

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE ON 27 SEPTEMBER 2022

HELD AS A HYBRID MEETING IN THE COUNCIL CHAMBER, GORDON HOUSE, INVERURIE AND VIA TEAMS

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

Present: Councillors M Ewenson (Chair), N Baillie, J Gifford (Vice-Chair), M Grant, F Joji, D Keating, T Mason, R McKail C Miller, S Payne, G Reid, H Smith, I Walker and J Whyte

Apology: Councillor D Lonchay.

Officers: A Overton (Garioch Area Manager), J Savege (Chief Executive), C Henderson (Business Change Manager), L Bremner (Principal Solicitor), A Gibbs, (Principal Solicitor), E Reid (Housing & Building Standards Team Leader), M Booth, (Quality Improvement Manager), M Mitchell (Estates Programme Manager), J Rigby, (Digital Stakeholder Lead Officer), L Ho (Senior Environmental Health Officer), J Joss (Senior Solicitor), F Stewart (Senior Solicitor), H Atkinson (Senior Planner), B Strachan (Senior Planner), S Adams (Area Project Officer), C Cairns (Energy Management Officer,) and J McRobbie (Area Committee Officer, Banff & Buchan).

1. DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct, Councillor Baillie declared Interest in Item 11 (Strategic Budget Applications – Energy Efficiency and Tree Funds), as a Trustee of the Ury Riverside Park SCIO, indicating he would leave the meeting and take no part in determination of the item.

2. RESOLUTIONS

A. EQUALITIES

In line with the Council's legal duty under section 149 of the Equality Act 2010 the Committee **agreed**, in making decisions on the attached reports,

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

B. EXEMPT ITEM

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

Item No.
12

Paragraph No.
8

3. MINUTE OF MEETING OF 6 SEPTEMBER 2022

There had been circulated, and was **approved** as a correct record, the Minute of Meeting of 6 September 2022.

4. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children’s Services was circulated presenting updates on the items of outstanding business for the Committee as at 27 September 2022.

Having heard from the Area Manager that the Provision of Unisex Toilets in Aberdeenshire was on the agenda for the meeting, and that there had been delays in progressing work on Aberdeenshire Charities Trust (ACT2), but that it had been confirmed that the award of grant could not be delegated to the Area Manager, but remained with the Councillors as Trustees, the Committee **noted** the updates provided.

5. PLANNING APPLICATION FOR DETERMINATION PREVIOUSLY DEFERRED BY COMMITTEE

Prior to consideration of the Planning Applications, the Committee heard from Miss Atkinson, Senior Planner that, Full Council, on 21 September 2022 having agreed to adopt the Proposed Local Development Plan (LDP) 2020 as modified on 21 September 2022, the Plan had now been proposed to the Scottish Government and it was hoped that formal adoption would be in late October. Until formal Scottish Government approval had been received, the service would continue to determine planning applications as per the instruction of Scottish Planning Policy, with the presumption in favour of sustainable development being a significant material consideration, and cognisance being given to protecting the policies within the new LDP, as it had continued to gain significant weight and materiality. Following confirmation, the adopted LDP 2022 will be the primary decision making document for Aberdeenshire Council.

There was discussion of the balance of weight in the various material considerations, whether the presumption in favour of sustainable development remains, and the policies, and the Committee **noted** that the new Local Development Plan was explicit in having sustainable development presumptions embedded in its wording and policies.

The undernoted application, having been previously deferred for consideration by Committee pending the receipt of additional information, was dealt with as detailed in **Appendix A** to this Minute.

APP/2022/0283	Residential Development comprising of 600 Dwellinghouses, Neighbourhood Centre, Landscaping, Open Space and Associated Infrastructure Without Compliance with Conditions 3 (Dwellinghouse Occupation Date), 4 (Dwellinghouse Occupation until Kintore Primary School opened), 9 (Formation of Access to Supermarket consented under APP/2014/1953 to be formed), 12 (Construction in the Floodplain); and Amendments to the Wording of Conditions 1 and 2 (Timing and Content of MSC submission), 5 (Energy Statement Submission), 6 (Remediation Work Phasing), 7 (Landscaping), 8 (Archaeology), 11 (Approved Use Class of Neighbourhood Centre/Community Facilities) and 13 (Foul Sewerage Details); (Change to Condition numbering) 10 (Travel Plan Phasing), 14 (Public Transport Strategy Phasing) and 15 (Junction Improvement Works Submission) of Planning Permission Reference APP/2013/3830 at Land at Kintore East, Kintore	DELEGATED GRANT
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6. PLANNING APPLICATIONS FOR DETERMINATION

The following applications were considered and were dealt with as recorded in **Appendix B** to this Minute.

