

**ABERDEENSHIRE COUNCIL****MARR AREA COMMITTEE****STEWART'S HALL, HUNTLY, 31 MARCH 2015**

**Present:** Councillors M F Ingleby (Chair), P J Argyle, K L Clark, L Clark, K A Farquhar, J J Latham, D A Ross, J J Strathdee (Vice Chair) and Provost J Webster.

**Apology:** Councillor G Blackett.

**Officers:** J Clark, Area Manager (Marr), J Joss, Senior Solicitor, N Mair, Senior Planner, R Craig, Chief Inspector, R Goldring, Asset Project Leader, G Cunningham, Principal Engineer, J Cubbage, Principal Roads Engineer, M Temperley, Education Support Officer, S McFarlane, Roads Manager, A Funk, Senior Roads Engineer, R Walkinshaw, Building and Facilities Manager, G Wall, Landscape Services Manager, S Grant, Landscape Services Officer, J Wheeler, Senior Planner and A Riddell, Area Committee Officer (Marr).

**1. DECLARATION OF MEMBERS' INTERESTS**

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following declarations were intimated –

- (a) Councillor Strathdee on Item 17 as a member of the Huntly Development Trust and continued to participate in the meeting,
- (b) Councillor Latham on Items 16 and 17 as the Committee's representative to the Marr Area Partnership and continued to participate in the meeting,
- (c) Councillor Argyle on Items 16 and 17 as a Director of Mid Deeside Ltd and continued to participate in the meeting,
- (d) Councillor Farquhar on Items 16 and 17 as a Director of Ballater Royal Deeside and continued to participate in the meeting,
- (e) Councillor Ross on Item 17 as an associate member of Huntly Development Trust and Item 18C as a former member of the Grampian Microlight Flying Club and continued to participate in the meeting,
- (f) Councillor Ingleby on Item 18B as a close neighbour of the development site and left the meeting during consideration and determination, and
- (g) Provost Webster on Item 18F as she knew the Agent employed by the objector and left the meeting during consideration and determination.

**2. EQUALITIES**

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;

- (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching a decision.

### 3. MINUTE

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 10 March, 2015.

### 4. POLICE SCOTLAND – PERFORMANCE MONITORING AND OPERATIONAL UPDATE

The Committee had before them a report dated 19 March 2015 by the Director of Business Services containing performance monitoring information relating to the Aberdeenshire and Moray Division of Police Scotland for each ward within the Marr Area for the period April to December 2014.

The Chief Inspector spoke to the report and responded to questions on percentage performance figures exceeding 100%, recording domestic abuse, progress on the investigation regarding the cash machine raid at Banchory, internet/ecrime, wildlife crime, mobile phone offenses, pro-active policing including visiting local schools and Operation Colinsville, to raise awareness about road safety and anti-social driving.

The Committee **agreed** –

- (1) to note the performance monitoring information relating to the Marr Area of the Aberdeenshire and Moray Division of Police Scotland,
- (2) to recommend the reporting and recording of wildlife crime separately,
- (3) to welcome ongoing opportunities for local officers to visit schools, and
- (4) that the Divisional Commander continue to report to Committee quarterly on performance measures against service objectives.

### 5. POLICE SCOTLAND – LOCAL AREA POLICING PLANS AND MULTI-MEMBER WARD PLANS

The Committee had before them a report dated 17 February 2015 by the Director of Business Services on the proposed creation of a local area policing plan for each of the Council's six Areas setting out the proposed priorities, objectives and measures of success for each Area together with multi-member ward plans which would be more locally focused towards specific needs and outcomes in those communities. It was proposed to report on performance against the local area policing plan and multi-member ward plans on a quarterly basis.

The Chief Inspector spoke to the report and responded to questions on the management of resource levels over busy periods including weekends, options for redeploying resources as required, wildlife reporting and format and layout of the draft Area plans.

Thereafter, the Committee **agreed** –

- (1) to support the proposal to produce local area policing plans and multi member ward plans and the priorities and objectives contained therein, and
- (2) to comment on the draft plans as follows –
  - (i) that wildlife crime be included in the multi-member ward plan for Ward 15, and
  - (ii) that the layout and presentation of the plans be reviewed to ensure they are easy to follow,
- (3) that the Divisional Commander continue to report to Area Committee quarterly on performance measures against service objectives.

#### **6. EDUCATION SCOTLAND INSPECTION: FINZEAN SCHOOL AND BALLOGIE NURSERY CLASS**

The Committee have before them a report by the Director of Education and Children's Services on the outcome of a further inspection of Finzean School and Ballogie Nursery Class undertaken on 1 December 2014 as part of the continuing engagement following the school inspection the previous year.

The Committee heard from the Head Teacher (Finzean School) on action taken to address areas for improvement previously identified including increased parental involvement.

Following discussing, the Committee **agreed** –

- (1) to congratulate M Temperley on her recent appointment as Head Teacher of Finzean School,
- (2) to endorse the Service's continuing efforts in support of its schools in the Education Scotland inspection process and in the raising of standards of attainment and achievement in all aspects of school life,
- (3) that local members be kept more involved and informed,
- (4) that a further progress report prior to the next inspection would be welcomed, and
- (4) that further reports on Education Scotland school inspections be presented in future.

