

FORMARTINE AREA COMMITTEE

TUESDAY 21 SEPTEMBER, 2021

Present: Councillors I Davidson (Chair), A Duncan, A Forsyth, J Gifford, A Hassan, P Johnston, L McAllister, G Owen, S Powell, A Stirling, and I Taylor.

Apologies: Councillor Kloppert.

Officers: E Brown (Formartine Area Manager), M McCowan (Risk and Resilience Manager), A Macleod (Housing Manager), J Duncan (Senior Engineer), A Ramsay (Senior Planner), A Buchan (Senior Roads Engineer), A de Candia (Solicitor), S Norman (Environment Planner), K Low (Environment Planner), C Nicolson, (Project Officer, Town Centre), and J McRobbie (Area Committee Officer).

1. DECLARATION OF MEMBERS' INTERESTS

Cllr Powell declared an interest in Item 6, Disabled Person Parking Place, as a neighbour was a Blue Badge user of such spaces but indicated that, having applied the objective test, she considered the interest to be so remote and insignificant that she would remain and participate in the meeting.

2. RESOLUTION – PUBLIC SECTOR EQUALITY DUTY

The Committee **agreed**, in terms of Section 149 of the Equality Act, 2021:-

1. to have regard to the need to:-
 - (i) eliminate discrimination, harassment, and victimisation;
 - (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (iii) foster good relations between those who share a protected characteristic and persons who do not share it; and
2. where an Integrated Impact Assessment was provided to consider its contents and take these into account when reaching a decision.

3. MINUTE OF MEETING OF 31 AUGUST, 2021

There had been circulated, and was **approved** as a correct record, the Minute of Meeting of 31 August, 2021.

4. PLANNING APPLICATIONS FOR DETERMINATION

Prior to consideration of these matters, the Committee heard from the Senior Planner that Item 4B, (APP/2021/1153), for Full Planning Permission for the Erection of

Dwellinghouse and Garage, Site 16, Waulkmill, Ythanbank was being withdrawn by the Planning Service.

Application 4A, (APP/2020/1936,) for Full Planning Permission for the Erection of 3 Dwellinghouses, Site to the North West of Watersreach, Collieston, Ellon, was dealt with as recorded in the Appendix to this Minute.

Reference	Description	Recommendation
A. APP/2020/1936	Full Planning Permission for Erection of 3 Dwellinghouses, Site to The North West of Watersreach, Collieston, Ellon	GRANT
B. APP/2021/1153	Full Planning Permission for Erection of Dwellinghouse and Garage, Site 16, Waulkmill, Ythanbank	WITHDRAWN

5. LOCAL REVIEW BODY DECISIONS

A. LRB 509: APP/2020/0829 – LAND ADJACENT TO BRAESIDE FARM, TARVES, AB41 7NN

There had been circulated and was **noted** a report by the Director of Infrastructure Services, advising of the Local Review Body's decision to uphold the Committee's decision to Refuse planning permission for a building in the countryside, within the rural housing market area on land adjacent to Braeside Farm, Tarves, (APP/2020/0829).

B. LRB 519: APP/2020/1533 - SITE TO THE EAST OF DUNVAROCH, EVERTON OF AUCHRY, TURRIFF, ABERDEENSHIRE

There had been circulated and was **noted** a report by the Director of Infrastructure Services, advising of the Local Review Body's decision to partially uphold the officer's recommendation, with the addition of two more reasons, that the application for Full Planning Permission (APP/2020/1533, Site to the East of Dunvaroch, Everton of Auchry, Turriff) for the extension of an existing cluster of five or more houses within the rural housing market area be refused. In coming to its decision, the Local Review Body had added additional reasons for the refusal, (a) that under Policy P1, the development would not be able to deliver adequate amenity due to the close proximity of farm buildings and land in operational farm use; and (b) that the development would be contrary to Policy HE1, as the development would be likely to have a negative impact on the setting of a listed building.

C. LRB 522: APP/2020/2373 - SITE AT NORTH CHAPLEHOUSES, OLDMELDROM, ABERDEENSHIRE

There had been circulated and was **noted** a report by the Director of Infrastructure Services, advising of the Local Review Body's decision to uphold the Committee's decision to Refuse Full Planning Permission for the erection of a dwellinghouse at a site at North Chapelhouses, Oldmeldrum (APP/2020/2373).

