

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

ALFORD PUBLIC HALL, ALFORD, 26 MAY, 2015

- Present:** Councillors M F Ingleby (Chair), P J Argyle, G Blackett, K L Clark, L Clark, K A Farquhar, J J Latham, D A Ross and Provost J Webster.
- Apology:** Councillor J J Strathdee (Vice Chair)
- Officers:** J Clark, Area Manager (Marr), J Joss, Senior Solicitor, J Howie, Team Manager, M MacLeod, Environment Planner, J Wheeler, Senior Planner and A Riddell, Area Committee Officer (Marr).
- In Attendance:** Chief Inspector R Craig and Inspector M Burgess, Police Scotland.

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 Ross on item 8A as an associate member of Huntly and District Development Trust and continued to participate in the meeting, and
- (b) Councillor Ingleby on item 8A as a close neighbour of the development site and left the meeting during consideration and determination thereof.

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 5 May, 2015.

4. POLICE SCOTLAND – PERFORMANCE MONITORING

The Committee had before them a report dated 22 April 2015 by the Director of Business Services containing performance monitoring information relating to the Aberdeenshire and Moray Division of Police Scotland for the period April 2014 to March 2015.

The Chief Inspector spoke to the report and responded to questions on the provision of additional historical data for comparison purposes, domestic abuse, mobile phone detection rates including the potential use of hard hitting advertisements, impact of change of legislation on drink driving figures, progress on the use of speed monitoring equipment funded by the Area Committee Budget and wildlife crime.

Thereafter, 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) in terms of the speed monitoring equipment funded from the Area Committee Budget,
 - (a) that Councillors and Community Groups notify the Area Manager of any potential hot spots within communities for siting of the equipment,
 - (b) that the local Inspector and Area Manager agree a schedule for siting of the equipment, and
 - (c) that a progress report be provided to the Area Committee in due course,
- (3) to recommend that further opportunities to highlight the dangers of using mobile phones whilst driving including the use of hard hitting advertisements be investigated, and
- (4) that the Divisional Commander continue to report to Committee quarterly on performance measures against service objectives.

5. IMPLEMENTATION OF A REHAB AND ENABLEMENT SERVICE

There had been circulated a report dated 18 March 2015 by the Director of Communities on progress in the delivery and evaluation of a Rehab and Enablement Service through the change fund finance pilot project (REACH) and seeking approval of an action plan for the future implementation of an integrated Rehab and Enablement Service across Aberdeenshire.

The Committee heard from the Team Leader that the service provided time limited intense intervention to reskill people who had become frail through long term hospitalisation or illness by restoring skills to carry out activities of daily life, allowing them to become more independent as a result. Feedback from the pilot project had been very positive and an Action Plan had been prepared for the future implementation of an integrated service across Aberdeenshire.

Following discussion on the level of service provided, timescale for delivery and review, working with partners effectively, feedback from users and home carers, personalised service to be delivered, capacity within the service to deliver the new provision and potential need for more regular bathing for clients requiring catheter care, the Committee **agreed** –

- (1) to note the progress made to date in the delivery of a Rehab and Enablement Service through the change fund pilot projects (REACH) and their evaluation,
- (2) to approve the Action Plan for the future implementation of an integrated Rehab and Enablement Service across Aberdeenshire as detailed in the Appendix to the report,
- (3) to recommend that further update reports include feedback from users/home carers, and
- (4) to highlight the potential need for more regular bathing for clients requiring catheter care.

6. LOCAL REVIEW BODY DECISION NOTICE 256 – LAND TO THE SOUTH WEST OF MAINS OF COLLITHIE, GARTLY, HUNTLY

The Committee had before them and **noted** Local Review Body Decision Notice 256 dated 7 May 2015 advising of a decision to agree with the determination reviewed by it and refuse full planning permission for erection of 3no. 800w wind turbines and associated infrastructure at land to the south west of Mains of Collithie, Gartly, Huntly (APP/2014/1032) by Muirden Energy Limited.

7. REVIEW OF TREE PRESERVATION ORDERS

A report by the Director of Infrastructure Services had been circulated on a review of Tree Preservation Orders (TPOs) throughout Aberdeenshire and proposing the revocation of 3 TPOs in Marr as detailed in Appendix 1 of the report and 4 new proposed TPOs as detailed in Appendix 2.