#### **7. REVIEW OF BANCHORY PRIMARY SCHOOL AND HILL OF BANCHORY SCHOOL ZONES**

With reference to the Minute of Meeting of the Education, Learning and Leisure Committee of 4 December 2014 (Item 4, page 1211) when it had been agreed, amongst other things, to undertake a statutory consultation exercise regarding a potential rezoning in the Banchory area, the Committee had before them a report by the Director of Education and Children's Services on the proposal to realign the M2 housing development site at Hill of Banchory to Banchory Primary School and seeking Member's support for the public consultation exercise to be undertaken.

The Committee heard from the Asset Project Leader on the detail of the proposals and, having been advised that the timeframe for reporting back to Committee on the outcome of the public consultation exercise would not result in any changes for existing pupils in the new school year commencing August 2015, the Committee **agreed** –

- (1) to encourage participation in the public consultation within communities, and
- (2) to receive a further report at the end of the consultation process in August 2015 in order to submit a recommendation as part of the decision making process.

#### **8. BRIDGES AND CULVERTS ANNUAL WORKS PROGRAMME (PUBLIC ROAD NETWORK) 2015/2016**

The Committee had before them a report dated 12 March 2015 by the Director of Infrastructure Services containing a proposed annual programme of works for bridges and culverts for the financial year 2015/2016 in the Marr Area, together with a reserve list of schemes which could be included should a shortfall in expenditure occur throughout the year. The report indicated that the work required for each area had been identified on a prioritised need basis taking into account individual bridge or culvert maintenance condition and by assessing structural load carrying capacity. Remedial works to current defects which pose an unacceptable risk to public safety were allocated the highest priority.

The Committee heard from the Principal Engineer who introduced the report and responded to questions from Members on funds allocated for non-recoverable vehicle collision damage and scouring damage.

Thereafter, the Committee **approved** the Area Bridges and Culverts Annual Works Programme (Public Road Network) for 2015/2016 as detailed in Appendix A (main list) to the report.

#### **9. FLOOD MANAGEMENT AND COAST PROTECTION PROGRAMME OF MEASURES 2015/2016**

There had been circulated a report dated 19 March 2015 by the Director of Infrastructure Services seeking approval of a programme of flood management and coast protection works in the Marr Area for the financial year 2015/2016. The programme included a combination of general maintenance works, routine inspections, flood studies, small improvement schemes and contributions to multi agency initiatives to manage flood and erosion risks more effectively in the future.

Having heard from the Principal Roads Engineer on the Marr specific projects, the Committee **agreed –**

- (1) to approve the Flood Management and Coast Protection Programme of Measures for 2015/2016 as it related to the Marr Area as detailed in Appendix 1 of the report,
- (2) to note the proposed expenditure and essential flood management and coastal protection measures relevant to all areas as contained in Appendix 2 of the report,
- (3) that feedback be provided on options to remove the build up of gravel in the watercourse at Huntly,
- (4) that local Members be provided with an update on progress with the Tarland burn project, and
- (5) to note the reserve list of measures for Aberdeenshire as detailed in Appendix 3 of the report.

## 10. ROAD MAINTENANCE PROGRAMME 2015/2016

A report dated 25 February 2015 by the Director of Infrastructure Services had been circulated containing a proposed programme of road maintenance works for the financial year 2015/2016 in the Marr Area, together with a reserve list of schemes which could be included should a shortfall in expenditure occur throughout the year. The report indicated that £79,750 of funding from NESTRANS, the regional transport partnership for Aberdeen City and Shire, for strategic maintenance have been confirmed and taken into account in the programme. Budget had been allocated to areas on a priority needs basis using normal survey and assessment techniques for the various categories of work to ensure the monies would be used in the most cost effective manner on an Aberdeenshire wide basis in accordance with the approved policy on road inspections and assessments.

The Committee heard from the Roads Manager that the programme represented a reduction in funding from the previous year, that the 2014/2015 budget had been spent in full and that the service would be focusing on its core objective to maintain roads to a good standard.

Discussion took place on road/junction white lining, use of funding allocated for winter maintenance when it was not required, standard of verge cutting, emphasis on surface dressing rather than replacement, work required at School Road, Lumphanan, road condition outside the sheltered housing complex in Main Street, Finzean and road/lining condition at the pedestrian crossing at Banchory Academy.

Thereafter, the Committee **agreed** –

- (1) to approve the Marr Area Road Maintenance Programme for 2015/2016 as detailed in the Appendix to the report,
- (2) to congratulate the Road's teams for the excellent service provided,
- (3) to welcome the review of verge cutting practices to address previous concerns,
- (4) that the introduction of wild flowers on verges be considered,
- (5) that consideration be given to adding School Road, Lumphanan to the works programme for 2016/2017, and
- (6) that the road at Main Street, Finzean (outside the sheltered housing complex) and the pedestrian crossing at Banchory Academy be inspected with a view to any necessary repairs being undertaken.

## 11. PLANNED MAINTENANCE 2015-2018

The Committee had before them a report dated 11 March 2015 by the Director of Infrastructure Services seeking Area Committee views on the planned maintenance programme within the Capital Plan for the financial year 2015/2016 as detailed in Appendix A to the report and on projects for 2016/2017 and 2017/2018 as detailed in Appendix B that could be brought forward in the event of any slippage in 2015/2016.

