

## **ABERDEENSHIRE COUNCIL**

### **KINCARDINE AND MEARN'S AREA COMMITTEE ON 12 OCTOBER 2021**

#### **ALL ATTENDANCE BY SKYPE**

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), Alastair Bews, George Carr, Sarah Dickinson, Alison Evison, Provost Bill Howatson, Jeff Hutchison, Colin Pike, Dennis Robertson, Sandy Wallace, Leigh Wilson.
- Officers:** Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Martin Ingram (Senior Solicitor, Legal and People), Erin Wood (Policy Officer), Gregor Spence (Senior Planning Officer), Paul Williamson (Senior Planning Officer), Alasdair Macdonald (Roads Development Officer), Stephen Pert (Principal Architect), Clarke Dalziel (Affordable Housing Officer).
- In Attendance:** James McMillan, Item 5, Elma Wylie and Thelma Wilson, Skateraw Hall Trustees, Item 7, Henry Irvine-Fortescue, North Kincardine Rural Community Council, Item 8(A), Mike Towers, McLaren, Murdoch & Hamilton, Item 8(A), Mike French, Item 8(A).

#### **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 –

Councillor Dickinson - Item 8C, due to the close proximity of her residential property being just outside the neighbour notification area, having applied the objective test had concluded that she would withdraw and not take part.

Councillor Mollison - Item 7, having resided in the village of Newtonhill for a number of years and consequently having used the hall a number of times, however having applied the objective test concluded that it was so remote and insignificant that he would remain and take part.

Councillor Agnew - Item 8C being related to an objector and having applied the objective test had concluded that she would withdraw and not take part.

#### **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 21 SEPTEMBER 2021**

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 21 September 2021 with the following amendments, the addition of:

1. Before item one, Councillor Agnew, Chair, having connection issues was unable to take part in the meeting and temporarily left. Councillor Mollison, Vice Chair, took the Chair for items 1-7,
2. The addition of a further comment at item 5, "Committee suggested that there needed to be more thought given to the purpose and benefit of having elected member Town Centre First Ambassadors as their role was not very clear", and
3. Within the Declarations of Interest, significance amended to significant.

### **4. STATEMENT OF OUTSTANDING BUSINESS**

A report by the Director of Infrastructure Services had been circulated presenting the outstanding business for Kincardine and Mearns Area Committee as of 12 October 2021.

The Committee **noted** at this time that no further update was provided for the item on the Statement of Outstanding Business.

### **5. PETITION – BELMONT BRAE**

A report from the Director of Business Services was circulated to Members asking the Committee to consider the petition and determine if a report on the subject matter is required.

The Area Manager introduced the report and outlined the petition. Members asked a number of queries regarding the Traffic Management Review that was being carried out in Stonehaven with regards to timescales and the consultation process. They were advised that a report will be presented to Area Committee in March 2022,

which will look to address a number of issues and ideas that have been suggested by stakeholders. Members also asked what capacity the Road Service had to complete a separate report given the current lack of resources.

The Lead Petitioner, James McMillan spoke to the petition, he highlighted the dangers associated with no pavement being in place on Belmont Brae which had the potential to result in a serious accident. He advised the signatures had been collected over one weekend and those spoken with wished to see a continuous pavement. In addition to the lack of a pavement he explained there was also a problem with increased levels of traffic and especially the heavy vehicles which continue using Belmont Brae, ignoring the weight restriction. They had been advised the weight restriction was purely advisory. He also highlighted serious cracking and movement which had taken place on the walls on the East side of the Brae. He hoped that a one way system with a pavement in place along one side would be safer for all users.

The Roads Manager confirmed that the signage on Belmont Brae was not advisory and was indeed a mandatory restriction and that Police Scotland could use their enforcement powers.

The Committee **considered** and **noted** the report and **agreed** to request that the issues raised by the petition be addressed by and reported on in the forthcoming Traffic Management Review Report, in March 2022.

