

ABERDEENSHIRE COUNCIL

BUCHAN AREA COMMITTEE

VIA SKYPE – 1ST FEBRUARY 2022

- Present:** Councillors N Smith (Chair), D Beagrie (Vice Chair), A Allan, A Buchan, M Buchan, S Calder, J Ingram, A Simpson and I Sutherland
- Apologies:** Councillors A Fakley and S Smith
- Officers:** Amanda Roe, Buchan Area Manager (Business Services); Lauren Cowie, Principal Solicitor (Business Services); Sally Wood, Senior Planner (Environment & Infrastructure Services); Shaun Norman, Environment Planner (Environment & Infrastructure Services); Sarah Shaw, Senior Sustainability Information & Research Officer (Environment & Infrastructure Services); Malcolm White, Team Leader (Environment & Infrastructure Services); Alan Wood, Director of Environment & Infrastructure Services; John Gahagan, Estates Manager (Business Services); Andrew Moir, Principal Asset Management Officer (Business Services); Annette Johnston, Tackling Poverty & Inequalities Co-ordinator (Business Services); and Theresa Wood, Area Committee Officer (Business Services)

1. DECLARATION OF MEMBERS' INTEREST

The Chairman asked Members if they had any interests to declare in terms of the Councillors Code of Conduct –

- (1) Councillor A Allan for Items 12 and 13 by virtue of being Treasurer to Artventure. In considering her interest to be significant, Councillor Allan left the meeting for both items

2. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Committee **noted** the requirement, in terms of Section 149 of the Equality Act, 2010 –

- (1) to have due regard to the need to:-
- (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it

- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision

3. DRAFT MINUTE OF 11TH JANUARY 2022

The Draft Minute of 11th January 2022 had been circulated and was **approved**.

4. DEFERRED PLANNING APPLICATION

With regard to the deferred planning application, the Committee had before them a report by the Director of Environment & Infrastructure Services on a planning application for determination in terms of the Town and Country Planning (Scotland) Acts 1972 and 1997 and **agreed** to dispose of the application as detailed in Appendix A attached to this Minute.

- (a) APP/2021/1766 Full Planning Permission for Erection of Dwellinghouse and Garage at Site adjacent to Schoolhouse, Lonmay

5. NEW PLANNING APPLICATIONS

The Committee had before them reports by the Director of Environment & Infrastructure Services on planning applications for determination in terms of the Town and Country Planning (Scotland) Acts 1972 and 1997 and **agreed** to dispose of the applications as detailed in Appendix B attached to this Minute.

- (a) APP/2021/2265 Full Planning Permission for Extension to Quarry for the Extraction of Minerals (Part Retrospective) at Newton of Savoch Quarry, Blackhills, Peterhead
- (b) APP/2021/2451 Full Planning Permission for Erection of Dwellinghouse at Site at Nether Aden, Mintlaw
- (c) APP/2021/2632 Planning Permission in Principle for Erection of Dwellinghouse at Site at Hillwood Croft, Ardallie, Peterhead

6. ABERDEENSHIRE COUNCIL PLANNING INFORMATION AND DELIVERY TEAM STRATEGY 2022-2025

A report by the Director of Environment & Infrastructure Services had been circulated to make the Committee aware of the work of the Planning Information and Delivery Team as contained in the Team's Draft Strategy 2022-2025, and to seek endorsement of its content prior to it being considered by the Environment & Infrastructure Services Committee

The Committee **agreed** to endorse and confirm the Buchan Area Committee's support for the Draft Planning Information and Team Strategy 2022-2025 to Environment & Infrastructure Services Committee

7. ABERDEENSHIRE COUNCIL NESBReC – INCREASE OF EXISTING CHARGES

A report by the Director of Environment & Infrastructure Services had been circulated seeking the Committee's comment on the proposal to increase charges by 10% (including the annual inflationary uplift) for providing biological data to commercial users of North East Scotland Biological Records Centre (NESBReC).