6. DISABLED PERSONS' PARKING PLACES

With reference to the Minute of Meeting of the Infrastructure Services Committee of 1 December, 2011, (Item 15), there had been circulated a report dated 2 September, 2021, by the Director of Infrastructure Services, requesting Members' consideration of a proposed reviewed Traffic Order for disabled street parking spaces in Formartine, and the commencement of the statutory consultation procedure for the Order.

Having heard from the Senior Engineer (Roads) that the proposal would remove those parking bays which were no longer required, there was discussion on the usage of the designated spaces, no longer linked to specific named users; and of the reason for some bay measurements being given as 6 metres and others as 3, with this dependent on whether the space allocation was lengthways or sideways on to the street measurements, as the placings were measured to, or from, a junction.

The Committee **agreed:-**

- (1) to authorise the commencement of the statutory procedure for the making of the Aberdeenshire Council (Disabled Street Parking - Formartine) Order 2021;
- (2) in the event that no valid objections are received, or that any received are resolved or withdrawn, to authorise the subsequent making of the Aberdeenshire Council (Disabled Street Parking – Formartine) Order 2021; and
- (3) in the event that any valid objections received are not resolved and not withdrawn, or that the proposals are amended following consideration of valid objections, that a further report be submitted to Committee in due course.

7. DRAFT LOCAL FLOOD RISK MANAGEMENT STRATEGIES AND PLAN FOR THE NORTH EAST LOCAL PLAN DISTRICT

With reference to the Minute of Meeting of the Infrastructure Services Committee of 19 August, 2021, (Item 7), there had been circulated a report dated 23 August, 2021 by the Director of Infrastructure Services, requesting Members' consideration of the draft Local Flood Risk Management Strategies and Plan for the North East District, as part of a public consultation for the prioritisation of risk management actions.

The Committee heard from the Senior Engineer the detail of the strategic measures as they applied to Formartine, with four Potentially Vulnerable Areas (PVAs) proposed for Ellon, Methlick, Newburgh, and Turriff, which were also designated as Objective Target Areas (OTAs); and the need to maximise public participation, including by Community Councils, in the national consultation.

There was discussion of the inter-relationship between the national strategies and local flood management work, undertaken through revenue budget works; the timescale for the national priorities, and how recent incidents of flooding might impact on a reassessment of these and the potential addition of new areas; the need to manage expectations in forward planning when new events might change the proposed priorities extensively; the specific works to be undertaken, or under investigation, by the Council for settlements in Formartine, and the need for local Members and local communities to be kept informed; and the impact on obtaining

insurance post flooding, with discussion of the Scottish Government's "Flood Re" Insurance initiative; and the availability of advice from the Scottish Flood Forum..

Having considered the nationally prioritised flood risk management actions as detailed in Appendix 1 to the report, the Committee **agreed:-**

- (1) that additional information be provided to Members, via Ward Pages, on the Scottish Government "Flood Re" Scheme and Scottish Flood Forum guidance;
- (2) to welcome the report;
- (3) to note that the Head of Roads, Landscape, and Waste Services had been delegated authority to respond to the public consultation on behalf of Aberdeenshire Council; and
- (4) that the undernoted commends be made:-
 - that concerns be expressed on the timescale proposed for the delivery of the national plan;
 - that the process for integrating local revenue works, as reported to Area Committees in Spring 2021, with the national project consideration be clarified;
 - that briefings for local Members, and local communities, on flooding risk management be considered;
 - that the consultation response report be shared with Members when available; and
 - that consideration be given to using Community Councils as the conduits for local awareness of, and engagement with, the Strategies and Plan.

8. TOWN CENTRE FIRST PRINCIPLE

With reference to the Minute of Meeting of the Infrastructure Services Committee of 1 December, 2016, (Item 9), there had been circulated a report dated 30 August, 2021 by the Director of Infrastructure Services, requesting Members' consideration of a renewal of the Town Centre First Principle.

The Committee heard from the Project Officer, Towns Team, of the significant transformation which had been demonstrated by the embedding and application of the Town Centre First Principle (TCFP) in officer recommendations and Member decisions since its adoption; and the proposals for the review of the policy, including future planned engagement on the delivery framework which would be progressed if the policy renewal were approved.

There was discussion on the role and participation of officer and Member ambassadors; the Town Centre First Principle webpage; the benefit on understanding what difference had been made, and also possible unintended consequences, by the application of TCFP in terms of improving the local economy; the consideration of the Principle in areas such as strategic housing investment, as well as development control planning applications; the need to promote awareness of any public

engagement; and the merits, and demerits of the proposed renewal period, when taken in tandem with a need to review its effectiveness to date.