The Committee heard from the Building and Facilities Manager on the programme of works and he responded to questions from Members on the allocation of funding for compressor upgrades to Banchory Academy pool, the exact location of the window upgrade works at The Gordons Schools and proposed toilet improvement works.

Thereafter, the Committee **agreed** –

- (1) that officers review the allocation of funds for compressor upgrades at Banchory Academy pool given the impending construction of a new pool in Banchory with a view to delivering minimum requirements at Banchory Academy,
- (2) to welcome the proposals for windows upgrades at The Gordons Schools and highlighted the need for toilet improvements in that location, and
- (3) that the façade at the front of the Stewart's Hall and inner hall be inspected with a view to existing damage being addressed to prevent further deterioration.

## **12. LANDSCAPE SERVICES REVENUE AND CAPITAL WORK PROGRAMME 2015/16**

A report dated 18 March 2015 by the Director of Infrastructure Services had been circulated containing proposals for the 2015/2016 Landscape Maintenance Programme in the Marr Area. The programme included essential routine maintenance projects and essential non routine maintenance projects for burial grounds, parks and open spaces and country parks which had been identified and developed throughout the year. The report advised that the Service continued to work hard towards increased joint working with local communities on maintenance of identified areas and closer working relationships with other environmental groups and contained details of community involvement projects completed in 2014/2015.

The Landscape Services Manager introduced the report and responded to questions on work being undertaken at Alford recreation park, Alford cemetery, drainage issues in Bellfield Park, maintenance of war memorials, upgrades to play equipment, work with local community groups and work planned at Huntly cemetery.

Following discussion, the Committee **agreed** –

- (1) to approve the Marr Area Landscape Programme 2015/2016 as detailed in the report,
- (2) to congratulate Landscape Services staff on the excellent work undertaken throughout the year,
- (3) to recommend a review of drainage outside the Guide hut in Bellfield Park, Banchory,
- (4) to highlight the need for improvements to the access road through Bellfield Park and to refer the matter to the Roads Service for consideration,
- (5) to recommend that work be undertaken to improve the condition of the islands within the Bellfield car park,
- (6) to note the correct title of the community group within Appendix 2 as being the Bellwood Area Residents Association.

## **13. LOCAL REVIEW BODY DECISION NOTICES**

**(A) LRB 259 - Land at Station House, Tillyfourie, Inverurie** – there had been circulated and was **noted** Local Review Body Decision Notice 259 dated 2 March 2015 advising of a decision to agree with the determination reviewed by it and to refuse full planning permission for the erection of a dwellinghouse and sub division of feu and formation of access at Land at Station House, Tillyfourie, Inverurie.

**(B) LRB 260 - Land at South of Craigley, Corvichen, Huntly** – there had been circulated and was **noted** Local Review Body Decision Notice 260 dated 16 March 2015 advising of a decision to agree with the determination reviewed by it and refuse planning permission in principle for the erection of 2 dwellinghouses including change of use of land to domestic garden ground at Land to South of Craigley, Corvichen, Huntly.

#### **14. MASTERPLAN FOR INCHMARLO, BANCHORY**

There had been circulated a report dated 12 March 2015 by the Director of Infrastructure Services seeking approval of a Master Plan for Site H1 at Inchmarlo, Banchory as the context for the general layout and approach for subsequent planning applications in that location.

The Committee heard from the Senior Planner that the allocation and subsequently the Master Plan itself differed slightly to most Masterplans in that the H1 allocated site related to the Inchmarlo Continuing Care Community rather than main stream housing. The nature of the housing proposed was for specific needs rather than to satisfy the overall housing land demand. Reference was made to meetings held with the applicant's agent and consultees, the three development areas identified, the protected area, development constraints, previous approval on site K at North Pinefields, drainage and potential impact on the River Dee, tree loss and habitat. It was recommended that the Committee accept the Master Plan as the context for the general layout and delivery of the H1 site at Inchmarlo.

Following discussion on vehicular access, designed landscape within the application site, access for waste collection vehicles and aspirational development included in the Master Plan, the Committee **agreed** –

- (1) to approve the Master Plan for Site H1 at Inchmarlo as the context for the general layout and approach for subsequent planning applications,
- (2) that the aspirational development detailed in Appendix 1 was not endorsed and should be removed from any documentation to be published on the Council's website,
- (3) to highlight the requirement for appropriate access for waste collection vehicles,
- (4) to note that the potential impact of all elements of the development particularly the larger blocks would be assessed in full at any future detailed planning application stage, and
- (5) to note the requirement for a second emergency access.

#### **15. ABERDEENSHIRE PERFORMS – HOUSING AND SOCIAL WORK QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER-DECEMBER 2014 (QUARTER 3)**

There had been circulated a report dated 3 December 2014 by the Director of Communities on performance achieved over the period October to December 2014 (Quarter 3) against key performance measures and associated targets as set out in the Housing and Social Work Service Plan 2014/2017.

The Committee **agreed** –

- (1) to acknowledge the positive performance achieved from October to December 2014 as identified in the report,
- (2) to acknowledge the exceptional performance achieved as detailed in Appendix 1 of the report,

- (3) to note those measures where performance was below expectations as detailed in Appendix 2 to the report,
- (4) to note the publication of the complete October to December 2014 performance report on Ward pages, and
- (5) that the Director continue to report, by exception, to Committee quarterly on performance measures against service objectives and 6 monthly on progress and delivering of all aspects of the service plans.