The Committee **agreed** to recommend to Environment & Infrastructure Services Committee that the Buchan Area Committee supports the proposal to increase charges by 10%, and to note that any impact on the number of requests received for data will be included in the annual report bulletin, which is sent to Members, as well as the Review of the NESBReC Strategy which is undertaken every 3 years

8. ABERDEENSHIRE COUNCIL RANGER SERVICE – INTRODUCTION OF CHARGES

A report by the Director of Environment & Infrastructure Services had been circulated seeking the Committee's comments on the proposal to introduce charges for the delivery of exclusive activity sessions which the Ranger Service can provide to commercial organisations.

The Committee **agreed** to recommend to Environment & Infrastructure Services Committee that there were mixed views from the Buchan Area Committee; some Members supported the proposal to introduce charges, however, there was a contrary view expressed that the Ranger Service should not be providing activity sessions to commercial organisations, given the importance of the Ranger Service to our communities and Schools, but should be focusing on core business

9. ENVIRONMENT AND INFRASTRUCTURE SERVICES PERFORMANCE UPDATE APRIL-END OF SEPTEMBER 2021 (ABERDEENSHIRE PERFORMS)

A report by the Director of Environment & Infrastructure Services had been circulated providing the Area Committee with an update on key performance and outcome indicators which will help demonstrate how we are delivering the Council's strategic priorities in the Area. The report will inform and allow Members to fulfil their scrutiny role and hold Officers to account for the performance of the service.

Having heard from the Director of Environment & Infrastructure Services, the Committee **agreed** to request that the Director of Environment & Infrastructure Services continues to present performance reports to the Committee on a 6-monthly basis in order to evidence progress with the delivery of the actions set out in the Area Plan 2021-2022

10. DRAFT REVISED SURPLUS PROPERTY POLICY

A report by the Director of Business Services had been circulated seeking the Committee's comment on the Draft Revised Surplus Property Policy to be considered by Business Services Committee at its meeting on 21st April 2022.

The Committee **agreed** to put forward the following comments to Business Services Committee in respect of the Draft Revised Surplus Property Policy:-

- (1) in considering capital receipts, to request that consideration be given to 'principle of place' which would see an asset in Buchan staying in Buchan in terms of a capital receipt,
- (2) there is a need to streamline the process for disposing of Council properties, and that this include consideration of auctioning older properties,
- (3) that, where possible, the Council's asset register be updated, as there remains buildings and, in particular, pieces of land that the Council is unaware of being in the Council's ownership, and
- (4) to request that Officers, when marketing property or land for sale, consider including reference to internet connectivity given how important this has become in recent years

The Committee further **agreed** to request that the list of surplus buildings within Buchan be made available to Buchan Area Committee Members via a briefing note, ie surplus properties in the first instance then a more comprehensive detailed list in due course, and that an informal meeting be arranged, at a later date, to go through the list in detail.

11. TACKLING POVERTY & INEQUALITIES – PROGRESS REPORT

A report by the Director of Business Services had been circulated providing the Committee with an update on progress made delivering the priorities and outcomes of the Tackling Poverty & Inequalities Strategic Partnership Group, including the actions within the Poverty Action Plan which supports the Aberdeenshire Local Outcomes Improvement Plan priority 'Reducing Poverty'.