Having considered the recommendations for the renewal of the Town Centre First Principle, as detailed in Appendix 1 to the report, the Committee **agreed:-**

- (1) to welcome the report;
- (2) that information on the Member and Officer Ambassadors, and the link to the Town Centre First webpage be shared with Members; and
- (3) that the undernoted comments be made to the Infrastructure Services Committee on 22 November, 2021:-
 - that consideration be given to the need to capture and report on the outcomes of the Policy, beyond development control applications, to determine success;
 - that consideration be given to the renewal of the policy for a single year initially, with a view to strengthening the policy and strategy, and aligning reporting with an annual action plan linking the performance management system in the context of plans for local areas;
 - that the participation of business associations and town centre users, when the Engage Portal is launched, be encouraged by direct approaches, as well as media coverage in the public domain; and
 - that in approving the Policy renewal for five years as suggested, officers consider annual performance reporting to provide assurance to Members of actions progressed and their impacts.

9. STRATEGIC HOUSING INVESTMENT PLAN 2022-2027

There had been circulated a report dated 20 August, 2021 by the Director of Infrastructure Services, requesting Members' comments on the proposed Strategic Housing Investment Plan 2022- 2027, to be submitted to the Scottish Government by 29 October, 2021.

The Housing Strategy Manager spoke of the impact, nationally, on housebuilding of the increasing material costs, which had led to higher levels of risk in the delivery of new build council housing; of the houses which had been delivered, and were planned across Formartine, including at Newburgh by Grampian Housing Association, in Ellon, including the redevelopment of the former Academy site, and of 10 houses completed in Rothienorman since the report had been written. Mr. McLeod referred to delays on some sites due to Scottish Water issues, of the continuing pursuit of increasingly energy efficient buildings, and of guidance awaited from the Scottish Government on models of affordable housing. He stressed that the Town Centre First Principle was a major consideration for strategic planning of housing, in looking both at buildings and land which may be available.

There was discussion of the Council's options to take over redundant property, including former council houses for sale on the private market, and office

accommodation, for inclusion and adaption as housing stock, and the restrictions which might apply; of the consideration of modular housing development, which may give more energy efficient housing provision, and on which the Council was currently a participant in a Scottish Government Working Group initiative; the potential exploration of “the passive house”/ zero net house as an exemplar of energy efficiency; of the continuing trend for both one person accommodation and the need for 3-4 bedroom houses, sometimes provided by Developer Contribution or a Section 75 agreement on a planning permission; the continued availability of shared equity housing, with fluctuating take up reflecting changes in the financial market and the risk around first-time buyers; and the need to ensure that the shared equity option was included in the choices offered to those pursuing the online choice-based letting system.

The Committee **agreed:-**

- (1) to welcome the report; and
- (2) that the undernoted comments be made to the Communities Committee:-
 - to commend officer investigation, as part of a Scottish Government working group, of future-proofing build, including the pursuit of Passive Home standards and the potential for modular houses in terms of climate change/ CO² emissions;
 - that it be noted that very few office-to-domestic property conversions occur, as it was harder to meet Scottish Standards and may, in contrast, be more cost efficient to progress new build; and
 - that, if not already included in the choice-based letting system online, that links to shared equity schemes be added to amplify available options.

10. ABERDEENSHIRE COUNCIL BUILT HERITAGE STRATEGY 2018-21 REVIEW AND BUILT HERITAGE STRATEGY 2021-24

There had been circulated a report dated 27 July, 2021 by the Director of Infrastructure Services, providing an update on the work of the Environment Team in delivering the Council’s Built Heritage Strategy for 2018-2021, and proposing a strategy for 2021-2021.

The Committee heard further from Mr. Norman, Environment Planner, of the previous work undertaken and the new strategy’s proposed alignment with the Council priorities of Covid recovery and climate change.

There was discussion of the progression of Conservation Area reviews in Formartine; the challenges in community engagement with the lack of drop in engagement sessions due to Covid; the potential use of Community Councils as a conduit for community discussions, to augment any online surveys which may be progressed; the challenges of digital accessibility in some areas and age groups; and the Government-promoted support for work with Historic Environment Scotland to address energy efficiency and reductions of carbon footprints in pre-1900 buildings.