The Committee heard from the Environment Planner that over 130 TPOs were in place throughout Aberdeenshire, that some amendments to TPOs had been approved over time and that many TPOs were no longer fit for purpose. She advised that the 3 revocation orders referred to in the report had already been served in December 2014 and required to be confirmed within 6 months. As part of the review, the style of mapping and referencing had been updated and linked to the Land Registry and a list of all TPOs would be publicly available.

Following discussion on the process for the removal of protected trees for health and safety reasons, whether TPOs were considered to be effective and respected and the current difficulties with identifying which trees were protected, the Committee **agreed** –

- (1) to confirm the 3 revocation orders at Glendeskry, Tarland (AC (SD) 06 (1999)), 46 Station Road, Banchory (AC 03 (1999)) and Craigendarroch Walk, Ballater (K&DDC No. 19 (1989)) as listed in Appendix 1 to the report, and
- (2) to note that 4 new TPOs at East Mains, Inchmarlo (AC TPO No. 20 (2015)), Old Town Road, Banchory (AC TPO No. 22 (2015)), (Inchmarlo House, Banchory (AC TPO No. 29 (2015)) and Ballater Woodlands (AC TPO No. (2015)) would be served as detailed in Appendix 2 to the report.

8. 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/2015/0095	Full Planning Permission for Erection of 1 No. 2.5MW Wind Turbine (60m to Hub Height, 100m to Blade Tip) and Associated Infrastructure at Land at Cairnborrow, Huntly
(B) APP/2015/0709	Full Planning Permission for Erection of 8 Dwellinghouses and Garages at Whole Site West of Larchview, Kennethmont, Huntly
(C) APP/2015/1039	Full Planning Permission for Installation of Bus Shelter (Retrospective) at Former Bluebird Bus Depot, 4 Golf Road, Ballater

APPENDIX

PLANNING APPLICATIONS

(A) Reference No: APP/2015/0095– Full Planning Permission For Erection of 1 No. 2.5MW Wind Turbine (60m to Hub Height, 100m to Blade Tip) and Associated Infrastructure 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

Having previously declared an interest in this item, the Chair left the meeting and Councillor Argyle took the Chair. He advised that requests to address the Committee had been received from the applicant's agent and a number of objectors and the Committee **agreed** to hear from the following speakers prior to determination –

Mr S Salt of West Coast Energy Ltd on behalf of the applicant
 Mr Hammock on behalf of Huntly & District Development Trust, in support of the application
 Mr A Boyd, Objector
 Ms T Hoffmann, Objector
 Mr A Joyner, Objector
 Dr Wood, Objector

The Committee heard from the Senior Planner that there had been valid objections from more than 5 separate households and the application required to be determined by the Area Committee. He reported on the detail of the application, the location of the site, the assessment of the environmental information provided, representations received including 13 objections and 5 in support, consultee responses received, relevant planning history and key policy issues. Key considerations included the potential for landscape and visual impact. On balance, the application was considered to be acceptable and was recommended for approval subject to the conditions detailed in the report. He advised that all conditions matched those applied to the existing approvals in that location.

The Senior Planner then responded to questions from Members on the height of the proposed turbine and its location in comparison with the recently approved application for the erection of 4 turbines in that location.

The Committee then heard from Mr Salt on behalf of the applicant. He referred to the previously approved 4 turbine development which had originally sought approval for 5 turbines but had been reduced to 4 to address concerns raised by the Planning Service about landscape impact. He advised that it had always been the applicant's intention to come back with an application for a further turbine within the red line boundary of the original application site and that discussion had taken place with the Planning Service to identify an alternative location for a fifth turbine which would be acceptable in terms of site constraints, landscape and amenity. No objections had been received from statutory consultees and he responded to issues raised by local residents. If approved, he confirmed that it was intended to erect this turbine at the same time as the 4 turbine development to minimise construction impact. In conclusion, he urged the Committee to approve the application.

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

Mr Hammock, on behalf of Huntly & District Development Trust then addressed the Committee and confirmed that the Trust was a partner in the development and had a legally binding

partnership agreement in place. The application was viewed as a reinstatement of the original scheme and was considered to be more acceptable than numerous individual turbine applications. Approval of the application would increase the overall output of the wind farm and the generating capacity of the site and would result in an increase in benefit to the community of approximately 25%.