The Committee **agreed** to acknowledge and support the progress made in tackling this agenda and to provide the following comments on the Action Plan and the Tackling Poverty & Inequalities Annual report to Communities Committee, which will inform the final Local Child Poverty Action Report –

- (1) to thank the Tackling Poverty & Inequalities Team for their invaluable work provided throughout Aberdeenshire and specifically in Buchan,
- (2) to highlight the importance of local place-based activity influencing the direction of the Action Plan and future development of the Tackling Poverty & Inequalities Strategic Partnership, and
- (3) whilst acknowledging the tremendous work that the Tackling Poverty & Inequalities team carries out, to highlight concern with the lack of progress being made across Aberdeenshire, specifically in Buchan and Peterhead, in relation to poverty and that more must be done, with progress being measured and the aim being to eliminate poverty

The Committee further **agreed**:-

- (1) to welcome the sharing of social media links for Tackling Poverty & Inequalities sites by way of keeping local Members up to date and informed,
- (2) to request that Officers arrange an informal session with Buchan Area Committee Members to go through the 'areas for development in 2022' with a specific focus on localised issues, and
- (3) to request that the Area Manager add the following topic for discussion to the next Ward 4 Agenda - Discussion with HSCP staff on the timescale for the roll-out of Welfare Officers being available within rural GP Surgeries

12. BUCHAN AREA PLAN 2020-22 – MID YEAR PROGRESS ON PROJECTS/ACTIONS (APRIL 2021-SEPTEMBER 2021)

A report by the Director of Business Services had been circulated providing the Committee with a mid-year update on progress made in relation to projects/actions within the Buchan Area Plan.

In going through the Plan in detail the Committee **agreed**:-

- (1) (page 275 – 2.19) to request that the Area Manager liaise with the HSCP Chief Officer to write a letter of acknowledgement to the Peterhead Civic Pride Group in recognition of donating a memorial bench to Landale Road Gardens,
- (2) (page 278 – 2.26) to note that the Area Manager will continue to keep local Members updated in relation to any key town centre funding bids and associated projects,
- (3) (page 290 – 4.10) to request that the Area Manager look into the award made to Peterhead Civic Pride for benches and confirm the position to local Members,

- (4) (page 292 – 4.10) to request that the Area Manager clarify to local Members what projects, including any conditions, are attached to the funds allocated to Peterhead Town Centre Projects,
- (5) (page 298 – 5.04) to request that the Area Manager continue to keep local Members informed in relation to how works are progressing at Drummers Corner,
- (6) (page 298) to note that an informal Workshop is being arranged for Ward 6 Members and Officers to meet and discuss the Redevelopment of Clerkhill Shopping Area, to include specifically what opportunities there are and what are the key priorities, which will allow the Area Manager to update local businesses and residents,
- (7) to request that the Area Manager, through the Tackling Poverty & Inequalities Co-ordinator, provide Members with a briefing on the Wi-Fi Pilot Initiative within Peterhead town centre,
- (8) (page 266 – 2.03) to request that the Area Manager seek a further update in relation to the planned houses at Newlands Road, Mintlaw, and provide feedback to Ward 4 Members
- (9) to request that the Area Manager continue to present progress reports to the Committee on a 6-monthly basis, in line with the Performance Management Framework, evidencing progress and performance with delivery of the Council Plan 2020-22, and
- (10) to receive mid-year Performance Reports (April 2021-September 2021) relevant to the Buchan area between January and March 2022

13. STATEMENT OF OUTSTANDING BUSINESS AS AT 21ST JANUARY 2021

Having heard from the Area Manager, the Committee **agreed**:-

- (1) (2 - 1) having noted that the link to the Core Paths Plan interactive map has been provided to Members on 31/01/2022 to remove this action,
- (2) (2 – 2) to note that this action has been referred to the Coast Project Officer who will look to be in touch with Councillor Smith and other Ward 6 Members in the coming weeks,
- (3) (2 – 3) to note no progress to date, however, consideration may be given in due course to assisting local groups in accessing the Agri-Environment Climate Change Scheme – Improving Public Access (Scottish Government Funding),
- (4) (7) having undertaken the site visit to remove this action,

