

FORMARTINE AREA COMMITTEE

ONLINE MEETING HELD ON TUESDAY 14 JUNE 2022 AND RECONVENED ON TUESDAY 21 JUNE 2022

Present: Councillors I Taylor (Chair), J Crawley, I Davidson, A Forsyth (apologies for 21 June 2022), A Hassan, P Johnston, G Lang, L McAllister, J Nicol, G Owen, D Ritchie and A Stirling.

Officers:- E Brown (Formartine Area Manager); R Johnston (Director of Business Services); A Wood, (Director of Environment & Infrastructure); A Nicol, (Head of Service, Communities Wellbeing & Partnership); G Steel, (Principal Engineer); A Davidson, (Senior Planner); A Ramsay, (Senior Planner); A de Candia (Solicitor); J McRobbie (Area Committee Officer - for 14 June 2022) and A Cumming (Area Committee Officer - for 21 June 2022)

Items 1 to 9 inclusive, 12 and 13 were considered on 14 June 2022. The remaining items were considered on 21 June 2022.

1. APPOINTMENT OF CHAIR

The Area Manager took the Chair and congratulated Members, new and returning, on their election as Councillors for Formartine.

She called for nominations for Chair of the Formartine Area Committee.

Councillor Owen **moved**, seconded by Councillor Stirling, that Councillor Iain Taylor be appointed Chair.

The Committee unanimously **agreed** that Councillor Taylor Chair the Area Committee.

2. APPOINTMENT OF VICE – CHAIR

Councillor Taylor took the Chair of the meeting and called for nominations for Vice-Chair of the Formartine Area Committee.

Councillor Stirling **moved**, seconded by Councillor Ritchie, that Councillor Andrew Hassan be appointed Vice-Chair.

The Committee unanimously **agreed** that Councillor Andrew Hassan be appointed as Vice-Chair of the Area Committee.

Prior to the commencement of the business of the meeting, the meeting was adjourned for a period to allow officers to discuss, with the newly appointed Chair and Vice-Chair, the process of the agenda.

3. DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct the following interests were declared:-

On 14 June 2022

Item 6A – Cllr Nicol

Councillor Nicol declared an interest in Item 6A (APP/2021/0546 - Full Planning Permission Major for Formation of Quarry for Extraction of Rock Aggregate, Site To The East Of Newton Of Rainnieshill Cottage, Newmachar, Aberdeenshire) as a previous Belhelvie Community Councillor who had been involved in the Community Council's forming an opinion on the application. She would withdraw from the meeting and take no part in the discussions of the matter.

Item 11 – Cllrs Davidson and McAllister; (Cllrs altered their position when meeting reconvened on 21 June)

Councillor Davidson declared an interest in Item 11, (Asset Transfer Request for Lower Gordon Park, Ellon By Ellon Wheels Park Group) as having previously written a letter of support for the proposed project at the point where no site had been identified. She would withdraw from the meeting and take no part in the discussions of the matter.

Councillor McAllister declared an interest in Item 11, (Asset Transfer Request for Lower Gordon Park, Ellon By Ellon Wheels Park Group) as having previously written, before becoming a Councillor and before a site had been identified, a letter of support for the proposed project. She would withdraw from the meeting and take no part in the discussions of the matter.

Item 13- Cllr Forsyth.

Councillor Forsyth declared an interest in Item 13 (Area Committee Budget Grant Applications), as a member of Turriff and District Heritage Society, an applicant for grant funding. He would withdraw from the meeting and take no part in the discussions of the matter.

Transparency Statements were intimated as follows:-

Item 6A- Councillors Davidson, Forsyth, Hassan, Johnson, McAllister, Owen, Stirling and Taylor.

Councillors Davidson, Forsyth, Hassan, Johnson, McAllister, Owen, Stirling and Taylor, in the interests of transparency, stated that they knew one of the objectors to the planning application 6A (APP/2021/0546 - Full Planning Permission Major for Formation of Quarry for Extraction of Rock Aggregate, Site To The East Of Newton Of Rainnieshill Cottage, Newmachar, Aberdeenshire) as a former colleague, but this would not debar their participation in, and determination of, the application.

On 21 June 2022

Item 11 - Cllr Davidson indicated that she was changing her declaration of interest (intimated on 14 June) to a transparency statement and took part in the determination of the item.

Cllr McAllister indicated that she was changing her declaration of interest (intimated on 14 June) to a transparency statement and took part in the determination of the item

Cllr Hassan also provided a transparency statement relating to his role on the Gordon Leisure Projects Trust which had provided funding for the feasibility study for the project.

4. RESOLUTION: PUBLIC SECTOR EQUALITY DUTY

The Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

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 Integration Impact Assessment was provided to consider its contents and take these into account when reaching a decision.

5. MINUTE OF MEETING OF 26 APRIL 2022

There had been circulated and was **approved** as a correct record the Minute of Meeting of 26 April 2022, subject to the correction of the spelling of "Wiles" in the list of officers present.

6. PLANNING APPLICATIONS FOR DETERMINATION

The following applications were considered, along with valid representations and request to speak received, and were dealt with as recorded in the Appendix to this Minute.

Reference	Description	Decision
A. APP/2021/0546	Full Planning Permission for formation of quarry for extraction of rock aggregate at site to the east of Newton of Rainnieshill Cottage, Newmachar, Aberdeenshire	Defer for Site Visit

B.	APP/2021/1590	Full Planning Permission for change of use from Class 1 (Shops) to Sui Generis (Hot Food Takeaway) at Greens of Ellon, The Square, Ellon	Defer for Site Visit
C.	APP/2021/2612	Planning Permission in Principle for erection of dwellinghouse at land to the North West of Corsehill Farm, Cuminestown	Delegated Grant
D.	APP/2021/2804	Full Planning Permission for conversion of existing outbuilding to form dwellinghouse (annex) to existing dwellinghouse, at Waterside Smithy, Ythanbank, Ellon	Grant
E.	APP/2022/0004	Full Planning Permission for erection of 28 dwellinghouses and associated works at OP1 Site, Tarves, Ellon	Grant

7. ENVIRONMENT & INFRASTRUCTURE SERVICES PERFORMANCE UPDATE OCTOBER 2021 – END MARCH 2022 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 1 June 2022 by the Director of Environment & Infrastructure Services, providing an update on key performance and outcome indicators, demonstrating the delivery of the Council's strategic priorities in the Formartine Area, and allowing Members to fulfil their scrutiny role and hold Officers to account for the performance of the service.