The Committee **agreed:-**

- (1) to welcome and commend the work of the Environment Team over 2018-2021 in conserving, managing, enhancing, and promoting Aberdeenshire's Built Heritage, as detailed in Appendix 1 to the report; and
- (2) that the undernoted comments be made to the Infrastructure Services Committee on the proposed Built Heritage Strategy 2021-2024, as detailed in Appendix 2 to the report:-
 - that consideration be given to a hybrid approach to consultation, with online surveys or meetings to complement any face-to-face meetings with communities in terms of the progression of Conservation Areas, acknowledging inequalities of digital access for some communities or age groups; and
 - to commend moves to increase energy efficiency and reduce carbon footprints for pre-1900 buildings and ongoing work with Historic Environment Scotland to address this.

11. ABERDEENSHIRE COUNCIL OUTDOOR ACCESS STRATEGY 2018-21 REVIEW AND OUTDOOR ACCESS STRATEGY 2021-24

There had been circulated a report dated 10 August, 2021 by the Director of Infrastructure Services, providing an update on the work of the Environment Team in terms of work undertaken to deliver on the Council's Outdoor Access Strategy for 2018-2021, and requesting the consideration of a proposed Outdoor Access Strategy for 2021-2024.

The Committee heard further from Ms Low, Environment Planner, of the work undertaken, with reference to specific projects in Formartine including town centre tarring works in Ellon, work to the Formartine & Buchan Way, the Coast project, and survey and repair work to a bridge; and of additional funding which had been identified which would allow for additional works. During Covid's lockdown, the importance of accessibility of outdoor spaces had been well recognised in supporting mental health and wellbeing, and so there had been increased working with community groups.

There was discussion of the volunteer hours which had been accumulated to assist in projects; the need for other maintained and privately established path networks to be promoted and highlighted for community use; the need for outcome measures to be associated with the planned actions in order that their success might be assessed; the potential for ad-hoc repairs or reactive maintenance to augment the provision of 2 cuts and a spray for paths which could be accessed by mechanical plant; the budget for any legal costs associated with any challenges to path access issues, which may have been more frequent during lockdown; the development of paths with public accessibility by landowners under Government-sponsored schemes, and the need to be aware of these; and the difference between "right to roam" and "right to access responsibly".

The Committee **agreed:-**

- (1) to welcome and commend the work the Environment Team over 2018- 2021 in relation to non-motorised public access, as detailed in Appendix 1 to the report;

- (2) that officers report back on the funding available to defend, to Court level if required, rights of access in instances of dispute; and
- (3) that the undernoted comments be made to the Infrastructure Services Committee on the proposed Outdoor Access Strategy 2021-2024, as detailed in Appendix 2 to the report:-
 - that the provision of path network plans, on a Ward basis, be shared with communities;
 - to note the standard maintenance regime as being two cuts and a spray, and the potential for essential ad-hoc repairs as required;
 - that consideration be given to adding outcome measures, such as links to mental health and wellbeing, to the actions in the Strategy for 2021-2024;
 - that consideration be given on how to amplify public awareness of paths developed by private owners with government funding; and
 - that the Council acknowledge that the “right to roam” slogan may be better worded as “right of responsible access.”

12. CONSULTATION ON THE DRAFT RISK MANAGEMENT POLICY

With reference to the Minute of Meeting of the Audit Committee of 1 July, 2021, (Item 13), there had been circulated a report by the Director of Business Services requesting Members’ consideration of a draft risk management policy, to be approved by Business Services Committee on 11 November, 2021.

The Committee heard from the Risk and Resilience Manager of the origin of the review in challenges to the annual governance statement, and how the new policy was designed to be a core keystone on how to conduct risk management, with guidance on assessments and the completion of risk registers currently being developed. These supporting documents would be made available for comment when created.

There was discussion of the need to consider in an overt manner awareness of potential risk on legislative changes; the expansion of categories of risk, with the templates to be made available for comment; and the need for all committees to have an understanding of the operations of risk registers and ownership of the contents.

The Committee, having discussed the draft Risk Management Policy as appended to the report **agreed:-**

- (1) to welcome the report, commending the work undertaken to update the Risk Management Policy and processes; and
- (2) that the undernoted comments be made to the Business Services Committee:-
 - that risks identified in the context of future legislative change be amplified;
 - that the new category templates be shared with Members;

- that Risk be considered by all Area and Policy Committees, and not solely by Business Services, as all Members need to understand and have risk assessment as part of their Scrutiny roles; and
- noting that these may be included in the new category headings which were to be shared, that operational risks of events outwith the Council's control, and which may be overlooked, be stressed.