## 16. AREA COMMITTEE BUDGET 2015/16

The Committee had before them a report dated 13 March 2015 by the Director of Communities on the allocation of the Area Committee Budget 2015/2016. The report provided information on the level of funding available in 2015/2016 of £52,500, proposals for use of the budget and on projects supported in 2014/2015.

Having heard from the Area Manager (Marr) on projects supported in the previous financial year including an additional underspend of £750 in respect of the Lumsden Hall Committee Christmas lights project, the proposal to delegate authority to the Area Manager in consultation with the Chair and relevant Ward members to determine applications for funding below £250 and on future arrangements for rural partnership funding, the Committee **agreed** –

- (1) to approve the allocation of £10,000 to Marr Area Partnership to run the Initiative Grant Scheme,
- (2) to approve the allocation of £10,000 to Rural Partnerships,
- (3) in principle and subject to budget provision being available, funding for Rural Partnerships for 2016/2017 at the same level to give the organisations an indication of funding that might be received,
- (4) to delegate authority to the Area Manager, in consultation with Chair and relevant Ward members, to determine applications for funding below £250 subject to majority agreement being achieved, failing which a report should be presented to the Area Committee for determination,
- (5) that the Area Manager report regularly to Committee on applications dealt with under delegated powers,
- (6) that every effort be made to fully utilise the budget allocation in 2015/2016, and
- (7) to note that the level of unallocated funds for 2014/15 would increase by £750 given an underspend in respect of the Lumsden Hall Committee Christmas lights project.

## 17. AREA AND RURAL PARTNERSHIP FUNDING 2014/2017

The Committee had before them a report dated 16 March 2015 by the Director of Communities on the level of Area and Partnership funding available for allocation in 2015/2016 amounting to £37,333 and the proposal to utilise £10,000 from the Area Committee Budget to maintain the same level of funding to rural partnerships for 2015/2016.

The Committee heard from the Area Manager (Marr) and **agreed** –

- (1) the allocation of funding to Rural Partnerships in Marr –



Marr Area Partnership	£30,333
Banchory & District Initiative	£7,000
Royal Deeside Partnership	£10,000

- (2) in principle and subject to budget provision being available, funding for Rural Partnerships for 2016/2017 at the same level to give the organisations an indication of funding that might be received, and
- (3) that annual reports on the work carried out by the Rural Partnerships in 2014/2015 be reported to Members at the earliest opportunity.

## 18. PLANNING APPLICATIONS

The following planning applications were considered along with any objections and representations received in each case and were dealt with as recorded in the **Appendix** to this minute.

Reference Number	Address
(A) APP/2014/3169	Planning Permission in Principle for Erection of 4 No. Dwellinghouses (3 No. for Holiday Let Accommodation) and Erection of Service Building and Garage at Land at Boghead, Perkill, Lumphanan
(B) APP/2015/0105	Full Planning Permission for Erection of Anemometry Mast up to 60 Metres at Land at Cairnborrow, Huntly
(C) APP/2015/0160	Full Planning Permission for Erection of Single 900kW Wind Turbine (Hub Height 45m, Total Height 67m), Access Track and Ancillary Infrastructure at Land at Hill of Flinder, Inch
(D) APP/2015/0241	Planning Permission in Principle for Erection of 3 Dwellinghouses and Associated Access Road at Land at Lumphanan Golf Course, Main Road, Lumphanan
(E) APP/2015/0252	Full Planning Permission for Alterations and Extension to Dwellinghouse and Erection of Double Garage, Formation of Driveway and Erection of Fence and Gate and Change of Use of Agricultural Land to Domestic Garden Ground at Clagganghoul, Crathie, Ballater
(F) APP/2015/0416	Full Planning Permission for Erection of Dwellinghouse (Amendment to Previously Approved APP/2010/3543) at Plot 2, 1 Aboyne Grange, Old Town Road, Aboyne

## APPENDIX

### PLANNING APPLICATIONS

**(A) Reference No: APP/2014/3169 - Planning Permission in Principle for Erection of 4 No. Dwellinghouses (3 No. for Holiday Let Accommodation) and Erection of Service Building and Garage at Land at Boghead, Perkhill, Lumphanan**

**Applicant: Mr & Mrs I Ellis, Per Agent**

**Agent: Ronald Hay, Auchintarf, Bridgeview Road, Aboyne, AB34 5HB**

The Chair advised that a request to address the Committee had been received from the applicant and the Committee **agreed** to hear from Mr Ellis prior to determination of the application.

The Committee heard from the Senior Planner on the detail of the application which was recommended for refusal and following consultation with local Members required to be determined by the Area Committee. Reference was made to the location of the site, existing structures, access proposals, representations received and consultee responses. In terms of planning policy, it was considered that the further development of the business by building more holiday cottages could be supported but the manager's house was not considered to be essential to the operation of the enterprise and the application was recommended for refusal for the reasons detailed in the report.

The Senior Planner responded to questions from Members on whether an application excluding the manager's house could be supported, whether the holiday lets if permitted could be conditioned as holiday lets and whether a consultee response had been received from the Economic Development service.

