

**ABERDEENSHIRE COUNCIL****MARR AREA COMMITTEE****STEWARTS HALL, HUNTLY, 18 AUGUST, 2015**

**Present:** Councillors M F Ingleby (Chair), P J Argyle, G Blackett, K L Clark, L Clark, K A Farquhar, J J Latham, and J Webster.

**Apologies:** Councillors D A Ross and J J Strathdee.

**Officers:** J Clark, Area Manager (Marr), J Joss, Senior Solicitor, N Mair, Senior Planner, G Dacre, Research and Analysis Officer, H Macrae, Business Development Executive, K Thomas, Team Leader (Community Learning and Development), and K Macleod, 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 declaration was intimated –

- (a) Councillor Webster on item 16D as a friend of the agent and left the meeting during consideration and determination of that item.

**2A. STATEMENT ON 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.

**2B. RESOLUTION**

The Committee **agreed** in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the class described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

<b>Item No</b>	<b>Paragraph No of Schedule 7A</b>
17	8
18	9
19	9

**3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 16 JUNE, 2015**

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 16 June, 2015.

#### **4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR FUNFAIR**

There had been circulated a report dated 28 July, 2015, by the Director of Business Services, which requested that consideration be given to an application for an extension to the operating hours of a funfair at Bellabeg Park, Strathdon on Saturday 22 August, 2015.

The report explained that the Council's policy in respect of circuses and fairgrounds set standard operating hours of 2pm to 10pm on a Saturday. The applicant wished to operate from the earlier time of 10am. Police Scotland had been consulted and had no objection to the application subject to a closing time of 8pm which the applicant had accepted.

After due consideration, the Committee **agreed**:-

- (1) to grant the extension to the operating hours of the funfair at Bellabeg Park, Strathdon, with the operating hours on Saturday 22 August, 2015 being 10am to 8pm; and
- (2) to request that the standard operating hours, as set out in the Council's policy in respect of circuses and fairgrounds, be reviewed.

#### **5. DEVELOPING ABERDEENSHIRE'S COMMUNITY LEARNING AND DEVELOPMENT (CLD) PLAN**

There had been circulated a report dated 10 June, 2015, by the Director of Education and Children's Services, which provided the Committee with information on the formation of an Aberdeenshire Learning Communities Partnership and local Learning Community Partnerships; explained the background to the development of a Community Learning and Development Plan, as required by the Requirements for Community Learning and Development (Scotland) Regulations 2013; and presented the Committee with the draft Aberdeenshire Community Learning and Development Plan.

The Committee heard from the Team Leader (Community Learning and Development) on the roll-out of the local Learning Community Partnerships and the priorities contained in the Plan.

Following discussion of learning transitions, youth work, peer educators, evening classes and working with partners including food banks, the Committee **agreed**:-

- (1) to note the progress made in the formation of the Aberdeenshire Learning Communities Partnership and the roll-out of the local Learning Community Partnership model;
- (2) to note the process to submit the Community Learning and Development Plan in line with the Requirements for Community Learning and Development (Scotland) Regulations 2013; and
- (3) to note the draft Community Learning and Development Plan.

#### **6. CONSULTATION REPORT ON THE REVIEW OF BANCHORY PRIMARY SCHOOL AND HILL OF BANCHORY SCHOOL ZONES**

With reference to the Minute of Meeting of the Committee of 31 March, 2015 (Item 7), when the Committee had considered a report on the review of catchment areas in Banchory, there had been circulated a report dated July 2015, by the Director of Education and Children's Services, which provided the Committee with reports by Education Scotland and Aberdeenshire Council Education and Children's Services on the consultation regarding proposals to amend the existing primary school catchment areas within Banchory and to

rezone the majority of the housing development at Lochside of Leys to Banchory Primary School.

The Research and Analysis Officer advised that the officers' recommendation was that the Council should adopt the proposals. It was indicated that the Service would look at safe routes to schools and the playground at Banchory Primary School.

During discussion members commented on maintaining current enhanced provision and wraparound services, ensuring that undertakings on safer routes to schools and the playground condition were carried forward, and the future suitability of the learning environment at Banchory Primary School.

After due consideration, the Committee **agreed**:-

- (1) to note the formal report on the consultation regarding the review of Banchory Primary School and Hill of Banchory School Zones;
- (2) to recommend to the Education, Learning and Leisure Committee that the Council adopt the proposals; and
- (3) to request that Education and Children's Services undertake an assessment of the future suitability and condition of Banchory Primary School, to include consideration of delivering outcomes on safe routes to schools and playground condition, and report back to the Committee.