6A.	APP/2022/0733	Full Planning Permission for Erection of 3 Dwellinghouses at Land at West Lodge Westhall, Oyne, Inch	GRANT
6B.	APP/2022/0220	Full Planning Permission Formation of SUDS Basin and Access Track (Retrospective) at Land to west of Tillybrig, Dunecht	GRANT

7. STRATEGIC HOUSING INVESTMENT PLAN 2023-2028

A report dated 31 August 2022 by the Director of Environment and Infrastructure Services was circulated, seeking Members' comments on the draft Strategic Housing Investment Plan 2023-2028, required to be submitted to Scottish Government on 28 October 2022, and considered at Communities Committee on 3 November.

The Team Leader (Housing & Building Standards) gave an overview of the key components of the 5-year rolling programme of work, and current challenges which had the potential to impact on the delivery schedule.

The Committee sought clarification on how need was assessed and forecast against a range of client groups, within specific locations of choice; speed of development and the accuracy of anticipated timescales; and certainty which could be assured on by the Section 75 agreements already in place, relating to over 70% of the Garioch sites.

The Committee, having considered the draft Strategic Housing Investment Plan 2023-2028, as detailed in the Appendix, **agreed:-**

- (1) that the undernoted comments be made to the Communities Committee:
 - (a) to note the 911 households on the Garioch waiting list, with supply outstripped by demand and a slow turnover of stock;
 - (b) to acknowledge steps being taken to relieve pressure of needs, including pro-active consideration of asset disposal opportunities and mitigate dependence on market conditions;
 - (c) to commend joint working with specific need groups (e.g. Learning Disabilities) to quantify need for specific accommodation types suitable to support tenant needs; and
 - (d) that Section 75 agreements which make provision of affordable housing a legal obligation as per planning permissions, applicable to 70% of Garioch sites as listed) be welcomed; and
- (2) to commend staff on their work in this matter.

8. ABERDEENSHIRE DIGITAL STRATEGY: PROGRESS UPDATE

With reference to the Minute of Meeting of Business Services Committee of 6 January 2022, (Item 8), there had been circulated a report dated 20 July 2022 by the Director of Business Services, providing an update on progress of Aberdeenshire's Digital Strategy, detailing the holistic approach to digital inclusion across Aberdeenshire and setting out the key areas of progress across the suite of 11 projects which received funding under the Digital Strategy package of support.

The Committee heard further from the Business Change Manager of the progress made and the challenges remaining, focusing on the benefits of a Digital First approach, achieving best value from the sustainable use of technology, whilst retaining fully accessible services to ensure no one was left behind. The Lead Officer, Digital Inclusion, gave an overview of the local situation in terms of connectivity, access, and user-confidence and any support or grants available to assist in attaining effective broadband in rural areas.

The Committee asked questions on the statistics presented and plans for the further role out of the Council's Digital Strategy.

The Committee **agreed:-**

- (1) to welcome update and detail provided on progress;

- (2) that the presentation be shared with Members;
- (3) to welcome the informal session to be held on 4 October, to consider local data; and
- (4) that the undernoted comments be made to the Business Services Committee:
 - (a) to welcome the current coverage in Garioch of full fibre as 87%, with R100 complete deployment which, assuming a 10% take up in vouchers (currently above national average) would project a 97% coverage by 2028;
 - (b) to commend cross-service and joint working with Partners on automation allowing integration of customer information across systems;
 - (c) to welcome work to ensure front-line staff equity on access to information;
 - (d) to express concern on lack of clarity in communication from providers to customers; and
 - (e) to note little uptake and continued discussion with smaller independent providers (WISPS) on their potential use of NEOS network, as Outreach, currently the only fibre provider in the area, uses its own infrastructure.

9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – SECTION 44 AND SCHEDULE 1 CIVIC GOVERNMENT (SCOTLAND) ACT 1982 LICENSING OF SHORT-TERM LETS ORDER 2022: SHORT-TERM LETS – IMPLEMENTATION OF NEW STATUTORY LICENSING SCHEME

A report dated 12 September 2022 by the Director of Business Services was circulated, providing Members with information on new statutory powers which have been given to Local Authorities, as licensing authorities, to regulate short-term lets in the form of a licensing Scheme and requesting Members' consideration of the introduction of the new mandatory licensing scheme before the Licensing Sub-Committee takes a final decision on the implementation of the licensing Scheme at their meeting on 2nd December 2022.