## 6. GAELIC LANGUAGE PLAN

A report from the Director of Business Services was circulated to Members asking the Committee to consider and comment on the draft Gaelic Language Plan 2022 – 2027.

The Policy Officer introduced the report and welcomed any questions. Members had differing viewpoints and raised concerns regarding the amount of funding that was being spent on implementing the Gaelic Language Plan.

The Committee discussed the report fully and **agreed** to provide the following comments for consideration:

- 1) Noted the Council is fulfilling its requirements of the Gaelic Language (Scotland) Act,
- 2) To commend the commitment to Doric also,
- 3) Welcomed a measured approach regarding signage in new buildings,
- 4) Supported virtual learning and supported the webpage being used to make clear communication in Gaelic, suggest the inclusion of Gaelic on the Council Facebook and Twitter profile,
- 5) Pg 45, “Encourage targeted/vulnerable young people” suggest rewording,

that we will remove barriers to enable inclusion for all young people.

- 6) Pg 25, Suggested that a definition of what is meant by “high profile news release” and the parameters that would be considered,
- 7) Queried if Gaelic signage is now in place in the refurbished Viewmount Offices, Stonehaven, and
- 8) Suggested that any Council spend on the Gaelic Language Plan should be proportionate and a measured response to changes.

## 7. AREA COMMITTEE BUDGET

A report was circulated from the Director of Infrastructure Services as one application had been submitted for funding from the Kincardine and Mearns Area Committee Budget, from Skateraw Hall Board.

The Area Manager introduced the report and welcomed any questions. Elma Wylie and Thelma Wilson, Trustees of the Skateraw Hall Board spoke in support of their application.

The Trustees outlined their proposal to purchase the Skateraw Hall for the use of the community. They outlined their vision, the history of the hall and the cultural importance of the building. They advised they had been managing the hall for a number of years and were now in the position to purchase the hall outright. Members heard that the hall is well used by a variety of groups from the community, for one off events and weekly groups.

The Committee commended the group for their dedication and work in getting to this stage and **agreed** to approve the grant from the Area Committee Budget to Skateraw Hall for £8,000.00.

## 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.

<b>Reference Number</b>	<b>Address</b>
(A) APP/2019/2455	Planning Permission in Principle for Demolition of Existing Hotel, Restoration of Old Mill Building to Form Retail Unit, Erection of Garden Centre and 5 Dwellinghouses and Associated Works at The Old Mill Inn, Maryculter
(B) APP/2021/1231	Planning Permission in Principle for Mixed Use Roadside Services Development, Including Retail (Class 1), Food and Drink (Class 3), Hotel (Class 7), Rest Areas and Toilet

Facilities, Petrol Filling Station (Sui Generis), Electric Vehicle Charging, Children's Play Area, Landscaping and Vehicle Parking at Land Adjacent to A90/A937 Junction, Laurencekirk

(C) APP/2021/1659 Full Planning Permission for Alterations and Extension and Conversion of Office (Class 4) to Form 16 Flats and Associated Infrastructure at Carlton House, Arduthie Road, Stonehaven

## **KINCARDINE AND MEARNS AREA COMMITTEE, 12 OCTOBER 2021 APPENDIX A**

### **PLANNING APPLICATIONS FOR DETERMINATION**

**(A) Reference No: APP/2019/2455**

**Planning Permission in Principle for Demolition of Existing Hotel, Restoration of Old Mill Building to Form Retail Unit, Erection of Garden Centre and 5 Dwellinghouses and Associated Works at The Old Mill Inn, Maryculter**

**Applicant: Mr Victor Sang, The Old Mill Inn, South Deeside Road, Kirkton of Maryculter, Aberdeen, AB12 5FX**

**Agent: Ross Aitken, McLaren, Murdoch & Hamilton, 2 West Coates, Edinburgh, EH12 5JQ**

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 is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017.