## **7. NOMINATIONS TO INTERNAL MEETING GROUPS, PARTNERSHIPS AND OUTSIDE BODIES**

There had been circulated a report dated 27 July, 2015, by the Director of Communities, which invited the Committee to review its nominations to internal meeting groups, partnerships and outside bodies, as detailed in appendices to the report.

After due consideration, the Committee agreed:-

- (1) to defer consideration of its nomination to the Cairngorms National Park Authority;
- (2) to defer making a nomination to the Bennachie Centre Trust;
- (3) to confirm its current appointments to the School Placings and Exclusions Appeal Committee, the Local Review Body, internal meeting groups and partnerships as detailed in Appendix 1 to the report; and
- (4) to confirm its current nominations to outside bodies as detailed in Appendix 2 to the report.

## **8. AREA COMMITTEE BUDGET APPLICATIONS**

There had been circulated a report dated 3 August, 2015, by the Director of Communities, which sought consideration of applications for Area Committee Budget funding from (1) Gordon Rural Action towards the cost of a new IT system for the group's Huntly service and (2) Victoria Hall Braemar Association towards the cost of a replacement boiler for Braemar Village Hall. The report also provided the Committee with information on Area Committee Budget funding awarded by the Area Manager, under delegated powers, to Police Scotland and Tap O' Noth Community Council.

After due consideration, the Committee **agreed**:-

- (1) to defer consideration of the application from Gordon Rural Action to allow for the provision of further information;
- (2) to approve an award of up to £3000 to Victoria Hall Braemar Association towards the cost of a new boiler for Braemar Village Hall;
- (3) to note an award of up to £90.60 to Police Scotland towards the cost of a battery charger for the Mini 300 LED Vehicle Activation Sign, approved by the Area Manager under delegated powers; and
- (4) to note an award of up to £132.40 to Tap O' Noth Community Council towards the cost of four new flower tubs and compost to be placed in Rhynie, approved by the Area Manager under delegated powers.

### **9. BALLATER OLD STATION**

There had been circulated a joint report dated 30 July, 2015, by the Director of Communities and the Director of Infrastructure Services, which provided the Committee with an overview of work undertaken in the aftermath of the fire at Ballater Old Station on 12 May, 2015. Officers' preferred option was to clear all areas destroyed by fire, retaining the only part of the station building remaining which dated back to its original construction. The report detailed the next steps in the process and the proposed project structure was provided as an appendix to the report.

During discussion members commented on governance arrangements for the project and the importance of keeping local members informed of developments. The Committee also commended the enormous amount of work that had been carried forward by officers in the aftermath of the fire.

After due consideration, the Committee **agreed**:-

- (1) to acknowledge progress to date and the contributions from strategic partners, Cairngorms National Park Authority, Historic Scotland and Visit Scotland;
- (2) to endorse a recommendation to Policy and Resources Committee that officers establish the project management structure as outlined in an appendix to the report; and
- (3) that officers continue to report to Committee on progress as appropriate.

### **10. BRIDESWELL COTTAGES, HUNTLY – UPGRADE PRIVATE WATER SUPPLY: CONTRACT 17968**

There had been circulated a report dated 29 July, 2015, by the Director of Infrastructure Services, which sought approval of cost estimates and authorisation to accept a tender submitted by CHAP Group (Aberdeen) Ltd for upgrading the private water supply to Brideswell Cottages, Huntly, as part of the housing stock improvement works detailed in the Housing Revenue Account (HRA) Capital Programme 2013-16.

After due consideration, the Committee **agreed**:-

- (1) to approve the project costs of £108,861.89, inclusive of Property costs detailed within the report; and
- (2) to authorise acceptance of the tender submitted by CHAP Group (Aberdeen) Ltd in the confirmed tender amount of £102,469.87.

### **11. PROPOSED AMENDMENT TO 30MPH SPEED LIMIT – A93, DINNET**

There had been circulated a report dated 6 August, 2015, by the Director of Infrastructure Services, which provided the Committee with background information on proposals to extend the 30mph speed limit in Dinnet eastwards and sought approval to authorise the commencement of the statutory procedures for the making of the Aberdeenshire Council (A93 Dinnet) (30mph Speed Limit) Order 2015.

After due consideration, the Committee **agreed**:-

- (1) to authorise the commencement of the statutory procedure for amending The Aberdeenshire Council (A93 and B9158 at Dinnet) (30mph Speed Limits) Order 2009 by moving the eastern end of the limit 60m or thereby eastwards;
- (2) to authorise the subsequent making of The Aberdeenshire Council (A93 Dinnet) (30mph Speed Limit) Order 2015 in the event that no valid objections were received or any received were resolved and withdrawn; and
- (3) to instruct the submission of a further report to Committee in the event that any valid objections received were not resolved and not withdrawn, or the proposals were amended following consideration of valid objections.