The Committee heard from Officers of the timescale and requirements for Council action, with a Council scheme to be established to support the new legislation and of fees which were proposed following benchmarking with other local authorities and based on costs known for similar licensing processes.

There was discussion of the potential number of applications expected to be submitted, to be approved by October 2023; phasing of applications to ensure consistent work flow for the new posts required, to be funded from fee cost recovery; and the best place to consider applications on which objections had been received.

The Committee **agreed:-**

- (1) to note that implementation of a Short Term Lets Licensing Scheme is a mandatory requirement;
- (2) to commend staff on their work on the proposed scheme; and
- (3) that the undernoted comments be made to the Licensing Sub-Committee for consideration:
 - (a) to welcome the benchmarking undertaken;
 - (b) that the Licensing Sub-Committee hear applications on which there have been adverse representations or objections;
 - (c) that officers consider and report options to regulate the workflow for staff, including possible discounted rates for early applications, a temporary scheme, and staged process to moderate the demand on staff;
 - (d) to welcome that the additional staffing recruitment would be covered by fees; and
 - (e) that concerns be expressed over the potential inability to make the October 2023 implementation date, given the delayed adoption of an Aberdeenshire scheme, and seek assurances on efforts being made to mitigate this risk.

10. COMMITTEE REVIEW PROCESS STAGE 1 / STAGE 1 REFERRAL: TOILET PROVISION IN SCHOOLS ACROSS GARIOCH

With reference to the Minutes of Meeting of 25 February 2020 (Item 10) and 7 June 2022 (Item 7), there had been circulated a report dated 30 August 2022 by the Director of Education and Children's Services providing a detailed assessment of the provision of toilets within Schools across Garioch in response to a Stage 1 consideration in terms of the Committee Review Process.

Members heard from officers of the delay, following consultation in 2020, of the development of new regulations relating to school premises and provisions of toilets and sanitary arrangements. Officers explained the evolving process of school design to provide safe toilets where individuals dignity could be protected, and appropriate choice afforded; and of the experiences from two schools in Garioch. When the new regulations were in place, there would be an opportunity for Aberdeenshire to develop its policy and design briefs for both primary and secondary schools.

There was discussion, including of the need to have clear and understandable policy, not just a design brief, and the conflict between the legal obligation to have separate facilities for male and female and provide the necessary safeguarding, the recognised conflict between the protected characteristics of sex and gender reassignment; and the Council's compliance with the current School Premises (General Requirements and Standards) (Scotland) Regulations 1967.

The Committee **agreed:-**

- (1) being not assured by the Stage 1 Scrutiny report, that a workshop be held as Stage 2, to consider, inter alia:
 - (a) Clear Aberdeenshire policy on toilet provision;
 - (b) Clear consultation process;
 - (c) Non-compliance and next steps;
 - (d) Implications across Council services;
 - (e) Non-statutory guidance relating to use of toilets;
 - (f) Impact on all protective characteristics; and
 - (g) How a trauma informed approach is applicable.
- (2) that all relevant services be involved in the workshop, to be held within a 2 month period;
- (3) that the scope of consideration be extended to include relevant Council facilities, not just educational establishments, noting the specific issue with lack of policy and delay in Scottish Government legislation updates; and
- (4) that the workshop include representatives from Legal & Governance, Equalities and Property.

The Committee agreed to suspend Standing Order 2.1.2 in order to allow the meeting to continue beyond 1pm.

11. STRATEGIC BUDGET APPLICATIONS – ENERGY EFFICIENCY AND TREE FUNDS

Councillor Baillie, having declared an interest in this matter, left the meeting and took no part in the discussion.

With reference to the Minute of Meeting of 19 April 2022, (Item 8), there had been circulated a report dated 13 September 2022 by the Director of Education and Children’s Services, providing an update on applications received for strategic budget funding in terms of energy efficiency and tree funds and requesting Members’ determination of grant award.

Having heard further from officers of the over-subscription of the budget, and options for consideration, and after discussion of various issues, the Committee **agreed:-**

- (1) to allocate an additional £4,056 funding from the strategic budget to enable the maximum award of £5,000 to be awarded to all facilities totalling £34,056, with awards as undernoted:

Applicant	Project Cost (£)	Award (£)
Ashdale Hall	4,940.00	4,940.00

AXIS Centre	5,849.76	5,000.00
Chapel of Garioch Village Hall	5,022.00	5,000.00
Hatton of Fintray Hall	5,145.06	5,000.00
Midmar Hall	5,379.77	5,000.00
Milne Hall	4,116.00	4,116.00
Westdyke Leisure Centre	8,151.48	5,000.00

- (2) to award £943.20 from the tree fund to the Ury Riverside Park SCIO, noting this would leave £3,056.80 in the fund to be spent before March 2023; and
- (3) to note that the outcomes from the 2022 awards would be used to measure effectiveness of future energy efficiency grant applications in reducing energy costs or CO² emissions.