13. AREA PERFORMANCE FRAMEWORK AND PERFORMANCE INDICATORS

With reference to the Minutes of Meeting of Aberdeenshire Council of 7 October, 2020, (Item 3) and 24 June, 2021, (Item 11), there had been circulated a report dated 8 September, 2021 by the Director of Business Services requesting Members' acknowledgement of the Area Performance Framework and seeking their agreement to the Area Performance Indicators and schedule of performance reporting proposed.

The Committee heard from the Area Manager of the list of performance indicators (PIs) identified by Services and linked to the delivery of the Area Plan, with their specific content to come back in a more graphic format, and with the main points made by Area Committees in their informal consideration of the proposals, as detailed in the report, to be taken into account in the final reporting detail. It was noted that the process was iterative and the PIs, some traditional and others to be reported as part of the Area Plan progress measures, would evolve over time. In order to allow due consideration of the performance indicators, it was proposed that they be reported in a sequence of three meetings, each dealing with a distinct service, with formal reporting to start in early 2022.

There was discussion of the need to have local information as well as Shire-wide; the need for any percentage reporting to be set in context; the requirement to have outcome information to augment any measuring and facilitate consideration of impact on communities; the requirement for a Members' workshop, prior to formal Committee consideration, to have sight of the detail of what might be reported; and the need to identify specific measured targets for actions.

The Committee **agreed:-**

- (1) to acknowledge the Area Performance Framework as detailed in the report;
- (2) to agree the proposed Performance Indicators as detailed in Appendix 1 to the report;
- (3) to agree the schedule of performance reporting as detailed in paragraph 4.7 of the report;
- (4) that Services provide (a) base-line information and not just a number or percentage; (b) links to the Area Plan; and (c) an outcome-based narrative in reporting on performance; and
- (5) that an informal workshop session be held, in advance of the formal sessions commencing in January, 2022, to allow Members to see the performance report style and content.

14. AREA COMMITTEE BUDGET 2021-2022 – APPLICATION FOR FUNDING

With reference to the Minute of Meeting of 27 April, 2021 (Item 9), there had been circulated a report dated 9 September, 2021 by the Director of Business Services detailing an application for funding which had been received from the Trustees of Newburgh Public Hall, towards the provision of PV panels and battery storage to enhance the Hall's self-sufficiency in terms of energy.

The Committee **agreed** to approve an award of £2,925 to Newburgh Public Hall Trustees, towards the purchase and installation of PV panels and battery storage at Newburgh Public Hall.

15. NOMINATION TO OUTSIDE BODY - FORMARTINE RURAL PARTNERSHIP (SCIO)

With reference to the Minute of Meeting of Aberdeenshire Council of 17 March, 2021, (Item 12), there had been circulated a report dated 11 September, 2021 by the Director of Business Services seeking the nomination of a Councillor to serve in an observer/ advisory capacity on the Formartine Rural Partnership, a Scottish Charity Incorporated Organisation (SCIO).

The Committee **agreed** that Councillor McAllister be appointed to the Formartine Rural Partnership.

16. STATEMENT OF OUTSTANDING BUSINESS

There had been circulated and was **noted** a report dated 13 September, 2021 by the Area Manager, updating on matters which had been previously discussed by the Committee but remained to be resolved.

4A. APP/2020/1936

Full Planning Permission for Erection of 3 Dwellinghouses at Site to the North West of Watersreach, Collieston, Ellon, Aberdeenshire

Applicant: RSM Restructuring Advisory
Agent: RJM Architectural Design

There had been circulated a report dated 8 September, 2021 by the Director of Infrastructure Services, requesting Members' consideration of an application for Full Planning Permission for the Erection of Three Dwellinghouses, at site to the North West of Watersreach, Collieston, Ellon.

The Committee heard from the Senior Planner of the history of applications on the site, accessed off a private road serving two existing properties, which, although not considered as brownfield, had previously had dwellings on the site which had been demolished, which were clearly evidenced as having existed on the site. In matters of design and layout, the proposal met all other requirements of Policy R1 Special rural area and so it was recommended by officers as a Departure from the Local Development Plan.

There was discussion of the responsibilities of houseowners sharing the private access road, which was not a planning matter; and the potential naturalisation of the site.

The Committee **agreed:-**

(1) to GRANT Full Planning Permission, subject to the following conditions:-

01. 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 occupied 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.