The Chair advised that two requests to speak had been received, Members agreed to hear from both, Henry Irvine-Fortescue, representing North Kincardine Rural Community Council, and Mike Towers and Mike French representing McLaren, Murdoch & Hamilton. .

The Senior Planner introduced the report and outlined that whilst the Planning Service supports the principle of redevelopment of this site, any development must be adequately demonstrated to be achievable without harming the character of the area or creating additional amenity impacts as a result of the proposals. The applicants have failed at this time to satisfactorily address the impacts of the proposal in terms of site access and impact upon the existing road network. Further information is required to begin to assess the suitability of the scale of development proposed in relation to sustainable travel and site servicing. In the absence of this information, the Planning Service in conjunction with relevant consultees cannot be satisfied that the development proposed can be suitably integrated into the site in this regard.

As a result of the scale of development proposed, which has not been adequately justified, the Planning Service considers that the proposals would result in overdevelopment of this greenbelt site which would also be to the detriment of the C(s) Listed Old Mill and wider character of the greenbelt. The principle of development cannot therefore be accepted in this instance and the application is recommended for refusal.

Members heard from Henry Irvine-Fortescue, representing North Kincardine Rural Community Council, in support of the application. The Community Council are in favour of supporting development at this location to provide an amenity. Members heard that whilst they would not support a major departure from planning policies they would like to see something positive at what they consider to be a current eyesore.

Mike Towers representing McLaren, Murdoch & Hamilton and Mike French, owner spoke in support of the application. Members heard that they felt the application was the best fit for the site, to bring a balance between overdevelopment and viability. They considered they had addressed concerns regarding flooding, visibility splays and welcomed the reduced speed limit. They confirmed that no trees would be lost as part of the development.

The Committee fully discussed the application and **agreed** to refuse the application for the following reasons:-

### **Reasons for Decision**

01. The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The erection of five dwellinghouses as proposed would not be considered to be for the purpose of accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry which is appropriate to the countryside and where the presence of a worker is essential to the operation of the enterprise. The proposal therefore fails to meet the requirement for the erection of new dwellinghouses within the identified greenbelt and is considered to be contrary to the stated limitations of this form of development outlined within Policy R1 Special rural area of the Aberdeenshire Local Development Plan 2017.
02. The proposal fails to demonstrate that the level of development proposed is appropriate in terms of scale and design. The overall level of development proposed is at odds with the woodland setting which forms the local identity of the site with the relatively large-scale footprint of the garden centre building proposed and development of a number of two storey dwellinghouses in close proximity to the public road considered to be unacceptable in terms of visual appeal when compared to the previous level of development on site. The proposal does not therefore comply with the stated objectives of Policy P1 Layout, siting, and design of the Aberdeenshire Local Development Plan 2017.

03. The proposal fails to identify measures to be taken to deal with the anticipated transport impacts of the scheme in relation to all forms of travel. In the absence of this information, the proposed new use of the site cannot be adequately assessed in terms of appropriateness for the site or potential impacts of the development in terms of sustainability and safety upon the existing road network contrary to Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.
04. The proposal fails to adequately demonstrate that the operation of the proposed main vehicular access would provide safe and adequate access for all highway users and would not be of detriment to the safe operation of the immediate and wider road network contrary to the provisions of Policy RD1 Providing suitable services in terms of providing safe access to the proposed new development of the Aberdeenshire Local Development Plan 2017.
05. The proposal fails to demonstrate that the proposed development would preserve or enhance the character and appearance of the setting of the category C(s) Listed Old Mill. The scale of the development proposed and likely location of buildings to be erected on site, as a result of on-site limitations related to flooding, would result in the overcrowding and loss of public views of the Old Mill. The proposal would therefore have a negative effect on the character and integrity of the listed building, contrary to Policy HE1 Protecting historic buildings, sites, and monuments of the Aberdeenshire Local Development Plan 2017.
06. It has not been demonstrated that development of the site in the proposed manner for the level of development proposed would not result in the loss of, or serious damage to, trees on and adjacent to the site. The proposals are therefore considered contrary to Policy PR1 Protecting resources in relation to trees and woodland of the Aberdeenshire Local Development Plan 2017.