The Committee then heard from Mr Ellis in support of his application. He made reference his family's history of farming in the area, work undertaken to establish and maintain new habitat and landscaping on the hillside, the need for diversification to support the business, the need to be present on the site to manage the extended business and positive feedback received in respect of the existing holiday lets. In conclusion, he commended the application to the Committee as a high quality tourism development promoting sustainable economic development.

Mr Ellis then responded to questions from Members on the possible conversion of the existing steading for management accommodation and the current use and upkeep of the farming enterprise.

Thereafter, Mr Ellis confirmed he was satisfied with the way in which the hearing had been conducted.

Following discussion on the need for a full time resident worker to manage the operation of the enterprise, whether a development of this nature could be defined as a primary industry in terms of planning policy, options to tie a manager's house to the business, potential conditions to ensure the holiday lets would be retained for that purpose and phasing of the development to ensure it was fully delivered, the Committee **agreed** –

- (1) to delegate authority to the Head of Planning and Building Standards to approve the application subject to appropriate conditions including phasing delivery of the development and the continuing use of the holiday let accommodation for that purpose,
- (2) the reason for the decision being that this was considered to be an exceptional case promoting sustainable economic development in terms of Policy 3: Development in the Countryside.

**(B) Reference No: APP/2015/0105 - Full Planning Permission for Erection of Anemometry Mast up to 60 Metres at Land at Cairnborrow, Huntly, Aberdeenshire**

**Applicant:** Cairnborrow Wind Energy Ltd, Mynydd Awel, Mold Business Park, Maes Gwern, Mold, Flintshire, CH7 1XN

**Agent:** West Coast Energy Ltd, Mynydd Awel, Mold Business Park, Maes Gwern, Mold, Flintshire, CH7 1XN

Councillor Ingleby, having previously declared an interest in this item, left the meeting and the Vice Chair took the Chair.

The Vice Chair advised that requests to address the Committee had been received from the applicant's agent and from objectors and having been advised that Dr Wood had submitted a request to speak but was not present, the Committee **agreed** to hear from the following speakers prior to determination of the application –

S Salt, West Coast Energy Ltd on behalf of the applicant

M Anderson, Objector

A Boyd, Objector

T Hoffman, Objector

The Committee from the Senior Planner on the detail of the application against which more than 5 valid objections had been lodged and therefore required had to be determined by the Area Committee. Reference was made to planning history relevant to the application, the proposed height of the structure, location of the current application site, location of the existing mast and initial wind speed data obtained, number of objections received and landscape and visual impact of the proposal. The application was recommended for approval for a temporary period of 3 years from date of erection.

The Senior Planner responded to questions from Members on the period of consent for the existing mast and potential for any cross over period when the new mast, if approved, would continue to be in place following the erection of the turbines.

The Committee then heard from Mr Salt on behalf of the applicant who confirmed that the proposed mast would be located centrally on the site of the wind farm comprising 4 turbines. He explained the need for the mast to collate data which could then be correlated with data obtained from the existing mast to ensure accuracy of information. There had been no consultee objections to the application and, in referring to the objections received, he advised that the mast would not be visible from at least 3 properties mentioned and there would be no detrimental impact on the character and landscape of the area.

Mr Salt then responded to questions from Members on the purpose of the data gathered and on the commercial viability of the development.

Thereafter, Mr Salt confirmed that he was satisfied with the way in which the hearing had been conducted.

Mr Anderson then addressed the Committee and outlined his objections to the application which related to visual impact from his property and the industrial nature of the structure. He considered the application to be retrospective given that it did not feature at all in the original application for development for the 4 wind turbines.

There were no questions from Members and Mr Anderson confirmed that he was satisfied with the way in which the hearing had been conducted.

At this point in the proceedings the Committee unanimously **agreed** to suspend Standing Order 20 (8) (c) in order to allow the meeting to continue beyond 12:45pm.

Mr Boyd then addressed the Committee and outlined his objections which related to the adverse visual impact of the structure, the proposed location of the structure in the middle of a turbine development which he considered would negatively impact on the data provided and he suggested that a site visit might be appropriate or that the application be refused as it was contrary to Local Plan policies 3 and 8.

Having responded to a question from Members relating to the control of wind turbines which he advised was contained in his letter of representation, he confirmed that he was satisfied with the way in which the hearing had conducted.

Ms Hoffman then addressed the Committee and outlined her objections to the application which related to the reliability of data from the existing mast, for which planning permission had now expired, the temporary nature of the consent requested and the adverse visual impact of the development.

There were no questions from Members and Ms Hoffman confirmed that she was satisfied with the way in which the hearing had been conducted.

The Senior Planner then responded to further questions from Members and confirmed that an application had been submitted for the retention of the existing mast for a further temporary period and that, if required, the temporary period for the current application could be reduced in agreement with the applicant.

Following discussion, the Committee **agreed** –

(1) to grant full planning permission subject to the following conditions -

- (i) That permission for the development hereby approved shall be for a maximum period of 3 years subject to negotiation with the applicant with a view to reducing the period of the permission to minimise the timescale the structure would require to be in place.

Reason: In order to retain control over this temporary form of development and to enable the impact of the development on the amenity of the surrounding area to be reviewed.

- (ii) That within one month of the date of the expiry of this permission the anemometry mast hereby approved shall be removed and the site shall be restored all in accordance with a scheme of restoration which shall be submitted for written approval no less than three months prior to the expiry of the temporary planning permission.