The Committee heard from the Director of Environment and Infrastructure of areas where improvements had been demonstrated, with two thirds of the 38 performance areas on or above target, including management of rent, homelessness, and road accident statistics.

Areas where performance still required work included business start-ups, where a lesser number might be taken to reflect the impact of Covid-19, but where a new gateway management approach was intended to address the matter; the number of planning applications determined in the target timescale, where the focus remained on quality and where recruitment and retention of staff were areas of ongoing challenge.

There was discussion of the provision of broadband across Aberdeenshire, with an additional business case to be considered by the City Region Deal Joint Committee in September, to augment improved access already created through the national R100 programme; proposals for the new waste collection as a three-weekly cycle; and the pressures of legacy Section 75 Notices on legal agreements relating to the completion of extant planning permissions, Officer delegations on the matter, and Developer Obligation commitments.

The Committee **agreed**, having considered the performance reported for the period from 1 October 2021 to 31 March 2022:-

- (1) that the Director of Environment & Infrastructure Services continue to present performance reports to the Committee on a six-monthly basis in order to evidence progress with the delivery of the actions set out in the Area Plan 2021 – 2022;
- (2) that, in early course, information on the new collection process for domestic waste be shared with Members; and
- (3) that, in due course, a briefing be provided on the Section 75 completion process linking to extant planning permission

8. EDUCATION & CHILDREN'S SERVICES YEAR-END PERFORMANCE MONITORING REPORT – OCTOBER 2021 TO MARCH 2022 (COUNCIL PRIORITIES: AREA PLAN 2021-2023)

There had been circulated a report dated 19 May 2022 by the Director of Education & Children's Services, providing an update on the progress with key council area outcome indicators identified as provided by the Education & Children's Services Directorate, demonstrating the delivery on the Aberdeenshire Council Plan Priorities (2020-2022) framework linked to the Formartine Area Plan (2021-2023), to allow the Committee to acknowledge progress and fulfil their scrutiny and monitoring role in considering the measures reported from October 2021 to 31 March 2022.

The Committee heard from the Director of Education and Children's Services of the additional areas on which performance had been reported, as the restrictions of Covid-19 operations were relaxing or removed, with user satisfaction surveys on Live Life Aberdeenshire facilities recommenced and to be reported next quarter; and of the increased take-up for Early Years Provision; of the Positive Destination outcome for school leavers above the national and shire average, including the success of Foundation Apprenticeships.

There was discussion of the promotion of positive destination work, noting that good news stories were not always picked up by the Press; and the Committee **agreed**, having considered progress made, from October 2021 to 31 March 2022, to achieving the Council Plan Priorities as lined to the Formartine Area Plan 2021 – 2023:-

- (1) that the Director of Education & Children's Services continue to present performance reports to the Area Committee on a six-monthly basis, evidencing progress and performance with delivery of the Council Plan linked to the Formartine Area Plan;
- (2) to welcome the improvements as reported, and commend staff; and
- (3) that officers consider further the promotion of positive destinations, acknowledging the dependence on the Press to use any good news stories provided.

9. BUSINESS SERVICES' AREA COMMITTEE PERFORMANCE INDICATOR REPORT – YEAR-END PROGRESS UPDATE (APRIL 2021 – MARCH 2022)

There had been circulated a report dated 1 June 2022 by the Director of Business Services, providing year-end update on progress in relation to Business Services performance indicators, relating to the Formartine Area, which support the Council Plan Priorities 2020-22.

Members heard from the Director of Business Services of an error in the report, where Council Tax Reductions new claims were wrongly categorised as green, when they should be red, as they were above the target performance; of the reducing waiting time for those calling the contact centre, allied to a drop in the number of abandoned calls; and of the ongoing consideration of operational buildings, including their review in terms of altered work base requirements post Covid-19.

There was discussion of the potential to issue council tax bills and other correspondence, where appropriate; the impact of any gradual move back to office-based working on the accommodation required to be provided for staff; and the need to harness local knowledge from Area Committees and Area Management Teams in the development of any Place-Based Strategies.

Having considered progress made relating to the Formartine Area, the Committee **agreed:-**

- (1) that the Director of Business Services continue to present reports on progress with performance indicators to the Committee on a six-monthly basis, in line with the Performance Management Framework, evidencing progress and performance supporting the Council Plan 2020-22;
- (2) to welcome improvements as reported to Contact Centre response times;
- (3) to note plans to report on area basis on asset management in each local area; and
- (4) that Officers to consider and report on use, where appropriate, of email communications on Council Tax matters.

10. AREA PLAN 2020 – 2023: PROGRESS ON PROJECTS/ ACTIONS

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 Formartine Area Plan.

The Committee **agreed** to:-

1. welcome the progress made in relation to the projects/actions contained within the Formartine Area Plan detailed in Appendix 1 which support the Council Plan 2020-23;

1. instruct the Area Manager (Formartine) to continue to present progress reports to the Committee on a six-monthly basis, in line with the Performance Management Framework;
3. note that the next Area Plan performance and progress report is scheduled for December 2022; and
4. request that an update be provided on active travel links to Aberdeen city

11. ASSET TRANSFER REQUEST FOR LOWER GORDON PARK, ELLON BY ELLON WHEELS PARK GROUP

A report by the Director of Business Services had been circulated presenting the terms of an asset transfer request from Ellon Wheels Park Group for an area of land at lower Gordon Park, Ellon to provide a range of activities.