**(B) Reference No: APP/2021/1231**

**Planning Permission in Principle for Mixed Use Roadside Services Development, Including Retail (Class 1), Food and Drink (Class 3), Hotel (Class 7), Rest Areas and Toilet Facilities, Petrol Filling Station (Sui Generis), Electric Vehicle Charging, Children's Play Area, Landscaping and Vehicle Parking at Land Adjacent to A90/A937 Junction, Laurencekirk**

**Applicant: A J Developments (Scotland) Ltd, C/o Agent  
Agent: Fairhurst, Arngrove Court, 1 Barrack Road, Newcastle Upon Tyne, NE4 6DB**

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 and the application be referred to the Infrastructure Services Committee.

The Senior Planner outlined the report and advised, following the reduction in the scale of the development sought, the development proposals which were primarily based around a tourist facility, and associated infrastructure, were closely aligned to the delivery of the much needed A90 / A937 junction improvement scheme. While an area of prime agricultural land would be lost, the economic benefits through job creation and localised expenditure, provides sufficient justification to support the development as a departure from Policy R2 Housing and employment development elsewhere in the countryside.

The proposal would be beside the A90, a primary transportation route in the strategic growth area, within close proximity to the settlement of Laurencekirk, thereby being in compliance with Policy B3 Tourist facilities. Furthermore, it would be accommodated into the local landscape, without detriment to the character or amenity of the area, whilst also providing suitable access and servicing, and is compliant with all other relevant policies of the Aberdeenshire Local Development Plan (2017). Therefore the recommendation was to grant planning permission in principle and that the application be referred to the Infrastructure Services Committee for ultimate determination.

The Committee discussed the application and **agreed** that the application be referred to the Infrastructure Services Committee for determination and confirm their support for the application by agreeing that Authority to GRANT be delegated to the Head of Planning and Environment Service subject to the following conditions:

01. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) Full details of the layout and siting of the proposed development;
- (b) Full details of the external appearance and finishing materials of the proposed development;
- (c) A landscaping scheme and tree protection plan including proposed landscape features, including trees to be retained and planted; a tree survey should be submitted assessing the trees to inform the layout of the development including details of compensatory planting.
- (d) 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;
- (e) Full details of any proposed boundary treatments/barriers;
- (f) Full details of the proposed means of disposal of foul and surface water from the development;
- (g) Full details of the proposed access to the development from the U91K; junction with the A937; and pedestrian connectivity to the north side of the Gauger Burn;



- (h) Full details of the proposed car parking/vehicle turning area for the development;
- (i) Full details of two bus lay-bys complete with shelters on the A937;
- (j) A Construction Environmental Management Plan;
- (k) Full details of external lighting;
- (l) Full details of a travel plan for any individual building; and
- (m) Full details of odour control and noise mitigation.

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

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

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

03. Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland, the development hereby permitted shall not exceed the following levels:
- 10 Bay Petrol Filling Station (PFS)
  - 200sqm GFA Class 1 Retail within the main services building
  - 969sqm GFA Class 3 Restaurant
  - 100 Bedroom Hotel

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

04. No part of the proposed development shall be occupied until the A90 / A937 Laurencekirk Junction Improvement Scheme is fully operational, and the new accesses off the A937 and U91K serving this site are completed in full.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk or local road network.

05. The lighting details required under Condition 1(k) shall include the following requirements:

Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, Network Rail and Environmental Health. The submission shall include full details of the proposed lighting for the development and an impact assessment of obtrusive light from the development. In addition, any lighting associated with the development including any floodlighting must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains.