12. EDUCATION AND CHILDREN'S SERVICES SUPPLEMENTARY PROCUREMENT PLAN

With reference to the Minute of Meeting of the Education & Children's Services Committee of 17 March 2022 (Item 22), there had been circulated a report dated 13 September 2022, requesting approval for expenditure on the delivery of the Inverurie Place Based Review, an addition to the Education and Children's Services Procurement Plan.

There was discussion of the proposed approach to the delivery of the Place Based Review, and the opportunity to gain experience to inform the Council's development and implementation of its internal place-based approach and strategy.

Having considered the project proposal as detailed in Appendix 1 to the report, and the Directorate Supplementary Procurement Plan as detailed in Appendix 2 to the report, the Committee **agreed:-**

- (1) to approve the item on the Supplementary Procurement Plan and note that this item will be added to the Directorate Procurement Plan approved by Education and Children's Services Committee on 17 March 2022;
- (2) that approval of the Procurement Approval Form not be reserved;
- (3) to note that the Garioch Area Manager has the delegation to approve the Procurement Approval Form and the award of the contract, following consultation with the Head of Commercial and Procurement Shared Service;
- (4) that the contract award stipulate specific named officers; and
- (5) to welcome the proposal and its anticipated learning potential for schemes across Aberdeenshire.

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

5. Reference No: APP/2022/0283

Application under Section 42 for Residential Development comprising of 600 Dwellinghouses, Neighbourhood Centre, Landscaping, Open Space and Associated Infrastructure Without Compliance with Conditions 3 (Dwellinghouse Occupation Date), 4 (Dwellinghouse Occupation until Kintore Primary School opened), 9 (Formation of Access to Supermarket consented under APP/2014/1953 to be formed), 12 (Construction in the Floodplain); and Amendments to the Wording of Conditions 1 and 2 (Timing and Content of MSC submission), 5 (Energy Statement Submission), 6 (Remediation Work Phasing), 7 (Landscaping), 8 (Archaeology), 11 (Approved Use Class of Neighbourhood Centre/Community Facilities) and 13 (Foul Sewerage Details); (Change to Condition numbering) 10 (Travel Plan Phasing), 14 (Public Transport Strategy Phasing) and 15 (Junction Improvement Works Submission) of Planning Permission Reference APP/2013/3830 at Land at Kintore East, Kintore, Aberdeenshire

Applicant: The Kintore Consortium
Agent: Ryden LLP

With reference to the Minute of Meeting of 6 September, 2022, (Item 7B), there had been circulated a report dated 12 September 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Planning Permission in Principle, Section 42, for Residential Development comprising of 600 Dwellinghouses, Neighbourhood Centre, Landscaping, Open Space and Associated Infrastructure Without Compliance with Conditions 3 (Dwellinghouse Occupation Date), 4 (Dwellinghouse Occupation until Kintore Primary School opened), 9 (Formation of Access to Supermarket consented under APP/2014/1953 and to be formed), 12 (Construction in the Floodplain); and Amendments to the Wording of Conditions 1 and 2 (Timing and Content of MSC submission), 5 (Energy Statement Submission), 6 (Remediation Work Phasing), 7 (Landscaping), 8 (Archaeology), 11 (Approved Use Class of Neighbourhood Centre/Community Facilities) and 13 (Foul Sewerage Details); (Change to Condition numbering) 10 (Travel Plan Phasing), 14 (Public Transport Strategy Phasing) and 15 (Junction Improvement Works Submission) of Planning Permission Reference APP/2013/3830 at Land at Kintore East, Kintore, Aberdeenshire, recommended as a Delegated Grant. The application had been deferred for officer negotiation with the developer a reduction in the time extension requested for the Matters Specified in Conditions (MSC).

The Committee heard from Miss Atkinson, Senior Planner, that, the principle of development already having been established, Members should consider the continued validity of the conditions previously proposed, and in particular revised time scale for the application, where 7 years was proposed by the applicant following discussions with officers.

There was discussion of the phasing which would apply, including road network works; the potential to agree a lesser period than the seven years proposed, linked

to the relative complexity of necessary infrastructure to be delivered, the constraints of the site, and the scale of the development.

The Committee considered in respect of condition 2 that a 5 year direction would be reasonable for the submission of the Matters Specified in Conditions (MSC) application, having had regard to (a) the scale of the development; (b) the constraints of the site; and (c) the complexity of the infrastructure to be delivered.