The Chair indicated that a request to speak had been submitted by Mr Colin Allanach, on behalf of Ellon Wheels Park Group. The Committee **agreed** to hear from the party concerned.

The Area Manager explained that the application sought the transfer of an area of land at the lower part of Gordon Park, but that there would be no change to the upper area of the park. She confirmed that the proposal would not conflict with the pitch strategy and Live Life Aberdeenshire was content with the proposals. She confirmed that the Asset Transfer Steering Group had carefully considered the proposals and confirmed that it complied with Council policy and considered, given the aims of the group, that the appropriate lease would be £1 per annum. She indicated that the group had undertaken public consultation and had now submitted a planning application.

The Chair invited Mr Allanach to present to the Committee. Mr Allanach provided an overview of the proposals and the work undertaken to date. He responded to a number of questions which sought clarification about the governance of the group, toilet provision, parking (especially when events were planned), measures to prevent anti-social behaviour, provision of lighting, shared use of paths to the site, refuse management, consultation, impact on amenity of neighbours, noise assessment, conflict with other park users, operating hours and maintenance. Thereafter the Chair thanked Mr Allanach for his presentation.

The Committee welcomed the potential for much needed community facilities in Ellon and acknowledged the scale of the proposals. Members, whilst expressing some concerns about the loss of part of Gordon Park, and some feeling that other locations might have been more suitable, generally accepted that this was the only practical site and pointed out the benefit from it being located near to the town centre. Some concerns were raised that the consultation did not go wide enough and that local residents should have been leafleted. Members indicated a wish to see the facilities being inclusive and accommodating to those with disabilities and welcomed the proposal to have equipment available for those who could not afford it. Some concerns were raised about the potential parking issues and the distance to public toilets, but the Committee acknowledged the work that had been done by

the group and agreed to the asset transfer subject to conditions and an extra condition to ensure that revised governance documentation is provided to the Council in due course.

The Committee **agreed** to:-

1. note the application from Ellon Wheel Park Group (EWPG) for an Asset Transfer Lease of Lower Gordon Park (as shown on Appendix 3) to allow the development of a wheeled sports facility and instruct the Area Manager to issue a Decision Notice;
2. agree that the annual rent should be set at £1 per annum for the duration of a 25-year lease, which is below the market rental value due to the positive community benefit that can be delivered from the proposed use;
3. note the representations made in respect of this Asset Transfer Request and the responses outlined within the report from EWPG at Appendix 8 to the report;
4. delegate authority to the Area Manager to instruct Legal and People to conclude the transfer of Lower Gordon Park, by way of a lease, to EWPG subject to:-
 - a) the conditions at paragraph 3.16;
 - b) a further condition requiring the submission of the group's Constitution, Memorandum and Articles to the Council when it changes its status to become an incorporated group; and
5. note that any agreement is subject to obtaining Fields in Trust consent as detailed at section 3 in the report.

12. COMMUNITY COUNCIL ADMINISTRATIVE GRANTS

There had been circulated a report dated 28 May 2022 by the Director of Business Services, requesting Members' consideration of the process, and the allocation of monies, for the Formartine Community Council administrative grants for 2022/23.

The Committee **agreed** the allocation of Community Council Grants for 2022/23 as detailed in the Appendix to the report.

13. AREA COMMITTEE BUDGET GRANT APPLICATIONS

Councillor Forsyth, having declared an interest in this matter as a member of the Turriff & District Heritage Society, left the meeting during consideration of this item.

There had been circulated a report by the Director of Business Services, requesting Members' consideration of applications for community project funding from the Area Committee Budget.

The Committee **agreed** to suspend Standing Orders to allow consideration of this matter to be concluded.

Having considered the applications received, and having heard from the Committee Officer that the location of the proposed project by Ellon Parks Improvement Committee (EPIC) was Auchterellon Play Park, and not Gordon Park, Ellon, as detailed in the report, the Committee **agreed:-**

- (1) an award of £5,000 to the Balmedie Leisure Centre Association, towards the upgrading of their fitness suite;
- (2) an award of £7,000, being one of the two annual awards in excess of the standard £5000 cap, to Ellon Parks Improvement Committee (EPIC), towards the purchase and installation of a wheelchair accessible roundabout, and an educational “sign your name” board at Auchterellon Play Park;
- (3) an award of £5,000 to Pitmedden Bowling Club, towards the refurbishment, upgrading and expansion of their Club House and facilities;
- (4) an award of £2,000 to Turriff Christmas Lights, to encompass both the replacement of some existing lights and a “switch-on”, community event to be held on 27 November 2022; and
- (5) an award of £3488 to Turriff and District Heritage Society, towards repairs to the roof of the Heritage Centre.

14. NOMINATIONS TO OUTSIDE BODIES

A report by the Director of Business Services was circulated asking the Committee to provide nominations to a number of outside bodies in the Formartine Area.

The Committee **agreed** to make the following nominations:-

Name of Group	Nomination/s	Proposed	Seconded
Balmedie Leisure Centre Management Committee	Cllr Hassan	Cllr Owen	Cllr Taylor
Castle Park Community Centre	Cllr Davidson	Cllr Stirling	Cllr McAllister
Collieston Harbour Trust	Cllr Davidson and Cllr McAllister	Cllr Crawley Cllr Davidson	Cllr Hassan Cllr Johnston
Ellon Sports Development Trust	Cllr Crawley	Cllr Davidson	Cllr Ritchie
Formartine Partnership Ltd	Cllr McAllister	Cllr Owen	Cllr Ritchie