Reason: In order to ensure the timeous reinstatement of the site following the expiry of this temporary permission in the interests of the amenity of the area.

(2) the reason for the decision as follows -

The proposal has been assessed in terms of its impact on the character of the surrounding area. It is considered that the temporary nature of the development and its scale and location relative to an approved wind turbine development is sufficient to mitigate any significant adverse landscape and visual impacts on the surrounding area in accordance with the Aberdeenshire Local Development Plan (2012).

**(C) Reference No: APP/2015/0160 - Full Planning Permission for Erection of Single 900kW Wind Turbine (Hub Height 45m, Total Height 67m), Access Track and Ancillary Infrastructure at Land at Hill of Flinder, Inch, AB52 6YY**

**Applicant: Hill of Flinder Renewables LLP, Muirden, Turriff, AB53 4NH**  
**Agent: Muirden Energy LLP, Muirden, Turriff, AB53 4NH**

The Chair returned to the meeting and took the Chair. She advised that requests to address the Committee had been received from the applicant, supporters and objectors to the application and the Committee **agreed** to hear from the following speakers prior to determination of the application –

Mr A Elder, Agent on behalf of the applicant,  
Ms L Henderson, Supporter  
Mr M Watt, Supporter  
Mr Brown, Objector  
Mrs Groves, Objector

The Committee heard from the Senior Planner on the detail of the application which was recommended for refusal and had a substantial body of support and therefore required to be determined by the Area Committee. Reference was made to the dimensions of the structure, proposed location of the turbine, existing land use, access arrangements, consultee responses, residential properties in that location, other applications in the pipeline, representations received, impact on historic and environment and specific comments received from Scottish Environment Protection Agency on the private water supply at Little Flinder and Environmental Health comments on noise issues if the application were to be approved. He also reported on relevant planning policies, landscape and visual impact, including cumulative impact, and impact on scheduled ancient monuments. The application was recommended for refusal for the reasons detailed in the report and a further reason for refusal was recommended on the basis of the impact of the development on the valued view from Dunnideer Hill Fort.

Mr Elder, Ms Henderson and Mr Watt then delivered a joint presentation in support of the application. Ms Henderson advised that her family had farmed the land for four generations and commented on the need to diversify to remain viable, Scottish Government targets for renewables, climate change impact, issues with the private water supply which could be resolved, action taken to address objections to the development, an independent archaeological survey undertaken in relation to the impact of the development on scheduled ancient monuments, landscape impact and the large body of support. Mr Watt confirmed that he had no vested interest in the development and made reference to his own experience with wind turbine developments on his land and helping to reduce the need for fossil fuels. He considered the objections to be overstated, that the application site would be ideal for a turbine development and there would be no negative impact on local residents. Mr Elder then concluded by confirming that the applicant would be happy to undertake a risk assessment in relation to the potential impact on the private water supply and that a noise impact assessment had been undertaken and he was currently awaiting feedback from the Environmental Health Service.

Following a question from Members on the company commissioned by the applicant to undertake a further archaeology study, Mr Elder, Ms Henderson and Mr Watt confirmed that they were satisfied with the way in which the hearing had been conducted.

Mr Brown then outlined his objections which related to the negative impact of the development on residential amenity, landscape, valued views, leisure and recreation in the area, noise, private water supply, wildlife and cumulative impact. He also advised that he had been

involved in and supported the wind turbine industry but felt that a development of this nature in that location was not appropriate.

There were no questions from Members and Mr Brown confirmed that he was satisfied with the way in which the hearing was conducted.

The Committee then heard from Mrs Groves who outlined her objections to the application and made specific reference to the inappropriate location of the equipment used to gather data on potential for noise nuisance. She also referred to the lack of consultation with local residents, the hydrology reports being inaccurate, the impact on the valued views of Dunnideer Hill scheduled monument and the potential impact of the access track on the well for her property.

There were no questions from Members and Mrs Groves then confirmed that she was satisfied with the way in which the hearing had been conducted.

Following discussion on the independent archaeology report produced by the applicant, comments received from Bennachie Community Council, consultee response received from Historic Scotland and relevant planning policies, the Committee **agreed** –

- (1) to refuse full planning permission for the undernoted reasons and a further reason based on the impact of the proposal on the valued view from Dunnideer Hill Fort -
  - (i) By virtue of an objection by Historic Scotland which indicates that the scale, siting and location of the turbine would have a detrimental impact on the setting of a number of historic assets, particularly Stonehead, stone circle; Hill of Dunnideer fort, including Category B Listed Castle of Dunnideer; Hill of Christ's kirk, fort; and Dunnideer stone circle, and as such, it is considered that the development fails to comply with Policy 13: Protection, enhancement and conservation of historic environment; SG Historic Environment 1: Listed buildings; and SG Historic Environment 4: Archaeological sites and monuments of the Aberdeenshire Local Development Plan (2012).
  - (ii) The proposed turbine would result in adverse visual and landscape impacts to the detriment of the character and appearance of the local landscape and visual amenity of the area. The proposed development is contrary to Policy 8: Layout, siting and design of new development and SG LSD 2: Layout, siting and design of new development, and Policy 12: Landscape Character, SG Landscape 1: Landscape Character, as contained in the Aberdeenshire Local Development Plan 2012.
  - (iii) Insufficient information has been received in relation to the potential impact on private water supplies in the area, and subsequently the applicant has not confirmed that the proposal will not have a potentially significant adverse impact on the amenity of residential properties located in the area, and the proposal is therefore contrary to Policy 3: Development in the countryside and SG Rural Development 2: Wind farms and medium to large wind turbines and Policy 8: Layout, siting and design of new development and SG LSD 2: Layout, siting and design of new development.
- (D) **Reference No: APP/2015/0241- Planning Permission in Principle for Erection of 3 Dwellinghouses and Associated Access Road at Land at Lumphanan Golf Course, Main Road, Lumphanan**