All lighting shall be provided and thereafter retained in accordance both with the approved scheme and the Guidance Notes for the Reduction of Obtrusive Light issued by the Institution of Lighting Professionals (GN01:20).

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road, that the safety of the traffic on the trunk road will not be diminished, in order to minimise the amount of obtrusive lighting from the development in the interests of the visual amenity of the surrounding area, and to ensure any lighting associated with the development does not interfere with the safe operation of the rail network.

06. The landscaping/boundary/barrier details required under Condition 1(c), and (e) shall include the following requirements:

Prior to commencement of the development, details of the landscaping treatment, and fencing/barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping, fencing and barrier proposals shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

Reason: To ensure that there will be no distraction to drivers on the trunk road, that the safety of the traffic on the trunk road will not be diminished, and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents

07. The landscaping/boundary/barrier details required under Condition 1(c), and (e) shall include the following requirements:

Prior to commencement of the development, a further assessment of the requirement for vehicle barrier provision (such as a vehicle restraint system) along the trunk road boundary, shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. The approved

scheme will thereafter be implemented, prior to commencement of the development.

Reason: To ensure appropriate safety barrier provision is provided to protect trunk road drivers from the risks presented by roadside dangers.

08. The drainage details required under Condition 1(f), shall include the following requirements:

There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

09. The drainage details required under Condition 1(f), shall include the following requirements:

No development shall take place on site until such time as a surface and foul water drainage scheme has been submitted to and approved in writing by the Planning Authority. Any Sustainable Urban Drainage Scheme must not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. The development shall be carried out only in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway embankment and cutting and the safety of the rail network.

10. The access details required under Condition 1(g), (h) and (i) shall include the following requirements:

- all final junction access arrangements to the site with the public road (U91K) must be agreed in full, with the Planning Authority in consultation with Aberdeenshire Councils Transportation and Roads Development team.
- all final junction access arrangements with the A937 public road as generally indicated on drawing "134575/sk7001 rev A" (dated 13/09/21) are to be submitted and on approval be completed in full. All details to be discussed and agreed with Aberdeenshire Councils Transportation and Roads Development team. All works shall be carried out to the satisfaction of the Planning Authority in consultation with Aberdeenshire Councils Transportation and Roads Development team.
- final road/pedestrian layout details including details of proposed pedestrian links to existing public network, must be submitted for approval.
- Prior to occupation of any building within the development, a continuous fully lit 2m width footway link must be provided between the development

and the existing roadside public footway to the north side of the Gauger Burn. A minimum 2m footway width must be maintained across the Gauger Burn.

- Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards.
- Prior to commencement of development, two number bus lay-bys (complete with shelters) on the A937 are to be designed in accordance with the Design Manual for Roads and Bridges and Aberdeenshire Councils Standards for Roads Construction Consent and Adoption. Lay-by details are to be discussed, submitted, and agreed in full with Aberdeenshire Councils Transportation and Roads Development team. All works shall be carried out to the satisfaction of the Planning Authority in consultation with Aberdeenshire Councils Transportation and Roads Development team.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

11. The travel plan details required under Condition 1(I) shall include the following requirements:

No building hereby approved shall be brought into use unless a Travel Plan for that building has been submitted to and approved in writing by the planning authority. Each Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. No building shall be brought into use unless the measures set out in its respective approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

12. The CEMP details required under Condition 1(J) shall include the following requirements:

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.

13. The development hereby approved shall be carried out in strict accordance with the approved Preliminary Ecological Appraisal by Eco North dated 3 May 2021, and the specific mitigation and compensation strategy outlined in Section 6, as submitted and agreed as part of the planning application].

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

14. The odour control and noise mitigation details required under Condition 1(m) shall include the following requirements:

No works in connection with the hotel development shall commence until details of the noise mitigation scheme for the hotel has been submitted to and approved in writing by the planning authority. The noise mitigation scheme shall be developed using the baseline and source noise data presented in the Noise Impact Assessment (R21.11007/3/RK, dated 30 April 2021) carried out by Vibrock, unless otherwise agreed with the Planning Authority as a result of updated information.