Gordon Leisure Projects Trust	Cllr Hassan	Cllr Taylor	Cllr Ritchie
Haddo Country Park Forum	Cllr Davidson Cllr Ritchie	Cllr Ritchie Cllr Taylor	Cllr Stirling Cllr Hassan
Haddo Country Park Consultative Forum	Cllr Davidson Cllr Ritchie	Cllr Ritchie Cllr Taylor	Cllr Stirling Cllr Johnston
Oldmeldrum Pleasure Parks User Group	Ward 8 Members	Cllr Johnston	Cllr McAllister
Turriff Citizen's Advice Bureau	Cllr Taylor Cllr Stirling	Cllr Owen Cllr Owen	Cllr Ritchie Cllr Ritchie
Victoria Hall Trust	Cllr Crawley Cllr McAllister	Cllr Taylor Cllr Nicol	Cllr Hassan Cllr Davidson
Ythan Biodiversity Group (Area Office to check status of group)	Cllr Johnston	Cllr McAllister	Cllr Nicol

15. APPOINTMENTS TO PARTNERSHIPS, STATUTORY BODIES ETC

A report by the Director of Business services was circulated asking the Committee to make appointments to the Local Community Planning Group and for Town Centre First Ambassadors.

In relation to the Town Centre First ambassador role, it was generally agreed that there should be one ambassador from the ward representing Turriff and one for the Ward representing Ellon.

Councillor Hassan, seconded by Councillor Taylor moved that Councillor Owen be the Town Centre First Ambassador for Ellon.

As an amendment, Councillor Nicol, seconded by Councillor Johnston, moved that Councillor McAllister be the Town Centre First Ambassador for Ellon.

The Committee voted:-

For the motion	(8)	Councillors Taylor, Crawley, Davidson, Hassan, Lang, Owen, Ritchie and Stirling.
For the amendment	(3)	Councillors Johnston, McAllister and Nicol

Councillor Forsyth was absent from the division.

Therefore the motion was carried and the Committee **agreed** to make the following appointments:-

Name of Group	Appointments	Proposed	Seconded
Local Community Planning Group	Cllr Taylor	Cllr Owen	Cllr Stirling
Town Centre First Ambassadors	Cllr Stirling (Turriff) Cllr Owen (Ellon)	Cllr Hassan Cllr Hassan	Cllr Taylor Cllr Taylor

16. NOMINATION OF MEMBERS TO SCHOOL PLACINGS AND EXCLUSIONS COMMITTEE

A report by the Director of Business Services was circulated seeking nominations to the School Placings and Exclusions Appeals Committee.

The Committee **agreed**:-

1. to nominate Councillors Owen and Lang (proposed by Councillor Crawley and seconded by Councillor Davidson) to serve on the School Placings and Exclusion Appeals Committee; and
2. to endorse the nominations of Mike Cruickshank and Glynis McClymon to the Schools placings and Exclusions Appeals Committee.

17. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Business Services was circulated presenting the outstanding business for the area Committee as at 14 June 2022.

The Committee **agreed** to:-

1. retain item 1 and request that the Area Office seek a further meeting with Brewdog representatives in due course to discuss employment issues, impact on the town and wider environment, understanding their business model and their relationship with Aberdeenshire Council;
2. request that the notes from the previous meeting with Brewdog be circulated; and
3. note the remaining items of outstanding business as at 14 June 2022.

APPENDIX 1

Councillor Nicol, having declared an interest in the undernoted matter as a former Belhelvie Community Councillor, left the meeting and took no part in the discussion, and determination, of the application.

6A. APP/2021/0546 - Full Planning Permission for Formation of Quarry for Extraction of Rock Aggregate at Site to the East of, Newton of Rainnieshill Cottage, Newmachar, Aberdeenshire

Applicant	JKR Contractors Ltd
Agent	Johnson Poole And Bloomer

There had been circulated a report dated 20 May 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for the Formation of Quarry for Extraction of Rock Aggregate at Site to the East of, Newton of Rainnieshill Cottage, Newmachar, Aberdeenshire.

The Chair advised Members that Requests to Speak had been submitted by Messers Gifford, Urquhart, Paterson, and Kinnaird, Dr. Trevethan and Mrs. Morrison. The Committee **agreed** to hear all of those who had requested to speak.

The Committee heard from Ms. Purdie, Planner, of the details of the proposal and its assessment in terms of site; potential amenity impacts for neighbours including visual noise and dust impacts; concerns over the shared access road, already with passing places and to have the existing junction widened to meet Roads Standards; the proposed hours of operation; the operational lifespan anticipated of 12-13 years, with an average output of 40,000 per annum; the restoration plans post-operation and the immediate seeding of the bunds, creation of shelter belting and formation of a pond, with ancillary proposals for surface water drainage and water diverted for treatment before being discharged to field drains. Phase 2 and 3 of the development would see materials stockpiled within the quarry itself, and restoration applied progressively, with the established shelterbelts to be retained, the eastern quarry faces re-seeded following maximum extraction, and free drainage reinstated at the same time. The final stages would see tree-planting of wet land species and the restoration of a wetland pasture.

The visual impact of the proposal was assessed as not significant, in terms of the existing topography of the site; including those during Phase 1 of the works, with the formation of screening bunds. In respect of the impact of dust, Environmental Health colleagues had deemed the proposal acceptable subject to a dust management plan, and so this was not assessed as impacting on the residents of neighbouring properties. Noise and blasting had been assessed in terms of Planning Advice Note 50, Annex A, as worst-case scenario and were understood to be within the acceptable levels for day time operation. The need for the quarry had been affirmed as rock aggregate, although not required to be considered in terms of 10-year supply, could be used to augment the landbank of sand and gravel.

Assessing the proposal overall, officers recommended the proposed development would be acceptable in principle under Policy PR1 Protecting important resources, in that there will be no significant impact on Prime Agricultural Land or Ground Water Dependent Terrestrial Ecosystems (GWTDE), and the proposal will not sterilise the mineral resource; under Policy R3 Minerals and hill tracks, in that the applicant had provided sufficient justification for the need for the development; and that detailed reports had been provided which suitably demonstrate the appropriateness and viability of the proposed management and mitigation measures relating to impacts on amenity such as visual, noise and dust impacts, access, drainage, water management, habitat and wildlife protection, restoration, and aftercare. There were no significant impacts akin to any of the aforementioned issues and therefore the proposal was deemed compliant with all other relevant policies of the Aberdeenshire Local Development Plan 2017.