- (5) (8 - 3) to note that the statutory consultation process is now underway; further should there be any objections that cannot be resolved, the Service will report back to Committee. If no valid objections are received, the Service will then consider what permanent measures can be put in place and report back the final proposal to the Committee as requested. Temporary measures will remain in place throughout the consultation period,
- (6) (8 – 4) to note no progress to date due to other works having to be prioritised,
- (7) (8 – 5) to note no progress to date due to other works having to be prioritised,
- (8) (10 – 2) having been included within the Committee’s Agenda of 11th January 2022 to remove this action,
- (9) (11) given that a further briefing has been requested that this action should remain on the Outstanding Statement,
- (10) (16 - 1) having been included within the Committee’s Agenda of 1st February 2022 to remove this action,
- (11) (16) having provided the required detail to local Members at the Ward 4 Meeting on 18th January 2022 to remove this action,
- (12) (17 – 1) to note that a Workshop has been arranged for 8th February 2022,
- (13) (17 – 3) to note that a request has been made to Artventure and a response is awaited, and
- (14) (17 – 4 & 5) to note that a request has been made to Police Scotland for a briefing in relation to the CCTV and its impact, and it is hoped to arrange an opportunity for Members to meet with local Police Scotland representatives mid-March

APPENDIX A

DEFERRED PLANNING APPLICATION

(a) **Full Planning Permission for Erection of Dwellinghouse and Garage at Site adjacent to Schoolhouse, Lonmay**

For: Mr & Mrs R Davidson, c/o Ecotech Architecture, 7 Wallace Way, Fraserburgh

Per: Ecotech Architecture, Office 26, Fraserburgh Business Centre, South Harbour Road, Fraserburgh

Reference No: APP/2021/1766

Councillor D Beagrie moved as a motion, seconded by Councillor I Sutherland, that being minded to Approve Full Planning Permission that the application be referred to Environment & Infrastructure Services Committee for determination based on the following reasons for departing from the Local Development Plan (1) in considering Policy R2, having undertaken a site visit and been able to view a group of five or more dwellinghouses from the site, the proposed house is an appropriate addition to a cluster of five or more dwellinghouses, and (2) in considering Policies HE1 and E2, the proposed development would not have a detrimental impact on the setting and character of the Listed Buildings within the surrounding area.

As an amendment, Councillor Allan, seconded by Councillor Calder, moved that Full Planning Permission be Refused for the reasons outlined in the report.

The Members of the Committee voted –

For the motion	(6)	Councillors N Smith, Beagrie, M Buchan, Ingram, Simpson and Sutherland
For the amendment	(2)	Councillors Allan and Calder
Declined to vote	(1)	Councillor A Buchan

Following a vote (6/2/1), the motion was carried and the Committee **agreed** that being minded to Approve Full Planning Permission that the application be referred to Environment & Infrastructure Services Committee for determination based on the following reasons for departing from the Local Development Plan –

- (1) in considering Policy R2, having undertaken a site visit and been able to view a group of five or more dwellinghouses from the site, the proposed house is an appropriate addition to a cluster of five or more dwellinghouses, and
- (2) in considering Policies HE1 and E2, the proposed development would not have a detrimental impact on the setting and character of the Listed Buildings within the surrounding area

APPENDIX B

NEW PLANNING APPLICATIONS

(a) **Full Planning Permission for Extension to Quarry for the Extraction of Minerals (Part Retrospective) at Newton of Savoch Quarry, Blackhills, Peterhead**

For: Savoch Quarry and Recycling Limited, Civil and Demolition Contractors, Crimond Airfield, Crimond, Fraserburgh

Per: Johnson, Poole and Bloomer, 50 Speirs Wharf, Glasgow

Reference No: APP/2021/2265

Having heard from the Senior Planner, the Committee **agreed** to Grant Full Planning Permission subject to the following conditions:-

01. All quarrying and associated activities, other than the restoration of the site, hereby granted under the terms of this planning permission shall cease no later than 31 December 2041; and the site shall thereafter be fully reinstated in accordance with the restoration plan detailed in drawing no. 'Figure 2.0' Mullin Design Associates dated October 2021, no later than 30 July 2042 or within eight months of the cessation of all the activities on the site if they cease earlier, whichever is the soonest.