Reason: To ensure the implementation of a satisfactory means of noise attenuation in the interests of the amenities of the occupiers of the proposed development.

15. The odour control and noise mitigation details required under Condition 1(m) shall include the following requirements:

Full details of the odour control system to be installed in any Class 3 or sui generis food and drink outlet shall be submitted to and approved in writing by the planning authority. The design of the proposed odour control systems shall have regard to the document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems, published by EMAQ as an update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs'. No Class 3 or sui generis food and drink outlet shall

operate unless the odour control system has been installed in accordance with the approved details.

Reason: To ensure that odour from the development does not result in undue loss of amenity for surrounding properties.

16. The landscaping details required under Condition 1(c), shall include the following requirements:

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.

17. 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.

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

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

19. No individual building hereby approved shall be erected unless an Energy Statement applicable to that building has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with 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.

20. No works in connection with the development hereby approved shall commence unless a Phasing Plan setting out the details of the phasing of the development has been submitted to, and approved in writing by, the planning authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.

Reason: To ensure that build-out of the development is phased so as to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

### **Reason for Decision**

The proposal is not in accordance with the Aberdeenshire Local Development Plan (2017), however the materiality of the forthcoming A90/A937 junction improvement scheme, coupled with the economic benefits through job creation and localised expenditure, provides sufficient justification to support the development as a departure from Policy R2 Housing and employment development elsewhere in the countryside. The proposal is beside a primary transportation route in the strategic growth area, within close proximity to the settlement of Laurencekirk, and can therefore be considered in accordance with Policy B3 Tourist facilities. It can be accommodated into the local landscape, without detriment to the character or amenity of the area, whilst also providing suitable access and servicing, and is compliant with all other relevant policies of the Aberdeenshire Local Development Plan (2017).

**(C) Reference No: APP/2021/1659**

**Full Planning Permission for Alterations and Extension and Conversion of Office (Class 4) to Form 16 Flats and Associated Infrastructure at Carlton House, Arduthie Road, Stonehaven**

**Applicant: Aberdeenshire Council Housing Dept., Woodhill House, Westburn Road, Aberdeen, AB16 5GB**

**Agent: No Agent**

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 and the application for approval be delegated to the Head of Planning and Environment Service.

As noted in the declarations of interest, the Chair left the meeting at this point and the Vice Chair, Councillor Mollison took the Chair. Councillor Dickinson also left the meeting at this time as indicated in her declaration.

A sederunt was taken at this time and Councillor Carr was not present, he took no further part in the determination of this item.

The Senior Planner introduced the report and advised the proposed alterations and extension and conversion of the building from an office to flats is considered acceptable and would meet the policy criteria in terms of infill development and also affordable housing. Issues in relation to waste, access and parking have been resolved and the proposal meets all other technical requirements. The proposal accords with the relevant policies of the Aberdeenshire Local Development Plan 2017 and is recommended for approval, subject to conditions and conclusion of the developer obligations payment

The applicant was present to answer any questions in relation to the application.

Members queried the access to and from the site and highlighted issues with a refuse vehicle reversing in a confined space and the difficulties with the visibility splays. Members queried if the refuse bins could be sited alternatively away from the front of the building in a less prominent location. Members heard it was advisable to have these placed closed to access point to allow easy of access for the refuse vehicle. Members queried if the basement flat had windows and had disabled access, the applicant confirmed that the flat was a ground floor flat with a separate ground floor access.

The Committee discussed the application and **agreed** to defer the application to allow for a site visit to take place on 9 November 2021 at 8.45am to consider concerns regarding overlooking, proximity to the local primary school, visibility splays at the entrance/exit of the site and the siting of the refuse bins.