In assessing the proposed development against the wider policies of Scottish Planning Policy (SPP) and the Local Development Plan (LDP) 2017 and any other material considerations, there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal, and it was therefore recommended for approval, subject to conditions, as detailed in Paragraph 10.1 of the report, and a Section 75 Agreement.

Questions were asked on the monitoring of planning conditions to be in place during, and at the end of the quarry's operation, if granted; whether watering of roads was required by SEPA's operating permit, to mitigate the possible impact of dust raised in the crushing processes; how the number of traffic movements had been robustly and independently verified to calculate the levy due to offset impact on roads; how proactive monitoring would be undertaken on Environmental Health matters; clarification on the hours of operation and whether delivery vehicles had been included in the traffic movement management assessment, and how any intensification might result in a reassessment of the permissions; issues of traffic management on the rural, single-track, unclassified roads which surrounded the quarry; the quantification of the determination of "negligible" impact on private water supplies within one kilometre of the site; whether transport movements to and from the site would be spaced at one per hour, or could reflect on a clustered access/egress at a single point of time; whether local roads had existing weigh restrictions which could limit their ability to accommodate the presumed quarry traffic; the application of any traffic levy solely for works to those adjacent roads affected; whether operational vehicles would return to park overnight in the quarry and if those presumed journeys were included in the traffic management plan submitted by the application.

There being no further questions for officers at this point, the Committee heard from Mr. Gifford of his objection to the proposal as the resident of a property close to the quarry site which would have its amenity as a family-home adversely affected, as a receptor of dust, noise, and vibrations. With average readings of 35 decibels anticipated from the quarrying itself, this would be amplified further by the screech and scraping of steel buckets on rock, then the noise of the rock being dropped onto the steel beds of lorries. He drew comparisons with a wind turbine, which would not be granted permission in this location being allowed only +5; for proximity to a home, this proposal would have unacceptable levels of 70 dB for two months of the year,

with every 01 decibel a doubling, not a linear increment, of noise. In respect of the statement that dust would not travel more than 250 metres in any circumstances, and also felt that assessment should be done on the range of damaging vibrations. As there was no water supply on site, and no drainage, Mr. Gifford asked where the water for damping was to come from, and where the water would run off, expressing concerns about adjacent private wells which had dried up and required the provision of public water to offset the gravity measure. Any dirty water run off could potentially impact with silting the private water supplies of the properties adjacent to the quarry. The access proposed, and traffic movements, were, he felt too close to their and other residential properties and as such, the application should be refused.

Questions were asked of Mr. Gifford on whether there were issues with private water supply before the quarry, and the need for wells to gravity fill troughs for livestock; the tendency of the land to dry up in prolonged dry spells.

There being no further questions, Mr. Gifford confirmed that he had had a fair hearing.

The Committee heard Mr. Urquhart on the impact of traffic on his family home: he believed that there was no mention of unladen trucks entering the site; that the bellmouth shaped junction proposed for HGV usage did not consider debarring access to the north section of the C26, a road already narrow and steep with passing places, which he felt could allow access to the site from construction onwards without requiring to pay levy: as the road already was the sole walking, cycling and driving-access for 6 family properties there would be a safety risk to have HGVs too close to other users; the proposed construction of a bus sheltered might be helpful, but no proposed location, or completion time-frame had been shared, and this would also pose a Health and Safety issue for pupils waiting for school transport, especially in winter months and darker mornings and afternoons. On the basis of the aforementioned concerns, Mr. Urquhart urged that, at least, the maximum daily numbers of lorries be conditioned, with traffic from the quarry be managed in convoys, being held onsite for five minutes. At best, he would wish the application refused.

Questions were asked of Mr. Urquhart whether a convoy of up to 12 trucks would be possible, in his experience and local knowledge of the unclassified local roads; and whether there might be an alternative route to the bus stop, or the possibility to widen the road to ensure a more acceptable, and safer, pedestrian path.

There being no further questions for Mr. Urquhart, he confirmed that he had had a fair hearing.

The Committee heard from Mr. Paterson as the occupant of the house second closest to the site, of his concerns of the impact of the quarry on an area which he had chosen to make his home falling in love with its closeness to nature, peace, and tranquility, which he shared with others through the operation of an Airbnb. He felt that the constant noise would be an irritating and grating noise and ruin the enjoyment of the countryside, also precluding the use of the Airbnb. Mr. Paterson felt that the existing operations on the other side of the hill were extremely loud and

intrusive, and he struggled to see how the applicant could meet the conditions proposed.

The operating hours of the quarry meant that with noise and dust, it would be impossible to sit outside and enjoy the landscape and wildlife. Having previously lived close to a quarry, he was personally aware of the impact on physical health. Mr. Paterson believed that there would be an impact on private water supplies, having previously experienced first-hand impacts being remedied after the fact. The potential for contamination of water supplies by diesel or grease needed regular checking of all private water supplies by an independent assessor, and the ability to instigate an immediate cessation of operation should they be affected. Mr. Paterson felt that the benefits of the additional screening and planting would only be apparent after 15 years or so, and that in the interim the unscreened site would be their first outlook every morning. He asked if consideration had been given to the use of lights on the site at night in terms of light pollution, and also whether an assessment had been done on localised air pollution impact.

No questions were asked of Mr. Paterson who confirmed that he had had a fair hearing.

The Committee heard from Mr. Kinnaird of his concern regarding the access proposed, sharing with existing houses, and already very close to his property. With no pavement, exiting his house meant stepping out directly onto the U26 road, at a point where cars frequently came off the road in winter. He also spoke of concerns about impact on optic fibre provision, and underground wires and cabling, and the potential creation of potholes. Mr. Kinnaird suggested that this would not be a safe way to access the site, particularly if there were to be in Phase 1, and estimated 300 thousand traffic movements over the eight-year period. He requested the consideration of a permanent prohibition on turning north at the junction, including appropriate signage on the public road, urging Members to carefully consider the impact which the proposed development would have on the lives of nearby residents.