**Applicant:** Lumphanan Golf Club, Per Agent  
**Agent:** Ronald Hay, Auchintarf, Bridgeview Road, Aboyne, AB34 5HB

The Committee heard from the Senior Planner on the detail of the application on which valid objections had been received from more than five separate households and required to be determined by the Area Committee. Reference was made to the location of the application site which lay just outwith the Lumphanan settlement boundary, proposed access arrangements, landscape impact, tree and walkover survey undertaken, supporting documents submitted, representations received and consultee responses. The application was for planning permission in principle and whilst the indicative site plan included appropriate scale dwellings in modest plots issues relating to design, finish, overlooking/privacy and amenity would be fully considered at the detailed design stage. Reference was also made to the potential impact on the local school, the requirement for mesh fencing to protect the proposed housing from stray golf balls from the adjacent golf course and pattern of development. The application was considered to be a good addition to the settlement and was recommended for delegated approval subject to the conditions detailed in the report.

The Senior Planner responded to questions on whether visibility splays could be achieved, disturbance to nesting birds and potential impact on street scape and operation of golf course and the Committee **agreed** -

- (1) to delegate authority to the Head of Planning and Building Standards to grant planning permission in principle subject to –
  - (a) payment of developer obligations, and
  - (b) the following conditions -
    - (i) Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- (a) Full details of the layout and siting of the proposed development;
- (b) Full details of the external appearance and finishing materials of the proposed development;
- (c) A landscaping scheme and tree protection plan including proposed landscape features, including trees to be retained and planted, and future ongoing maintenance of the planted areas outwith domestic curtilages.
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (e) Full details of the proposed means of disposal of foul and surface water from the development;
- (f) Full details of the proposed access to the development including visibility splays where appropriate
- (g) Full details of the proposed car parking/vehicle turning area for the development;
- (h) Full details of proposed mitigation against golf balls entering any plot or the site itself.

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

- (ii) The development shall be served in accordance with the approved drawings and the following details:
- a) The maximum gradient of the first 10m of the access must not exceed 1 in 20.
  - b) Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved.
  - c) Prior to occupancy of development, Off-Street parking, surfaced in hard standing materials must be provided within the site in accordance with Aberdeenshire Council's Car Parking Standards.
  - d) Prior to commencement of development, visibility splays measuring 2.4m by 59m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
  - e) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift & shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
  - f) Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.
  - g) The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 3.0m, the minimum width at the throat of the bell mouth so formed to be 5.0m. The area within the bell mouth & for a minimum distance of 10.0m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, & shall be surfaced with dense bitumen macadam or asphalt.

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

- (iii) No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

- (iv) Prior to the construction of any dwellinghouse an Energy Statement applicable to that dwellinghouse must be submitted to and approved in writing by the Planning Authority, including 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 the Council's Supplementary Planning Guidance on Carbon



Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out 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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

(2) the reason for the decision as follows -

The proposal complies with the relevant policies of the Aberdeenshire Local Development Plan (2012) and the Aberdeen City and Shire Strategic Development Plan (2014)

**(E) Reference No: APP/2015/0252 - Full Planning Permission for Alterations and Extension to Dwellinghouse and Erection of Double Garage, Erection of Fence and Gate and Change of Use of Agricultural Land to Domestic Garden Ground at Clagganghoul, Crathie, Ballater, Aberdeenshire, AB35 5XP**

**Applicant: Better Living (UK) Limited, Flat C, 119 North Deeside Road, Peterculter, Aberdeen, AB14 0RR**

**Agent: James Huntley Architectural Services, Burnview, Ballater Road, Aboyne, AB34 5HN**

The Chair advised that a request to speak had been received from the applicant's agent and the Committee **declined** the request to speak and **agreed** to proceed to determine the application.

The Senior Planner reported on the detail of the application against which there was an objection from a statutory consultee and the application required to be determined by the Area Committee. He reported on the location of the site and a previous proposal to include a new access on land outwith the ownership of the applicant. Objections had been received from the Roads Service on the current proposal to use the existing access route which would not meet current standards in terms of visibility splays although it was acknowledged that the current house could be occupied using the existing access without planning permission being required. Reference was also made to the recently adopted Cairngorms National Park Plan 2015 and the need to amend the proposed conditions to reflect the new plan. The application was recommended for approval subject to the conditions detailed in the report.

The Senior Planner responded to questions from Members on access arrangements, any right of way issues and window design and the Committee **agreed** -

(1) to grant full planning permission subject to the following conditions -

(i) Where ecological surveys have identified the presence of roosting bats, no activities that could result in disturbance (such as demolition, roof stripping, excavations or building works or associated operations) shall be carried out between the months of May to September within any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

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

- (ii) Prior to the commencement of development, a sample and details/specification and colour of the following elements of the proposed external finish of the development shall be submitted to and approved in writing by the Planning Authority:

All details of timber cladding wall finish on the extension.