02. 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.

03. The dwellinghouses 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 drainage proposal detailed in the Porosity Test Report and calculations by S.A McGregor dated 7th July 2019. The 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.

04. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to, and approved in writing by, the Planning Authority.

Details of the scheme shall include:

- a) A tree survey in accordance with BS 5837:2012;
- b) Existing landscape features and vegetation to be retained;
- c) Protection measures for the landscape features to be retained;
- d) Existing and proposed finished levels;
- e) The location of new trees, shrubs, hedges, grassed areas and water features;
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- h) An indication of existing trees, shrubs, and hedges to be removed; and
- 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.

05. No works in connection with the development hereby approved shall commence unless asbestos containing materials found at the site are removed by a licensed contractor and evidence of appropriate disposal provided to the Planning Authority. Subsequent to which an investigation of the area beneath the asbestos containing materials shall be undertaken in accordance with BS 10175:2011+A2:2017-'Investigation of Potentially Contaminated Sites - Code of

Practice' and a report of that investigation has been submitted to, and approved in writing by, the Planning Authority.

Where it is determined by the site investigation report that remediation of the site is required no works in connection with the development hereby approved (other than the demolition of the remaining structures) shall commence unless a remedial scheme has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to, and approved in writing by, the Planning Authority.

Any areas of hardstanding, clean cover, or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the Planning Authority.

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

06. The dwellinghouses hereby approved shall not be occupied unless they have been erected in accordance with the stipulated finished floor levels (or lowest point of water entry, whichever is lower). These being 8.73 AOD for Plot 1, 8.2 AOD for Plot 2, and 7.75 AOD for Plot 3 and its associated garden ground has been formed in accordance with the approved ground levels. Once formed these floor levels shall be retained in perpetuity.

Reason: To ensure that there is no increased risk of flooding as a result of the development.

07. No works to the dwellinghouses hereby approved shall commence unless full details including a management plan of the buffer strip adjacent to the water course has been submitted to, and approved in writing by, the Planning Authority. The buffer strip shall be a minimum of 3 metres wide unless otherwise agreed in writing by the Planning Authority and designed to protect the water course and wildlife habitat, while promoting biodiversity, and as such will not form part of the domestic garden for the dwellinghouses hereby approved. The details submitted should include an appropriate boundary treatment between the domestic garden and the buffer strip. Once approved, the buffer strip, boundary, and management plans shall be implemented in full accordance with the approved details prior to commencement of development and thereafter be retained in perpetuity.

Reason: In the interest of protecting local wildlife habitats and enhancing biodiversity.

08. There shall be no land raising, or construction of decking or similar, below the following level for plots 2 and 3. These being 7.60m AOD of Plot 2 and 7.15m AOD for Plot 3.

Reason: To ensure that there is no increased risk of flooding as a result of the development.

09. 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, no development or other development within the curtilages of Plots 2 and 3, other than that shown on the approved plans shall be erected on the site under the terms of Class 1A to D and 3A to E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: To ensure that there is no increased risk of flooding as a result of the development.

10. The dwellinghouses 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; and
 - 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; and

- (2) to agree the reason for departing from the Aberdeenshire Local Development Plan as that although the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. it is a justifiable departure.

The principle of development can be supported, on balance, as a departure from Policy R1 Special rural areas. Although there is no category within Policy R1 under which the proposal falls, and no category specifically allowing for the redevelopment of a brownfield site, the betterment of the site from its present unkept conditions, alongside the proximity to the adjacent settlement for reasons of sustainability, and the fact that there were houses on the site and a valid permission as recently as May 2016, all lend the proposal sufficient enough material weight in this instance. Furthermore, the proposal does not involve localised coalescence of coastal development or adverse impact upon coastal processes or habitats.

The application accords with all relevant policies in that the proposals are acceptable in design terms, are of suitable scale and proportions, and give rise to no concerns in terms of impacts upon neighbouring residential amenity. There are no significant concerns in terms of flooding or ground contamination. The proposal can be accessed and serviced appropriately. There are no anticipated impacts upon any sensitive habitats of importance of nature conservation sites.

4B. APP/2021/1153

**Full Planning Permission for Erection of Dwellinghouse and Garage at Site 16
Waulkmill, Ythanbank, Aberdeenshire**

Applicant: Mr Jonathan Mitchell
Agent: HAUS Architectural & Timber Frame Ltd

The Committee **noted** that this application had been withdrawn.