No questions were asked of Mr. Kinnaird, who confirmed he had had a fair hearing.

The Committee heard from Dr. Trevethan of a petition which had garnered over 700 signatures, on the basis of road safety and environmental impacts. The location close to the top of Beauty Hill would result in a loss of access to the landmark and a change in features: an adverse impact without benefit to the community, as only 2 -3 jobs were to be created. She challenged the reported assessment of aggregate need, as in 2015 this had reported as having 230 years of sand and gravel in reserve, but now used as a justification for the works. The site would also be close to the Kingseat Conservation Area and was not conducive to the Council's ambitions for active travel. The existing bridge was not suitable for HGV traffic, and Dr. Trevethan expressed concerns for those walking underneath on the old railway line. The safety of school children crossing the road and waiting at bus stops was also a matter of concern, especially in the dark of winter months. Both local Community Councils had made representations against the application. If granted, assurances would be required on the Council's ability to enforce conditions such as those limiting traffic speed to reduce dust. Dr. Trevethan concluded by suggesting that

there were no benefits, but a significant adverse impact, in terms of the Scottish Planning Policies.

No questions were asked of Dr. Trevethan, who confirmed that she had had a fair hearing.

The Committee heard from Mrs. Morrison that, having lived in the area for over 12 years, enjoying its peaceful setting and access to wildlife afforded, she had concerns about the proposal. The proposed shared access was her sole route to and from her house, was used also for cycling, children walking to the school bus collection point, and wheelie bins, and she therefore had safety concerns about both the private track and the proposed use of the U26. She asked if the impact on a water pipe which she understood was located under the track had not been included in the application's assessment. Despite the proposed bellmouth junction, located at a 90-degree bend and already a site for consistent accidents when untreated during adverse weather, the road was currently difficult for two lorries to pass, and at its highest point, had no forward visibility and so was unfit to be established as a shared access. As the operator of an Airbnb, struggling to reestablish itself post-covid, and having accommodated over 100 guests already in 2022, Mrs. Morrison suggested that the additional washing required by dust ingress would lead to additional costs impacting on the viability of the business. Potential guests would also be discouraged given the proximity to the quarry and the impact on the peaceful setting and wildlife. She did not feel that the materials to be extracted: large infrastructure projects such as the extension of Nigg Bay Harbour and the Aberdeen Western Peripheral Route had been managed without the need for local sand and gravel or crushed rock supplies. Citing the balance of representations received, with a significant majority in opposition to the proposals, she urged Members to refuse the application.

Questions were asked on the route taken by the school bus, running the full route of the A99 to the north; and the presumed water main location, thought to link to Inverurie and Peterhead.

Mrs. Morrison confirmed that she had had a fair hearing.

Arising from consideration of Mrs. Morrison's submission, questions were asked of officers on the assumed water pipe referred to by Mrs. Morrison, which was not evident on the map provided by consultee SEPA. Officers advised the initial screening had indicated no justification for Scottish Water to be consulted with no particular infrastructure marked on the access road/track; and the water main line not being within the red line boundary of the site.

The Committee were asked if they had sufficient information to proceed to determine the application, given the number of issues raised by those making representation against the proposal.

There was discussion of the issues highlighted by those who addressed Committee, and the Committee **agreed** that having insufficient information on which to make their decision:-

- (1) to DEFER consideration of the application pending a site visit to consider the road access to the U26C and the geography of the locality; and
- (2) that officers provide information on the route of the school bus and confirm the status of the pipe running under the access road/track.

Arising from consideration of the above, the Committee **noted** that matter would be returned for consideration at the next meeting of the Committee, 23 August 2022 and that the site visit would be scheduled in advance of this meeting.

Councillor Nicol, having left the meeting during consideration of the above planning application, playing no part in its determination, returned to the meeting.

6B. APP/2021/1590 - Full Planning Permission for Change of Use from Class 1 (Shops) to Sui Generis (Hot Food Takeaway) at Greens of Ellon, The Square, Ellon, Aberdeenshire

Applicant	Mr. Gorkem Gorur
Agent	Mantell Ritchie

There had been circulated a report dated 30 May 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for the Change of Use from Class 1 (Shops) to Sui Generis (Hot Food Takeaway) at Greens of Ellon, The Square, Ellon.

The Chair indicated that a Request to Speak had been submitted by Mr. Michael Ritchie, agent, on behalf of the applicant. The Committee **agreed** to hear Mr. Ritchie.

The Committee heard from the Senior Planner details of the proposal, recommended for approval as a development in accordance with the Aberdeenshire Local Development Plan 2017, and a change of use respecting the scale, density, character and amenity of the surrounding area, which would not have an unacceptable impact on adjacent land uses and residential properties, by means of noise or odour. Officers assessed the application to be in accordance with Policy B2 Town centres and office development, Policy P1 Layout siting and design, Policy P4 Hazardous and potentially polluting developments and contaminated land, and Policy RD1 Providing suitable services, and recommended its approval, subject to appropriate conditions, as an appropriate sustainable development.

Questions were asked on the proposed storage for bins and their management on collection days; the location of adjacent parking; fire exit provision for staff; the proximity of the flue to a bend of the road, and its height as approved by Environmental Health colleagues; the proposed operating hours (noting separate Civic Government licensing provisions); and the occupation status of the residential property above the commercial shop previously approved.

The Committee heard from Mr. Ritchie, agent, on behalf of the applicant.