Reason: In the interests of safeguarding the visual appearance of the site, as the proposal has a temporary life span, to allow the extraction of minerals, and to ensure effective control and reinstatement of the site.

02. The development hereby approved shall be carried out in full accordance with the approved drawings and the supporting statement. No materials shall be quarried from the site hereby granted under materials from Phase 1 to the north granted under APP.2021/2264, unless otherwise agreed in writing by the Planning Service as a non-material variation.

Reason: To ensure that the site is developed in an appropriate manner in the interests of the visual amenities of the area, and to ensure no inappropriate blight of unimplemented or partial implementations of planning permissions related to quarries.

03. Excavation areas of the quarry hereby granted shall not be lower than 30 metres AOD unless otherwise agreed in writing by the Planning Authority.

Reason: To allow assessment of any proposed dewatering at the site and impacts on groundwater and surface water/groundwater discharges.

04. No works in connection with the development hereby granted 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 granted 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.

05. During the normal daytime working hours (defined as 0700-1900hrs Monday to Friday and 0700-1300hrs on a Saturday, with no working at any time on Sundays unless otherwise agreed in writing with the planning authority) the free field equivalent continuous noise level (LAeq, 1h) for the period due to quarry operations, excluding soil and overburden handling activity and other works in connection with landscaping, at Savoch Quarry shall not exceed 45 dB LAeq, 1hr free field at any existing noise sensitive property.

Reason: To ensure that noise limits are not exceeded to protect residential amenity, arising from undue noise and disturbance from the development.

06. During the normal daytime working hours (defined as 0700-1900hrs Monday to Friday and 0700-1300hrs on a Saturday, with no working at any time on Sundays unless otherwise agreed in writing with the planning authority) soil and overburden handling shall not exceed 70 dB LAeq, 1h free field at any existing noise sensitive property and shall be limited to a period not exceeding 8 weeks per year at any one existing noise sensitive property.

Reason: To ensure that noise limits are not exceeded to protect residential amenity, arising from undue noise and disturbance from the development.

07. Ground vibrations as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec at 95% confidence level for all blasts measured over any period of six months and no individual blasts shall exceed a peak particle velocity of 12mm/sec as measured at vibration-sensitive buildings. For the purposes of this condition the measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface.

Reason: To ensure that noise limits are not exceeded to protect residential amenity, arising from undue disturbance from the development.

08. No works in connection with the development hereby approved shall commence unless a programme of blast monitoring in accordance with the Assessment of Environmental Impact of Blasting at Savoch Quarry, prepared for Johnson Poole & Bloomer Consultants by Vibrock, 21 September 2021, has been submitted to and approved in writing by the planning authority. The

development shall be carried out in complete accordance with the approved blast monitoring programme.

Reason: To ensure that noise limits are not exceeded to protect residential amenity, arising from undue disturbance from the development, and for the purposes of clarification.

09. The Dust Management Plan for Savoch Quarry, September 2021, prepared by Johnson Poole & Bloomer Consultants shall be implemented by the site operator and the measures and procedures contained therein carried out for the lifetime of the quarry development.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties, or negative impact on the natural environment.

10. Prior to the commencement of any excavation of sand and gravel, the formation of the bunds as detailed in the plans hereby granted shall have been completed in full, and once formed shall thereafter be retained during all quarrying activities.

Reason: In order to ensure that the development would not result in undue loss of environmental amenity, visual amenity and residential amenity.

11. No works in connection with the development hereby granted shall commence until a scheme for mud control and wheel washing has been submitted to and approved in writing by the Planning Authority. The development hereby granted shall not operate unless the mud control and wheel washing scheme has been implemented in accordance with the approved details. Once implemented the mud control and wheel washing scheme shall thereafter be permanently retained in accordance with the approved details throughout the duration of the planning permission.