The Committee **agreed:-**

- (1) That authority to GRANT Planning Permission in Principle be delegated to the Head of Planning and Economy subject to:-
 - a) Satisfactory conclusion and registration of a varied Section 75 legal agreement; and
 - b) the following conditions:-
 01. Prior to the submission of the first application for the approval of Matters Specified in Conditions (MSC) a phasing scheme detailing the phasing of all development including the delivery of development blocks, public open space, infrastructure and transport and access arrangements to and throughout the development shall be submitted to and approved in writing by the Planning Authority. The phasing scheme shall specify trigger points in terms of for the delivery of the road upgrades at the A96 / B987 Broomhill Roundabout, affordable housing and any developer contributions payments. Following approval of the phasing scheme the development shall be implemented in full accordance with that scheme.

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

02. Notwithstanding the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, and unless otherwise agreed in writing by the Planning Authority, details of the specified matters listed below shall be submitted for consideration by the Planning Authority before the expiration of five years from the date of the grant of the permission [this 5 year period substitutes the 3 year period referred to in Subsections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997]. No development shall begin on the site until all of the details listed in this condition have been submitted to, and approved in writing by, the Planning Authority, and the development shall be carried out fully in accordance with the details approved in relation to this condition:
 - a) A scheme of strategic landscaping and open space provision, detailing existing landscape features and vegetation to be retained; the location of new trees, shrubs, hedges, grassed areas and water features; the layout, design and materials of all hard landscaping works including walls, fences, gates and street furniture; the extent and distribution of public open space within the development; and a

programme for the completion and subsequent maintenance of the proposed landscaping.

- b) Full details of the means of access to the relevant phase of the development and all internal roads within the phase which shall be designed in accordance with Aberdeenshire Council Standards; the agreed Street Engineering Review and the Public Transport Strategy.
- c) A detailed map of the site showing the position and dimensions of all water bodies (including watercourses and field drains) on the site.
- d) A strategy of surface water treatment for the entire site, detailing levels of sustainable drainage (SuDS) incorporating source control.
- e) A scheme to connect the development to the public waste water network.
- f) An Ecological Management Plan (including for the area around Tuach Hill and Tuach Burn) which includes:
 - Description and evaluation of features to be managed.
 - Ecological trends and constraints on site that might influence management.
 - Aims and objectives of management which shall include wetland habitat creation.
 - Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions.
 - Preparation of a work schedule (including an annual work plan. capable of being rolled forward over a five-year period).
 - Details of the body or organization responsible for implementation of the plan.
 - Ongoing monitoring and remedial measures.
 - Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- g) A public access plan.
- h) A design guide for the complete development to ensure continuity across phases.
- i) A map showing the extent of the functional floodplain of the Tuach Burn. No buildings or land-raising shall be permitted within this functional floodplain area.
- j) a Street Engineering Review (SER); Stage 2 quality audit; public transport strategy and parking strategy for the proposed layout and road network. The SER and Stage 2 Quality Audit shall be in accordance with A Policy Statement for Scotland: Designing Streets. The SER shall include details of the street layout; vehicle tracking of the layout; key visibility splays; speed control; drainage discharge rates and selection of sustainable drainage systems techniques; schematic drainage layout for foul and surface water; key materials palette and a utilities strategy. The Stage 2 Quality Audit shall include an audit of visual quality, a review of how the street will be used by the community, a Road Safety Audit, an inclusive access audit, a walking audit and a cycling audit.

Reason: Permission for the development has been granted in principle only, and subsequent approval of these matters is required in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 and to allow for a reasonable period of time to plan and implement the development.

03. Notwithstanding the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, and unless otherwise agreed in writing by the Planning Authority, details of the specified matters listed below for each individual phase of the development (as detailed in the phasing scheme submitted and approved in relation to Condition 1 of this permission) shall be submitted for consideration by the Planning Authority before the expiration of 5 years from the date of the grant of the permission [this 5 year period substitutes the 3 year period referred to in Subsections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997].