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

Mr Boyd then addressed the Committee and outlined his objections to the application. He expressed concern that despite a number of rejections, the applicant continued to apply for further developments in that location. Having made reference to non-material planning issues, he was asked to focus his comments on planning matters relating to the current application. He then made reference to the number of conditions proposed in comparison with those in place for the 4 turbine development, indicated that the applicant only had a grid connection licence for a 10 mega watt development and adding another turbine would exceed that permit and that 20 residences including a dwelling closest to the site had not been included in the plans. He expressed concern that these errors had already been brought to the attention of Councillors and Planning Officers and had not been resolved. In conclusion, he urged the Committee to refuse the application.

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

Ms Hoffmann made reference to the Planning Service committee report which recommended delegated approval of the application and to comments contained therein relating to the height of the turbines balanced against energy produced, the visual impact, objections previously received from statutory consultees including Scottish Natural Heritage and the Scottish Environment Protection Agency, the lack of relevant noise tests and the use of outdated information in that respect and she urged the Committee to refuse the application.

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

Mr Joyner then addressed the Committee and made reference to the Planning Service committee report and specifically comments contained in paragraph 2.2.2 relating to the original scheme and the reasons given for reducing the number of turbines to address concerns about the landscape impact of one of the turbines. He questioned the reliability of wind speed data submitted given statements regarding the reliability of data from the original mast and the current mast having only been in place for 3 weeks. He considered that the recommendation for approval contradicted earlier statements concerning landscape and visual impact of the development and he urged the Committee to reject the application on the basis of unacceptable visual impact and insufficient reliable data to support energy production.

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

Dr Wood then outlined her concerns with regard to the development and referred to a wireframe diagram supplied by the applicant which she considered did not accurately plot the siting of the new anemometer mast. She made reference to the visual impact of the development on her property and requested that the actual location of the anemometer mast be checked by the Planning Service to confirm whether it had been erected in the correct position.

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

The Senior Planner confirmed that planning permission had been granted for the 4 turbine development and the period for legal challenge had now passed. The grid connection licence was not a material planning consideration and the current application required to be considered on its merits. The Service would undertake an inspection to ensure that there were no discrepancies in relation to the siting of the anemometer mast.

Following discussion on the potential landscape and visual impact of the development and the siting of the turbine in relation to the previously approved 4 turbines and anemometer mast, the Committee **agreed** –

- (1) to defer determination of the application pending a site visit to take place on Tuesday 9 June 2015 at 2:00pm and to include Ardonald in the viewpoints to be visited,
- (2) the reason for the site visit being to assist Councillors in assessing the potential landscape and visual impact of the development and to clarify the siting of the proposed turbine in relation to the previously approved group of 4 turbines and anemometer mast, and
- (3) in advance of the site visit, that the Head of Planning and Building Standards ascertain whether the anemometer mast associated with the 4 turbine development had been erected in the correct location as specified in the planning consent.

(B) Reference No: APP/2015/0709 - Full Planning Permission for Erection of 8 Dwellinghouses and Garages at Whole Site, West of Larchview, Kennethmont, Huntly, Aberdeenshire

Applicant: Mr Gavin Cruickshank, Heatherbloom Cottage, Kennethmont, Aberdeenshire, AB54 4NL

Agent: Norman P Lawie Limited, Tumulus Way, Midmill Business Park, Kintore, AB51 0TG

The Chair returned to the meeting and took the Chair.

The Senior Planner reported on the detail of the proposal, location of the site, Local Plan allocation for up to 6 units, history of planning permission for the site, habitat, site boundary, access, proposed landscaping to the north, foul drainage and design and materials to be used. He advised that the application was a departure from Local Plan policy, that no objections or consultee issues had been raised, that the Primary School role was fairly low and the site was considered to be capable of accommodating 8 units. The application was recommended for delegated approval subject to the conditions detailed in the report.