Reason: To ensure that mud, stones and other debris is not carried onto the public road from the site in the interests of road safety.

12. All topsoil bunds shall be seeded within 6 months of their formation.

Reason: In the interest of visual amenity.

13. All site clearance works, which may affect bird nesting, should be undertaken outwith the nesting season between 1st March and 31st August in any year, inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the Planning Authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved

in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

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

14. No materials to be stored and no processing of materials shall take place outwith the approved working and stockpile areas, unless otherwise approved in writing by the Planning Authority as a non-material variation to this planning permission.

Reason: In the interests of visual amenity.

15. Details of measures to ensure that any fuel/chemicals from plant associated with the development hereby granted does not cause pollution shall be submitted to and approved in writing by the Planning Service no later than 1 May 2022. Thereafter, the measures as approved in writing shall be in place on the site prior to the commencement of any quarrying activity, and works on the site shall be carried out in accordance with the approved details and measures.

Reason: In order to ensure appropriate mitigation in an event of any accident in the interests of environmental protection and for the avoidance of any doubt.

16. The development hereby granted shall be carried out in accordance with the details specified in the Planning Supporting Statement - Appendix 2 Water Management Plan in relation to surface water run-off-measures to prevent erosion, sedimentation or decolourisation of controlled waters, and the settlement and soakaway systems; and the Planning Supporting Statement - Appendix 6 Dust Management Plan. All works shall abide by the measures which shall remain throughout the duration of the planning permission.

Reason: In the interests of amenity and public health, to ensure that there is no contamination on land or of watercourses.

Reason for Decision

01. The Council considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The principle of development accords with Policy R3 Minerals and hill tracks. The proposed development is for an extension to an existing quarry, which is well-screened by bunding and landscaping from public vantage points. It does not have a negative impact on the landscape in accordance with Policy E2 Landscape, and subject to conditions would not have an adverse impact on any neighbouring residential amenity.

(b) **Full Planning Permission for Erection of Dwellinghouse
At Site at Nether Aden, Mintlaw**

For: Mr N Bruce & Ms E Thomson, c/o Agent

Per: Baxter Design Company, 1 The Square, Mintlaw

Reference No: APP/2021/2451

In terms of Standing Order 6.5, the Area Manager had received one request to address the Committee in relation to this application from the Agent, Mr Ryan Urquhart.

The Committee was asked if they wished to hear the representation. The Committee unanimously **agreed**.

The Committee first heard from the Senior Planner, then heard from Mr Urquhart as follows -

“Thank you chair for allowing me to address committee today on behalf of the applicants Mr Nathan Bruce and Ms Eilidh Thomson, they have both grown up in Mintlaw and on finishing their school education moved to Aberdeen for work and university, but have decided to return and hopefully build this house themselves. If I can draw your attention to Section 3 of the report it states that there are 2 valid objections to the site, following receipt of the objection from Ms Ritchie at Nether Aden Villa to the north-west of the site the applicants and landowner spoke with Ms Ritchie and it was agreed that a fence could be erected to further protect their amenity and Ms Ritchie would withdraw her objection, we were not given the opportunity by the Planning Service to add this to the plans but it is agreed that a fence can be erected to help protect both parties and we would welcome a condition attached to an approval to that effect. It appears on the website that the objection is still visible, but Ms Ritchie had definitely said to them the objection would be withdrawn. It would be preferable to erect the fence at the boundary of Nether Aden Villa but if the Planning Service sees fit this could be along the access road instead. I note there have been no issues between Nether Aden Villa and the Cottages gardens that are only separated by the access with some mature trees and hedging at present, even though they are much closer together than the proposal site. I note that the other objection asks for traffic calming measures on the main road but consultation with the Roads Department indicates that is not necessary in this instance.