Mr. Ritchie spoke of his client's proposal to convert part of an existing store to a hot food takeaway, considered as a suitable commercial use for the building which would attract additional footfall and employment to a town centre location, with no impact to the flat above, due to odour and noise control systems agreed. A litter action plan had also been agreed, with bins kept in the staff area, and an existing collection point at the rear of the building. Mr. Ritchie confirmed that the fire escape confirmed with building regulations and there would be no fire safety issues. He felt that the flue. 1.3 metre from the edge of the pavement would not be likely to be impacted by traffic turning the corner; car parking was available at the square and beside the war memorial, and there would be no parking in front of the building. Operating hours were likely to be 12 noon to 11pm, seven days per week. Mr. Ritchie concluded by indicating that all planners who had been in discussion with him on the application had seen no adverse aspects of the application, but rather supported it as a suitable development in a suitable area.

Questions were asked on the bin collection location, on a site owned by another party and arrangements for their management; road marking measures which may deter users from parking outside the takeaway, or on Schoolhill Road; the type of food which may be proposed, noting that this was not a planning consideration in itself; the current offloading point used by delivery vehicles; and the appropriate commercial use of the property.

There being no further questions for the agent, Mr. Ritchie confirmed that he had had a fair hearing.

There was discussion of the issues, the need to leave determination of over-provision to the commercial market and not consider as a planning assessment.

The Committee **agreed:-**

- (1) to DEFER consideration of the matter to a site visit, being not in full possession of the information required on placement of bins, delivery aspects, the road structure, to determine the application; and
- (2) that the report to the next Committee include possible draft conditions on potential provisions for refuse collection and operating hours.

Arising from consideration of the above, the Committee **noted** that matter would be returned for consideration at the next meeting of the Committee, 23 August 2022 and that the site visit would be scheduled in advance of this meeting.

6C. APP/2021/2612 - Planning Permission in Principle for Erection of Dwellinghouse at Land to the North West of Corsehill Farm, Cuminestown, AB53 8JD

Applicant	T W & L G Robertson
Agent	No agent

There had been circulated a report dated 27 May 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application

for Planning Permission in Principle for the Erection of Dwellinghouse at Land to the north west of Corsehill Farm, Cuminestown, recommended for Refusal as an unacceptable Departure from the Local Development Plan 2017.

The Chair advised Members that a Request to Speak had been submitted by Mr. and Mrs. Robertson, applicants. The Committee **agreed** to hear Mr. and Mrs. Robertson.

The Committee heard from the Senior Planner that whilst the details of the proposed location and design of the dwelling house were not part of the determination of the Planning Permission in Principle, the recommendation of refusal came as the principle of the development did not accord with the Local Development Plan: it was not demonstrated that there is a viable farm holding in order to benefit from retirement succession or there was sufficient hours to comply with the criteria for a worker employed in a primary industry. The concerns on potential contaminated land had been address and there were no extant Roads issues. Whilst the loss of trees in the creation of access had not yet been subject to a tree survey, it failed to demonstrate compliance with Policy E1 Natural Heritage, as well as lacking conformity with Policy R2 Housing and employment development elsewhere in the countryside, as it was not an addition to an existing cluster of five or more properties; that it was not sustainable development.

Questions were asked regarding the location of conifers on site which were to be felled in the context of an apparent shelter belt stop gap; and the route of the road to the north of the proposed site, allowing access to a number of other properties.

The Committee heard Mr. and Mrs Robertson of their belief that the proposed eco house would be a low carbon, sustainable "Passive" house, modestly fitting into the landscape. They had planted around 20,000 trees, and over 1000 metres of hedging on the property over that last 35 years and would be replanting multiples for the sycamore trees required to be felled were the application to be approved. If a tree survey were required, this could be provided. Mrs Robertson spoke of the current fruit and vegetables grown in poly-tunnels at the farm and of their son's ambition to extend this to add to the viability of the existing land use operation.

Mr. Robertson stressed that diversification was increasingly necessary to underpin the business footing of the farming communities in north east Scotland: whilst planners had considered the required additional hours in the context of livestock only, this had been much reduced during recent years and was an area which their son hoped to reintroduce. Figures used in Northern Ireland calculated the hours to justify a house for an essential worker on a more generous basis, as did the Scottish Agricultural College's farm management handbook. Most farmers now had to have part time work to provide an income stream, as part of making the rural economy sustainable. The proposed path referenced in paragraph 6.9 of the report was suitable for a small tractor, and whilst the proposed location did not meet the cluster criteria, other properties shared boundaries.

Mrs. Robertson concluded by suggesting that the type of house and business would be sustainable, allowing them to stay in their home and have their son take over the day to day running of the farm, to safeguard and guard the sustainable work they

had done on site over 35 years to provide an attractive, award winning, environment of ponds, wild meadows, and native trees.

Questions were asked of the Robertsons on the location planned for the house site and polytunnels; on whether they would be accepting of conditions regarding planting and the passive house-style; the experience of their son in fruit and vegetable retail, and community food charities; and the access road.

Mr. and Mrs. Robertson confirmed that they had been given a fair hearing.

An aerial view of the house was shown, which showed the impact on mature trees, which had been planted by the applicants, and planners confirmed that the decision would be made on the land use principles, not the conditions which might be applied to a potential house, for which a different type of energy efficiency standard would be applied.

There was discussion of the fit of the application in terms of Policies and sustainability; of the potential community benefit in the future provision of fruit and vegetables, and of the impact on the farm being kept operational.

Councillor Stirling **moved**, seconded by Councillor Johnston, that the Committee DELEGATE the GRANT of Planning Permission in Principle, subject to conditions to include the provision of a satisfactory tree survey in terms of Policy E1 (to include details of replanting in excess of any trees requiring to be felled) and on the basis that the proposal is for a sustainable development as it complies with the retirement succession for a viable business criteria in Policy R2 Housing and employment elsewhere in the countryside and there were no negative impacts to significantly and demonstrably outweigh its benefits..