Following discussion on the design and materials to be used, renewable energy provision, the proposed extension to the site which it was confirmed was not included within private garden ground and proposed slate lookalike to be used, the Committee **agreed** –

- (1) that authority to grant full planning permission be delegated to the Head of Planning and Building Standards subject to –
 - (a) the signing of a Section 75 Agreement in relation to planning obligations/affordable housing,
 - (b) agreement with the applicant to achieve the highest level of design and materials for all properties, and
 - (c) the following conditions –

- (i) All soft and hard landscaping proposals shall be carried out in accordance with the approved landscaping plan 0937/02 Rev A and the programme of maintenance titled 'Landscape and Maintenance and Management Proposals' and dated the 30th October 2014 required by this condition and 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 on the site 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.

- (ii) Prior to the commencement of any other works associated with the development, a protective fence shall be erected on the northern boundary of the site, the details of which shall be confirmed in writing with the Planning Authority prior to erection. The fence shall not be removed until all other development has been completed as agreed in writing by the Planning Authority. No storage of materials, works or operations shall take place to the north of the fence without the prior written consent of the Planning Authority. The 'post and wire fence near the SSSI' (as specified on plan NPL/D/195/P8A) is not approved. Instead a post and wire fence conforming to the details specified under 'typical elevation to post and wire fence at site boundary' featuring a maximum height of 900mm (as specified on plan NPL/D/195/P8A) shall be erected inside the line of the heras fencing and maintained in good condition in perpetuity.

Reason: In order to protect the SSSI from encroachment during the development of the site but provide a boundary treatment which is reflective of the rural area.

- (iii) Prior to the construction of any dwellinghouse the developer shall agree the use of renewable technologies to be incorporated into 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).

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.

- (iv) Prior to the rendering or harling of any building hereby approved the proposed finish of the external walls of the buildings shall be submitted for the written approval of the Planning Authority. For avoidance of doubt the harling proposed, as shown on the approved plans, namely 'white dry dash' is not approved.

Reason: To ensure that the finishing materials for the development are appropriate to the character of the area.

- (v) Prior to the occupation of any dwellinghouse hereby occupied the developer shall ensure a connection to the public sewage network and public water supply.

Reason: To ensure adequate amenity to the properties prior to occupation.

- (vi) Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be occupied/brought into use unless the swale and infiltration trench system has been provided in its entirety. The drainage system shall be maintained thereafter throughout the lifetime of the development.

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

- (vii) The development shall be served in accordance with the approved drawings and the following details:
 - a) Prior to occupancy of development, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parkin Standards.
 - b) Prior to commencement of development, visibility splays measuring 2.4m by 59m shall 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.

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 departing from the Aberdeenshire Local Development Plan 2012 as follows -

The proposal will provide housing largely in accordance with the allocation within the Aberdeenshire Local Development Plan and in line with the main objectives of the settlement and a previously granted consent for housing on the site. Sufficient justification is present to allow a departure from Policy 5: Housing Land Supply in relation to the two houses above the allocation within the settlement statement. In all other respects the application accords with the relevant policies of the Aberdeenshire Local Development Plan 2012.

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

The proposal will provide housing largely in accordance with the allocation within the Aberdeenshire Local Development Plan and in line with the main objectives of the settlement and a previously granted consent for housing on the site. Sufficient justification is present to allow a departure from Policy 5: Housing Land Supply in relation to the two houses above the allocation within the settlement statement. In all other respects the application accords with the relevant policies of the Aberdeenshire Local Development Plan 2012.

- (4) that further guidance be provided to Councillors on current policy requirements in terms of carbon neutrality in new developments and what could realistically be achieved by developers.
- (C) **Reference No: APP/2015/1039 - Full Planning Permission for Installation of Bus Shelter (Retrospective) at Former Bluebird Bus Depot, 4 Golf Road, Ballater, Aberdeenshire, AB35 5RE**

Applicant: Aberdeenshire Council
Agent: No Agent

The Senior Planner advised that the application had been referred to Area Committee for determination in view of an objection received from the Community Council and valid representations objecting to the proposal. Reference was made to the location of the site, the style and visual appearance of the structure, temporary relocation of the bus stop during construction and development work, consultation undertaken with Roads Officers on other possible locations and road safety issues. On balance, the application was recommended for approval subject to the conditions detailed in the report.

Following discussion on the appropriateness of the application site given the change of use of the former bus depot in that location, visibility and road safety issues, the Committee **agreed** to defer determination of the application for further discussion between Planning and Roads Officers on possible alternative locations, the design of the bus shelter and further consultation with the Community Council.