We agree with the conclusion drawn in section 6.3 of the report that the site has no impact on the masterplan site, this was checked prior to submission that the application site boundary could not conflict with the masterplan site boundary and this is the case, we therefore feel that more weight should be given to Infill Development Policy since it is to be surrounded by development and does not affect the delivery of the masterplan site. The masterplan boundary is the east boundary of the proposed site, as it was drawn differently to the OP3 allocation and has been accepted as being so.

Section 6.4 of the report mentions pedestrian linkages to the school site allocated in the masterplan, even though they don't appear to be indicated in the Masterplan this is still very much possible due to the width of between boundaries of Nether Aden Villa and the Cottages being 10m and the new access road only needs to be 4m for a private access to a single house, so a separate path could be formed or it is not uncommon in this area for pedestrians to use private access roads as footpaths, as the single house usage would not be intensive or present danger.

We would strongly contest the reasons for refusal on the basis of the access not providing a welcoming approach and that the site is described as back land development and being tucked away. The site approach is desirable with the trees and hedging screening off the gardens of the cottages to the south and the hedgerows to Nether Aden Villa, and as mentioned their privacy can be enhanced with fencing, which is welcomed by all parties. This development mirrors the style and manner in which houses west of the main access road have been developed, the report mentions Sycamore View and Cedarwood House, they are the two middle properties on the west side of the cluster of houses and as you can see on the Planners final slide that both enter off the public road at the north, down the central access road which is now upgraded to an adoptable road, and tee off it a short distance past the access to the proposal site on the opposite side of the road, driving between the back gardens of two properties and as you can see they didn't follow the pattern of development at the time and rotated the houses to minimise privacy or overshadowing issues between themselves and neighbours. The same is proposed at this house, with the frontage with minimal windows facing Nether Aden Villa so as to minimise any privacy issues. The Planners report mentions a possible minimal amount of overshadowing but I would question if that takes into account that the proposed house is also a few metres below Nether Aden Villa due to the slope in the ground there, the proposed floor level is 3.2m below the garden of Nether Aden Villa and so will be at least 3.5m below the floor level of Nether Aden Villa.

Finally, with regards to the house being tucked away, it is behind properties when looking from the west, but is exposed to the wider rural area and public road to the east, so the public when walking or driving up Nether Aden road or enjoying the rural public footpath to the east will easily see the house forming a welcome addition of good design in the landscape. Thank you for your time and I would be happy to take any questions that you may have."

Having noted the comments from the Agent, the Committee unanimously **agreed**:-

- (1) to Grant Full Planning Permission subject to –
 - (a) the erection of a fence to protect the amenity of Nether Aden Villa, and
 - (b) relevant planning conditions

- (2) their reasons for departing from the Local Development Plan as follows -
- (a) the proposal complies with Policy P1 having placed a condition to protect the amenity of Nether Aden Villa, and
 - (b) the proposal is not in conflict with Policy P3 as infill development is not uncommon within Mintlaw and the surrounding area
- (c) **Planning Permission in Principle for Erection of Dwellinghouse At Site at Hillwood Croft, Ardallie, Peterhead**
 For: Dr Robert Stephen, Aulton Croft, Ardallie, Peterhead
 Per: Stephen G Brown Architect Ltd, 22 Millwood Road, Ellon
Reference No: APP/2021/2632

The Committee **agreed:-**

- (1) to Grant Planning Permission in Principle 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 work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.
- 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 planted and confirmation of all vegetation being removed within the visibility splays;
 - (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 the proposed means of disposal of foul and surface water from the development;
 - (f) Full details of the proposed access to the development including visibility splays where appropriate;
 - (g) Full details of the proposed car parking/vehicle turning area for the development.

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. The development shall be served in accordance with the approved drawings and the following details:
- (a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
 - (b) Prior to occupancy of development, first 5m of driveway (measured from edge of road or back of footway) to be fully paved.
 - (c) Prior to occupancy of development, parking spaces, surfaced in hard standing materials must be provided within the site in accordance with the Council's Car Parking Standards.
 - (d) Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45 degree splays to be formed at the junction with the public road & the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Development.
 - (e) Prior to commencement of development, Visibility Splays, measuring 2.4m x 215m to be formed to the north and 90m to the south of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
 - (f) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift & shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
 - (g) Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

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.