Councillor Forsyth moved as an **amendment** that the application be REFUSED on the reasons as detailed in the officer recommendation. There being no seconder, the amendment fell and the Committee **agreed** to Delegate the GRANT of Planning Permission in Principle subject to conditions to include the provision of a satisfactory tree survey in terms of Policy E1 (to include details of replanting in excess of any trees requiring to be felled) and on the basis that the proposal is for a sustainable development as the application complies with the retirement succession for a viable business criteria in Policy R2 Housing and employment elsewhere in the countryside and there were no negative impacts to significantly and demonstrably outweigh its benefits.

6D. APP/2021/2804 - Full Planning Permission for Conversion of Existing Outbuilding to Form Dwellinghouse (Annex) to Existing Dwellinghouse, Waterside Smithy, Ythanbank, Ellon

Applicant	Mr. David Spivey
Agent	RT Architectural Design Services

There had been circulated a report dated 9 May 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full

Planning Permission for Conversion of Existing Outbuilding to Form Dwellinghouse (Annex) to Existing Dwellinghouse, Waterside Smithy, Ythanbank, Ellon.

The Chair indicated that a Request to Speak had been submitted by Mr. David Spivey, applicant. The Committee **agreed** to hear Mr. Spivey.

The Committee heard from Mr. Davidson, Senior Planner of the proposal to provide ancillary accommodation to an existing dwellinghouse which had initially generated an unresolved objection from the Community Council and concerns about the impact on private drainage in a neighbour's garden, which had been addressed. There were no issues raised by statutory consultees, and the application was recommended for approval, subject to the conditions as listed in the officer recommendations.

Questions were asked on whether the ancillary accommodation could be ensured as such in perpetuity, having no shared resources but being a standalone, self-sufficient house and assurances given that the property would require a change of use application should it be proposed that it no remain a single planning unit.

The Committee heard from Mr. Spivey of the history of the smithy and steading in Ythanbank, with the septic tank ending on third party land when sold on, and of assurances that the 2 bedroom cottage proposed by the restoration of the smithy would only be used by his family unit and friends and family and would also be used as a crafting space.

There were no questions for Mr. Spivey who confirmed that he had had a fair hearing.

The Committee **agreed:-**

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

1. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to, and approved in writing by, the Planning Authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan 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 Monuments Record for Scotland and in the local Sites and Monuments Record.

2. The annexe hereby approved shall not be brought into use unless the proposed foul water drainage system has been provided in accordance with the approved plans and the Drainage Report, Recommendations and

Associated Test Certificates by Ferguson Geotechnical (dated 17 March 2022). 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.

3. The residential annexe hereby approved shall be used only for purposes incidental to the enjoyment of Waterside Smithy as a dwellinghouse. No separate curtilage shall be formed and the residential annexe shall at no time be used as an independent dwellinghouse without the express grant of planning permission from the Planning Authority.

Reason: The relationship between the residential annex and the main dwellinghouse within the site is such that the residential amenities of the occupants of both would be adversely affected by the creation of an independent residential unit in addition to the main dwellinghouse, and the use of the residential annexe hereby approved as an independent dwellinghouse would not comply with the Council's Local Development Plan policies regarding new residential development in this area; and

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. Policy P3 Infill and householder development within settlements (including home and work proposals) allows for developments that are ancillary to the main use of an existing dwellinghouse as long as it would respect the character of the surrounding area, and the design and scale of the existing house. Furthermore the development should not significantly reduce the amenity of neighbouring residents. The development is for a residential annexe that would involve minimal external alterations to the existing outbuilding and would not create any significant new overlooking impacts on neighbouring residents. It can be adequately serviced and would fully accord with Policy P3 and all other relevant policies contained within the Local Development Plan 2017.

6E. APP/2022/0004 - Full Planning Permission for Erection of 28 Dwellinghouses and Associated Works at OP1 Site, Tarves, Ellon, Aberdeenshire

Applicant	Scotia Homes Ltd
Agent	n/a

There had been circulated a report dated 30 May 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for the erection of 28 Dwellinghouses and Associated works at OP1 Site, Tarves, Ellon, recommended for approval in accordance with the Local Development Plan 2017, and being assessed as having no adverse impacts which would outweigh materially the benefits of the proposal.

The Committee heard from Mr. Davidson, Senior Planner that the application was for a change of house types to those previously approved, reported to Committee on the basis of an extant objection from the Community Council who wished to see the footpath access proposed continued to meet the public road.

There was discussion of the application site in relation to the line of footpath; the legal agreement which would be made between the landowner and the developer to allow access; and Members heard from the Principal Engineer, Roads and Transportation of the standard which would be required to make the footpaths adoptable, including the installation of barriers where the path met the road and lighting provision.

The Committee **agreed:-**

(1) to **GRANT subject to the following conditions:-**

1. 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.

2. No dwellinghouse hereby approved shall be occupied unless the off street car parking for that house has been provided in accordance with the approved plans. Once provided the car parking provision shall be retained in perpetuity. A total of 48 off street car parking spaces shall be provided on this site prior to the occupation of the 28th dwellinghouse.

Reason: In the interest of road and public safety.

3. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

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

4. 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.

5. The dwellinghouses hereby approved shall not be occupied unless they are connected to the approved surface water treatment scheme for the wider development (planning approval reference APP/2018/1262). The dwellinghouses will thereafter remain connected to the approved surface water treatment arrangements in perpetuity.

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

6. Prior to the occupation of the first house within the development hereby approved, the proposed pedestrian link from the east of the site to Braiklay Avenue shall be provided in accordance with drawing number 110198/1014. Once completed the footpath will be retained in perpetuity.

Reason: To allow pedestrian permeability in the direction of Tarves amenities.

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

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges and grassed areas;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- g) 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.

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

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

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The development complies with Policies H1 Housing land, P1 Layout siting and design and RD1 Providing suitable services contained in the Aberdeenshire Local Development Plan 2017 in that the development is on land which is allocated in the current local development plan for housing and the houses would not have a negative impact on the character, privacy or amenity of the site or wider area.