No individual phase of the development shall begin until all of the details listed in this condition for that phase of the development have been submitted and approved by the Planning Authority, and the phase of the development shall be carried out fully in accordance with the approved details:

- a) full details of the layout, siting, design, external appearance and finishing materials of all dwellinghouses and buildings in the proposed phase of development;
- b) full details of the means of access to the relevant phase of the development and all internal roads within the phase which shall be designed in accordance with Aberdeenshire Council Standards; the agreed Street Engineering Review and the Public Transport Strategy;
- c) a scheme of landscaping for the relevant phase of the development, in accordance with that approved under condition 2a of this permission, detailing existing landscape features and vegetation to be retained; the locations of new trees, shrubs, hedges, grassed areas and water features; a schedule of plants including species, plant sizes and proposed numbers and density; the layout, design and materials of all hard landscaping works including walls, fences, gates and street furniture; the extent and distribution of public open space within the phase; and a programme for the completion and subsequent maintenance of the proposed landscaping. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme for that phase;
- d) a detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels. This shall be referenced to Ordnance Datum;
- e) a design statement for the phase of the development demonstrating that the phase of development broadly accords with the principles and indicative layout set out in the approved masterplan (Kintore East Masterplan 2014);

- f) full details of the location and extent of all water bodies (including watercourses and field drains) within and bordering the site and details of the provision and maintenance of a buffer strip for all such water bodies, and full design details of, and a construction method statement for, any proposed engineering works (e.g. re-routing) to those water bodies within the relevant phase of development;
- g) a tree survey (fully in accordance with BS 5837:2012) of all trees within the relevant phase of development and within 30 metres of the boundary of that site, including a plan showing the root protection zones of those trees and full details of the position and design of tree protection fencing for trees to be retained; and a sunpath analysis plan showing the predicted extent of shadow caused by the trees to be retained;
- h) the report of a badger survey and a badger protection and mitigation plan, if the relevant phase of development covers those areas identified as showing badger foraging or setts. The badger survey report shall identify the location(s) of all setts within the site and the vicinity and shall be undertaken by an experienced badger surveyor, and the protection and mitigation plan shall include full details of mitigation measures to safeguard all badger setts identified, to ensure access to fields for foraging and the retention of an adequate foraging area on completion of the development;
- i) the report of a water vole, otter, and red squirrel survey and assessment of bat roost potential of any trees proposed to be removed within the relevant phase of development as identified in the tree survey also required by this condition, and associated mitigation and enhancement schemes in relation to water voles, otters, red squirrels and bats;
- j) full details of the proposed means of disposal of foul and surface water from the relevant phase of development which shall be in accordance with the scheme of surface water treatment for the entire site as submitted and approved in relation to Condition 2(d).
- k) full details of the proposed car parking and vehicle turning areas within the relevant phase of development. Car parking provision shall be in accordance with the Aberdeenshire Council parking standards applicable at the time of the application for approval of matters specified in conditions;
- l) full details of footpaths and cycleways, bus stops and bus shelters within and serving the relevant phase of development. These must comply with the site-wide Street Engineering Review; Aberdeenshire Council Standards and all dwellings shall be within 400m walking distance of a bus stop or bus shelter;
- m) full details of cycle parking provision within the relevant phase of development. Cycle parking provision must be conveniently located; sheltered and secure; and
- n) Provision of an Energy Statement applicable to each house type and buildings within the relevant phase of the development including the following items:
 - o Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;

- 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.
- o) Within the phase containing the neighbourhood Centre, details of the proposed use classes for each of the commercial units shall be provided. These should be a mix of uses within Classes 1, 2, 3, 4, 10, 11 and sale of hot food for consumption off the premises.
 - p) a flood risk assessment to demonstrate that:
 - No development, including any roads or groundwork (land raising) takes place within the functional floodplain; and
 - Finished floor levels incorporate an adequate level of freeboard above design flood levels.

Reason: Permission for the development has been granted in principle only, and subsequent approval of these matters is required in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 and to allow for a reasonable period of time to plan and implement the development.

04. No individual building hereby approved shall be occupied unless an Energy Statement applicable to that house type/building has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017. The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017 approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

05. That no works in connection with the permission hereby approved (other than the agreed demolition works) shall commence on any relevant phase of the development unless all the remediation works has been undertaken for that phase in accordance with the report "Proposed Development at Kintore, Aberdeenshire Geo-environmental Desk Study Report, Issue 2", dated February 2014, prepared by Fairhurst unless otherwise agreed in writing by the Planning Authority. In reference to the report:

- a) a targeted investigation of the site as recommended in the above report shall be undertaken in accordance with BS 10175:2011+A2:2017- 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report shall be submitted for the consideration and written approval of the Planning Authority.
- b) areas identified within the above report as requiring investigation should those areas be subject to development; shall be investigated in accordance with BS 10175:2011+A2:2017- 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report shall be submitted for the consideration and written approval of the Planning Authority should those areas undergo development.
- c) where it is determined by the site investigation report that remediation of the site is required an appropriate remedial scheme shall also be submitted and approved in writing by the Planning Authority. The approved scheme of remediation for each phase shall be carried out in its entirety, before the development in that phase is occupied.