03. The proposed development shall not be brought into use unless the proposed private water treatment system is fitted with the following treatment:
- Point of entry UV treatment unit with appropriate pre-filters providing a continuous UV dose of 40 mJ cm⁻²
 - Suitable treatment to maintain the pH level within acceptable limits

Once installed the private water treatment system and infrastructure shall thereafter be permanently retained in good working order as per the requirements of The Private Water (Scotland) Regulations 2006.

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

04. The dwellinghouse hereby approved shall not be occupied unless the proposed foul water drainage system has been provided in accordance with the approved plans and the submitted Drainage Report for the site provided by Jack Ferguson dated 21st of July 2020. The foul water drainage system 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.

05. That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

06. No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.

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

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

08. No demolition works in connection with the development hereby approved shall commence unless a detailed check of the site for active badger setts has been undertaken and written confirmation has been submitted to the planning authority that no badgers will be harmed and that there are appropriate measures in place to protect badgers living at the site or within 100m of the site. The check shall be undertaken not less than 14 days before the commencement of the demolition and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation has been submitted to and approved in writing by the planning authority.

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

09. In the event that the detailed check of the site for active badger setts confirms the presence of badgers at the site or within 100m of the site, no works in connection with the development hereby approved that would involve the creation of trenches or culverts or the presence of pipes shall commence unless measures to protect badgers from being trapped in open excavations, pipes or culverts have been submitted to and approved in writing by the planning authority. The measures shall include:
- (a) open trenches or pits shall incorporate sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - (b) all open pipework (stored or laid) being blanked off at the end of each working day, and
 - (c) any access holes or entrances into machinery that are accessible to badgers should be suitably blocked when the machinery is not in use; and
 - (d) escape ramps, trenches and pipework must be checked at the beginning of each day for potential entrapments, any subsequent events involving a trapped badger should be referred to the Scottish Society for the Prevention of Cruelty to animals (SSPCA).

The development shall be carried out in complete accordance with the approved badger protection measures.

Reason: In the interest of safeguarding the habitat of a protected species.

10. The dwellinghouse hereby granted shall not be occupied until the existing building on the site has been demolished in its entirety and all downtakings not intended for reuse in the proposed development have been removed from the site.

Reason: The development has been approved as a replacement for the existing building on the site.

11. 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 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.

12. All soft and hard landscaping proposals shall be carried out in accordance with the planting scheme and management programme as required under Condition 1 above and approved as part of the Matters Specified in Conditions application. 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.

- (2) the reason for departing from the Local Development Plan 2017 as follows –
01. The Planning Authority considers that the application is for a development that is considered to be a justifiable departure from the Aberdeenshire Local Development Plan 2017.

The proposed development conflicts with Policy R2 Housing and employment development elsewhere in the countryside, in that it would not involve the replacement of the existing building on the same site, or otherwise meet any of the other eligible criteria under this policy. Notwithstanding this, the proposal is the subject of an existing planning permission, planning application APP/2020/1548 refers, with the principal difference being the amendment from a public water supply to a private water supply. If it was not for the amendment to the site boundary to include the location of the borehole, the proposal could have been dealt with under a Section 42 application, rather than a new application for Planning Permission in Principle. The Planning Service is otherwise satisfied that a dwellinghouse could be accommodated on the site without detriment to the visual or residential character of the surrounding area.

In recognition of the recent approval of a dwellinghouse on this site, it is therefore deemed appropriate to support the proposal as a Departure from Policy R2 Housing and employment development elsewhere in the countryside. The proposal would otherwise broadly accord with all other relevant policies contained within the current Local Development Plan.