Roof finish.

Window details/sections.

Reason: In the interests of the appearance of the development and the visual amenities of the area, to ensure that the external finishing materials are appropriate to the character of the Listed Building.

- (iii) No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the planning authority. All elevations, both internal and external, together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital on CD, either jpegs or tiffs, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record.

Reason: To ensure a historic record of the building.

- (iv) The fireplace should remain in its entirety so that it can be reinstated in the future, any works to enclose it should be easily reversible and protect the original fabric of the building for future generations.

Reason: To protect the character of the Listed Building.

- (v) That no works in connection with the permission hereby approved shall take place unless the trees marked for retention on approved plan, Black Hill Ecology BHE\_TCP\_0200, have been protected by suitable fencing in accordance with 8S5837 2012 (Trees in Relation to Construction). 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.

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

- (vi) All works in connection with this development shall be undertaken in accordance with the approved tree protection measures as stated within the approved Black Hill Ecology Tree Report dated 27th February 2015, Black Hill Ecology BHE\_TCP\_0200, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure only the trees required to allow the development to be undertaken are removed and the retention of existing trees within the site.

- (vii) The only trees which are to be lopped, topped, felled, removed or disturbed in relation to this development are to be those stated within the approved Black Hill Ecology Tree Report dated 27th February 2015 and marked on approved

drawing, Black hill Ecology BHE\_TCP\_0200 unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure only the trees required to allow the development to be undertaken are removed and the retention of existing trees within the site.

- (viii) Replacement tree and shrub planting for the proposal should be submitted for approval by the Planning Authority prior to commencement of development. The trees should be planted in the area to the north east of the site between the cottage and proposed garage. The screening shall not be trimmed until the planting reaches an appropriate height to screen the garage from the main road (A93).

This shall be completed during the planting season immediately following the commencement of the development 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.

- (ix) The development shall be served in accordance with the approved drawings and the following details:
- a) Prior to occupancy of development, Off-Street parking for cars 3, surfaced in hard standing materials must be provided within the site.
  - b) Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

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

- (2) the reason for the decision as follows -

The application is recommended for approval as it complies with the relevant policies within the Cairngorms National Park Authority Plan 2015 and is not considered the development will have a detrimental impact on the character of the Listed Building and its surroundings.

- (F) Reference No: APP/2015/0416 - Full Planning Permission for Erection of Dwellinghouse (Amendment to Previously Approved APP/2010/3543) at Plot 2, 1 Aboyne Grange, Old Town Road, Aboyne, Aberdeenshire, AB34 5QH**

**Applicant: Mr and Mrs Ross Wood, Per Agent**  
**Agent: Michael Rasmussen Associates, The Studio, Station Square, Aboyne, AB34 5HX**

The Chair advised that requests to speak had been received from the applicant's agent and from one of the objectors and the Committee **agreed** to hear from the following speakers prior to the determination of the application –

Mr M Rasmussen, Agent for the applicant  
Ms Wilson, Objector

The Senior Planner outlined the detail of the application on which there had been valid objections from more than 5 separate households and required to be determined by the Area Committee. He advised that the application sought permission for an amended design and siting from the previous approval and that the current application had been received following a complaint from a neighbouring property that the development on site did not reflect what was on the approved plans. The Agent had been advised to stop the development pending further discussions but development had continued on site. The footpath which runs along the north boundary of the site had been closed off during construction but it was understood that this had opened again the previous day. Details of the proposed elevations, floor plans and potential for overshadowing, overlooking and overbearing impact were provided. A total of 10 valid representations had been received some containing non material issues. No consultee objections had been received.

The Senior Planner then responded to questions from Members on impact on amenity and overshadowing of neighbouring properties when compared to the original application and he confirmed that the current plans accurately reflected development on site.

Mr Rasmussen then addressed the Committee and made reference to the comments contained in the letter from Halliday Fraser Munro and confirmed that various changes had been requested by the applicant, that the submitted drawings were accurate, that the photographs in the letter of representation did not accurately reflect the current position and that the current proposal would not result in any further tree removal or lose of amenity to neighbouring properties. He also confirmed that the public footpath had reopened the previous day and urged the Committee to approve the application.

There were no questions from Members and Mr Rasmussen confirmed that he was satisfied with the way in which the hearing had been conducted.

Ms Wilson then addressed the Committee and outlined her objections to the development which were based on the Officer's report being written prior to the closing date for representations on the application, that the distances between the properties had not been measured from the closest point being diagonal rather than direct, that the photographs included in the representation had been taken from her lounge window and that the degree of impact on amenity was significant. She questioned whether the current application would have been approved had it not been retrospective and expressed concern that there was a general acceptance that all drawings submitted by the applicant's agent were absolutely accurate. In conclusion she urged the Committee to undertake a site visit to view the impact of the development on neighbouring properties prior to a decision being taken.

There were no questions from Members and Ms Wilson confirmed that she was satisfied with the way in which the hearing had been conducted.

Following discussion, the Committee **agreed** -

- (1) to defer consideration of the application pending a site visit, and
- (2) the reason for the site visit being to fully understand the impact of the new location of the development on the amenity of adjacent properties.