Reason: To ensure any potential contamination of the site is dealt with appropriately.

06. All soft and hard landscaping proposals submitted pursuant to condition 3(c) within each approved phase of development shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the completion of that phase or such other date as may be agreed in writing with the Planning Authority. 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.

Reason: To ensure the implementation 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 and to ensure that the landscaping is managed and maintained in perpetuity.

07. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) 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 WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post[1]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.

08. Prior to the commencement of development within any phase (including demolition, ground works and vegetation clearance), a site specific Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA for that relevant phase. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority. The CEMP should include the following details:

- Risk assessment of potentially damaging construction activities.
- Site Waste Management Plan.
- Dust Management Plan.
- Drainage management Plan including specification of wheel/vehicle wash plant and monitoring.
- Construction Communications Plan.
- Spill Response Plan.
- Noise and Vibration Management Plan.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- Responsible persons and lines of communication.
- Use of protective fences, exclusion barriers and warning signs.
- Proposed haul routes, temporary construction access, construction traffic routes on public road and associate mitigation.
- Tree Protection Plans.
- Construction mitigation measures from Ecological Management Plan.

Reason: In order to minimise the impacts of necessary construction works on the environment.

09. That prior to the occupation of the first dwellinghouse a residential Travel Plan shall be submitted and agreed with the Planning Authority. Each respective phase of development shall be developed in accordance with the approved Travel Plan.

Reason: To encourage sustainable transport.

10. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) or the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) the premises within the neighbourhood centre / community facilities shall not be used for a purpose within Use Classes 5 and 6. The buildings shall not be used for any other purpose, other than that approved within condition 3o), without an express grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.

11. Foul sewerage from the development shall be disposed of to the public sewerage system in accordance with the scheme submitted and approved in relation to Condition 2(e) of this permission, and no private foul sewage treatment shall be permitted.

Reason: To protect people and the environment from the impact of waste water and ensure the development of the public sewerage network.

12. Prior to the occupation of any of the consented development, the proposed alterations to the following junctions, or such other mitigation detailed as part of an updated Transport Assessment, shall be implemented to the satisfaction of the Planning Authority,

a) A96 / B987 Broomhill Roundabout, generally as illustrated in Jacobs Drawing No. KU049800_001; b) B987 / B994 Tumulus Way Signalised Junction, as illustrated in Figure 7.2 of Jacob's Transport Assessment, dated September 2014.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

13. Prior to the commencement of development, full details of all proposed watercourse crossings and engineering works in the water environment shall be submitted to, and approved in writing by, the Local Authority. Thereafter, the crossings and engineering works shall be carried out in full accordance with the agreed details, unless otherwise agreed in writing.

Reason: To protect the water environment and to protect people and property from flooding.

- 2 That the reason for decision is as undernoted:

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 delivery of the Kintore East development is supported by Policy H1 (Housing land), and the proposed phasing and submission of information captured in the varied conditions comply with the requirements of Policy RD1 (Providing suitable services).

6A. Reference No: APP/2022/0733

Full Planning Permission for Erection of 3 Dwellinghouses at Land at West Lodge Westhall, Oyne, Inch, Aberdeenshire

Applicant: Oakbank Homes Ltd

There had been circulated a report dated 12 September 2022 by the Director of Environment and Infrastructure Services, requesting Members' consideration of an application for Full Planning Permission for the Erection of 3 Dwellinghouses at Land at West Lodge, Westhall, Oyne, Inch, recommended for approval and referred for Committee consideration on the basis of an unresolved objection by Bennachie Community Council.

The Committee heard from Miss Atkinson, Senior Planner, of the proposal to erect 3 dwelling houses, for which the principle of development had already been established, of a style similar to those which had already been approved for the site. In responding specifically to the comments made by Bennachie Community Council, the proposal was not considered to have an impact on the historic environment or landscape character of Westhall Castle, 600 metres from the site, there were no additional road safety issues specifically relating to the three dwelling houses proposed, and the site had been determined not to be prime agricultural land.

There was discussion of the planning history of the site, the deemed completion of the build by Building Standards approval as opposed to sale; road safety; retention of an existing stone wall; and potential variation in agricultural land grade determination.

The Committee **agreed:-**

- (1) To GRANT Full Planning Permission subject to the following conditions:-
 01. Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45 degree splays shall be formed at the frontage of the site and the proposed vehicular access is to be taken via this. Details of this arrangement shall be submitted for the written approval of the Planning Authority and the works shall be carried out in accordance with the approved details thereafter.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.
 02. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area have been submitted to and approved in writing by the Planning Authority. The

area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

03. The dwellinghouses hereby approved shall not be occupied unless the existing 30mph speed limit is extended out to cover the new access as detailed on drawing number 100-05 Rev B. A Traffic Order will be required for the speed limit extension. The developer must cover all costs associated with extending the speed limit.

