning Service checking with the Council's Flooding Risk and Coast Protection Team and with SEPA that the information provided by the Community Council in terms of the flooding extent in 2016 being greater than that shown on the maps, although the event on that occasion was thought to be less than a 1:200 year event, and asking them to clarify whether they still stand by their current position or whether, in light of the information provided, they would wish to re-visit their position as to where the flood risk lay on that site.

The Committee's reason for decision was that the proposed development complies with Policy H1: Housing land of the Aberdeenshire Local Development Plan 2017 as the proposal seeks to provide new housing upon an area of land allocated for new housing within the applicable settlement statement. Approval of this application would also not breach the number of housing units permitted by the allocation. The application also meets the requirements of the following policies; Policy H2: Affordable housing, Policy P1: Layout, siting and design, Policy P2: Open space and access in new Development, Policy P4: Hazardous and potentially polluting developments and contaminated land, Policy C1: Using resources in buildings, Policy C4: Flooding, Policy RD1: Providing suitable services and Policy RD2: Developers' obligations.

**B. Reference No: APP/2020/2613**

**Full Planning Permission for Erection of Dwellinghouse and Garage at Site Adjacent to West Muirton, Sauchen, Inverurie, Aberdeenshire**

**Applicant:** Mrs Nichola Reid  
**Agent:** Tinto Architecture

A report from the Director of Infrastructure Services had been circulated seeking the Area Committee's determination of the above planning application.

The Chair indicated that requests to speak had been submitted by a representative from Cluny, Midmar and Monymusk Community Council, the applicant, and an objector to the application. The Committee agreed to hear from those who had requested to speak.

The Senior Planner introduced the report relating to the application which sought full planning permission for the erection of a dwellinghouse and garage at a site adjacent to West Muirton, Sauchen. She described the location and the surrounding area. The Senior Planner outlined that the proposed development was for the erection of a 1¾ storey dwelling with contemporary character and a detached double garage.

Previous full planning permission had been granted for two houses in 2016 and this application relates to the site of Plot 1 but differs from the previous approval by virtue of the siting of the house towards the east of the plot, reorientated to front the road. A range of supporting information had been submitted with the application and two valid letters of representation had been received siting a number of concerns all of which had been considered by the Planning Service.

The Senior Planner explained that no objections had been received from consultees and any concerns would be covered by conditions. A letter of objection had been received from Cluny, Midmar and Monymusk Community Council with concerns on the basis of the detrimental effect on the neighbouring property including: it is a departure from the existing planning permission; the original design statement is not being followed; the proposed building site has moved from that previously approved to the detriment of neighbours; the scale of the building would have an adverse impact on the neighbouring property and there are concerns regarding materials, size and location in relation to Policy P1.

The Senior Planner stated that all the concerns raised by the objector and the Community Council had been considered in detail. She stated that the proposal, for the erection of a dwellinghouse and garage at a site adjacent to West Muirton is acceptable in principle due to an extant permission on the site which was approved as a replacement building. This is in compliance with Policy R2 Housing and employment development elsewhere in the countryside. The proposed dwellinghouse is considered acceptable in terms of layout, siting and design, and there are not considered to be any unacceptable impacts on neighbouring amenity, natural heritage or landscape as a result of the proposal. The site can be suitably serviced, and all concerns raised in letters of representation and the outstanding consultee objection from the Cluny, Midmar and Monymusk Community Council have been fully considered.

The Senior Planner concluded that there were no material considerations that would justify a recommendation of refusal and recommended that the application be approved.

The Chair invited Mr Richard Fyffe to address the Committee on behalf of Cluny, Midmar and Monymusk Community Council

Mr Fyffe presented the concerns of the Community Council including the apparent departure from existing planning permission, changes to the original design, movement of the proposed site, to the detriment of neighbours, the scale of the building and the proposed materials, size and location.

Members sought and received clarification on some of the issues raised by Mr Fyffe and the Chair thanked him for his presentation.

The Chair invited Mrs Nichola Reid, applicant, to address the Committee.

Mrs Reid explained the position with regard to Plot 2, described the reasons for the sizing, positioning and design of the proposed house, and provided details on the positioning of the septic tank, the footprints of the proposed house compared to that of the neighbouring property and the reason for the repositioning of the house. She stated that she felt that all the Community Council's concerns had been addressed.

Members of the Committee sought and received clarification on a number of issues and the Chair thanked Reid for her presentation

The Chair invited Mr Joe Harris, objector to the application, to address the Committee.

Mr Harris spoke of his concerns in regard to the scale, materials, design, layout and siting of the house and that the proposed house did not consider the rural heritage of Aberdeenshire and was concerned that all efforts should be made to protect the historical and traditional rural location of West Muirton and the surrounding area.

Members sought and received clarification on a number of issues and the Chair thanked Mr Harris for his presentation.

Thereafter, Councillor Ford, seconded by Councillor Aitchison **moved** that the application be approved on the following conditions:

1. The dwellinghouse hereby approved shall not be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
  - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

2. The dwellinghouse hereby approved shall not be occupied unless its off-street parking provision for 3 cars has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the car parking area 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.

3. The dwellinghouse hereby approved shall not be occupied 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.

4. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved Tree Survey Report and Arboriculture Assessment, Astell Associates (16<sup>th</sup> March 2021). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

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

5. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - a) Existing landscape features and vegetation to be retained;
  - b) Protection measures for the landscape features to be retained;
  - c) Existing and proposed finished levels;
  - d) The location of new trees, shrubs, hedges, grassed areas;
  - e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;

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

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

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

6. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be erected on the boundary of the site have been submitted to and approved in writing by the Planning Authority. The dwellinghouse hereby approved shall not be brought into use unless the means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the neighbouring property and the visual amenities of the area.

7. 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.

8. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Ground Assessment Report and Drainage Recommendations, S.A. McGregor (February 2021). 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.

**As an amendment**, Councillor Berry, seconded by Councillor Walker **moved** that the application be refused as it did not comply with Policy P1 in terms of loss of amenity, layout and density and materials used, and it did not comply with Policy E2 in terms of the impact on the surrounding area.

Members of the Committee voted:

For the motion	7	Councillors Aitchison, Baillie, Ford, Harper, Lonchay, Reid and Whyte
For the amendment	7	Councillors Berry, Ewenson, Leslie, McKail, McKelvie, Smith, and Walker

The Chair **exercised his casting vote** in terms of the motion and **declared the motion carried** in the following terms:

That the application be approved on the conditions stated above.

The Committee's reason for departure was that the Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. There is an extant permission on the site and the current application effectively is a replacement for one of the houses previously approved under APP/2014/3053 and APP/2016/2433. The proposal therefore complies with Policy R2: Housing and employment development in the countryside, and the proposed design is acceptable in relation to Policy P1: Layout, siting and design, Policy E1: Natural heritage, Policy E2: Landscape, Policy PR1: Protecting important resources and Policy RD1: Providing suitable

A report from the Director of Infrastructure Services had been circulated seeking the Area Committee's determination of the above planning application.