Reason: In the interests of road safety.

04. The development hereby approved shall not be occupied unless the footpath has been provided in its entirety as shown on the approved plans. Once provided, the footpath shall thereafter be permanently retained as such.

Reason: To ensure access for pedestrians to the settlement.

05. Prior to the occupancy of each dwellinghouse hereby approved the required 3 off street parking spaces per dwellinghouse shall be fully provided within the curtilage of each dwellinghouse and surfaced in hardstanding materials and thereafter retained for the lifetime of the development. For the avoidance of doubt the maximum gradient of the first 5m of the new access must not exceed 1:20 and the first 5m of the access (measured from edge of road) shall be fully paved.

Reason: In the interests of highway safety.

06. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access with no permanent obstruction within the visibility splay above 900mm as measured from the adjacent carriageway in accordance with the Council's Standards for Road Construction Consent and Adoption.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

07. Prior to the occupancy of the dwellings hereby approved 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: To ensure the provision and retention of a suitable vehicle turning area to an adequate standard in the interests of road safety.

08. The dwellinghouses hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the SUDS Design Report supplied by S A McGregor. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

09. 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.

10. 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) Existing and proposed finished levels.
- c) The location of new trees, shrubs, hedges, grassed areas and any water features.
- d) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- e) The location, design and materials of all hard landscaping works including walls, fences and gates.
- f) An indication of existing trees, shrubs and hedges to be removed.
- 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.

11. No works in connection with this permission hereby approved shall commence unless a tree management scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall provide details of appropriate proposals for the care and management of all trees to be retained and any new areas of planting.

Reason: In order to preserve the character and visual amenity of the area.

12. No works in connection with the development hereby approved shall commence unless the tree protection measures identified in the approved Tree Survey Report (MLFS Ltd) dated 8th June 2022 have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

14. No works, including maintenance, demolition or rebuilding of the dry stone wall between the north west corner of the site and the entrance to Strathmore House, shall be undertaken unless a method statement for the proposed works, has been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be carried out in complete accordance with the approved method statement.

Reason: In the interests of the character and appearance of the local area.

15. 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; and

- (2) That the Reason for Decision is that 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.

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The principle of the development is acceptable and supported by Policy R2 Housing and employment development elsewhere in the countryside. Furthermore, the overall layout and design accords with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.

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

6B. Reference No: APP/2022/0220

Full Planning Permission for Formation of SUDS Basin and Access Track (Retrospective) at Land to the West of Tillybrig, Dunecht, Westhill, Aberdeenshire

Applicant: Kirkwood Homes Ltd

There had been circulated a report dated 8 September 2022 by the Director of Environment and Infrastructure, requesting Members' consideration of an application for Full Planning Permission for the Formation of a SUDS basin and Access Track (retrospective) at Land to the West of Tillybrig, Dunecht, Westhill, recommended for approval, and referred for Committee consideration on the grounds of an unresolved objection from the Community Council.

The Committee heard from Mr. Strachan, Senior Planner, of the history of the site, linked to previous approved permission APP/2018/2430. The location of the SUDS pond had been adjusted to meet the requirements of Scottish Water, necessitating the relocation of the access track to the south east of its originally approved position, with all the other parameters of the application unchanged. Additional information in the form of a Flood Statement had been received from the developer and considered by the Council's Flood Team, after the public consultation period. It was concluded that the properties within the development were not thought to be at risk from flooding and that there was a overall gain in compensatory flood storage from the amendment.

There was discussion of the unresolved objection from Echt and Skene Community Council, addressed by the conclusions of the Council's Flood Team, and the Committee **agreed:-**

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

01. Within 3 months of the date of this decision, the additional flood protection measure shown on approved drawing 126270/1510 dated 18/08/22 shall be formed in its entirety and to the satisfaction of the Planning Authority in consultation with Flood Risk and Coast Protection.

Reason: To provide additional flood protection to the neighbouring dwellinghouse and to ensure timely completion of the development.

- (2) That the Reason for Decision is that the Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposal complies with policies RD1, C4 and P1 as the proposal is a retrospective access track and SUDS basin within a settlement which are appropriately designed and would not detract from the character of the area. The information provided in support of the application demonstrates that the siting of the SUDS basin will deal with surface water drainage and the level of flood risk at the site.

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.