### **12. ECONOMIC ACTIVITY IN MARR – APRIL 2014 TO MARCH 2015**

With reference to the Minute of Meeting of the Infrastructure Services Committee of 14 May, 2015 (Item 16), when progress on the delivery of the Economic Development Strategy 2011-2016 had been reported, there had been circulated a report dated 17 June, 2015, by the Director of Infrastructure Services, which provided the Committee with an overview of economic development related activity in the Marr Area between April 2014 and March 2015 and the contribution made to the Marr Local Community Plan.

The Business Development Executive introduced the report and highlighted that the unemployment rate in Marr had improved but that this was unlikely to continue due to the downturn in the oil and gas sector. The North East growth rate had been consistently ahead of the Scottish average but had fallen behind in recent months. The Committee heard about action being taken through the Energy Jobs Taskforce and Partnership Action for Continuing Employment (PACE) programme.

During discussion members acknowledged the diversity of economic activity in Marr and thanked the Economic Development Service. Members also commented on the impact of the downturn in the oil and gas sector, job clubs, farmers markets, demand for business units and the importance of advertising economic development opportunities and encouraging businesses to take these opportunities up.

After due consideration, the Committee agreed:-

- (1) to endorse the contents of the report on economic activity in Marr between April 2014 and March 2015; and
- (2) to request further information on demand for technology and business units in Alford and Huntly.

### **13. INFRASTRUCTURE SERVICES QUARTER 4 PERFORMANCE (JANUARY TO MARCH 2015) AND YEAR END 2014/15 (ABERDEENSHIRE PERFORMS)**

There had been circulated a report dated 29 July, 2015, by the Director of Infrastructure Services, which advised the Committee on how the Service had performed against key

performance measures and associated targets as set out in the Infrastructure Service Plan 201-17 over the period January to March 2015.

After due consideration, the Committee **agreed**:-

- (1) to acknowledge the performance achieved from January to March, 2015;
- (2) to acknowledge those measures where performance was below expectations from January to March, 2015;
- (3) to note the publication of the complete January to March, 2015 performance report on Ward Pages;
- (4) to request further information as follows:-
  - (a) an update on issues related to the percentage of building warrant applications approved within six working days following receipt of technical information and action being taken to address them, and
  - (b) action being taken to review targets on street lighting faults as inspections were not being carried out; and
- (5) that the Director of Infrastructure Services continue to report, by exception, to Committee quarterly on performance measures against Service objectives, and on a six monthly basis on progress in delivering all aspects of the Service Plan.

#### **14. SCOTTISH GOVERNMENT APPEAL DECISION NOTICE – TOR-NA-COILLE FILLING STATION, INCHMARLO ROAD, BANCHORY**

There had been circulated an Appeal Decision Notice from the Directorate of Planning and Environmental Appeals, dated 10 July, 2015, which advised of a decision to allow an appeal and grant planning permission for the erection of five dwelling houses at Tor-na-Coille Filling Station, Inchmarlo Road, Banchory subject to conditions detailed in the notice.

The Committee **agreed**:-

- (1) to note the Appeal Decision Notice; and
- (2) to request information on the developer contributions from the development.

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

##### **(A) LRB 279 – Broombank, Tarland (APP/2015/0014)**

There had been circulated and was **noted** Local Review Body Decision Notice 279, dated 13 July, 2015, which advised that the Body had agreed to reverse the decision reviewed by it and grant Full Planning Permission for the erection of a dwellinghouse and detached garage at Broombank, Tarland, subject to conditions specified in the notice.

##### **(B) LRB 280 – Land to the North West of Woodend of Braco, Chapel of Garioch (APP/2014/3936)**

There had been circulated and was **noted** Local Review Body Decision Notice 280, dated 14 July, 2015, which advised that the Body had agreed with the decision reviewed by it and refused Full Planning Permission for the erection of a dwellinghouse, including change of use of land from agricultural to domestic garden ground, at land to the North West of Woodend of Braco, Chapel of Garioch, in accordance with the Appointed Officer's decision.

**(C) LRB 282 – Site adjacent to Burnhead, Perkhill, Lumphanan (APP/2014/4224)**

There had been circulated and was **noted** Local Review Body Decision Notice 282, dated 14 July, 2015, which advised that the Body had agreed with the decision reviewed by it and refused Planning Permission in Principle for the erection of a joiners workshop and dwellinghouse, including change of use of land from agricultural to domestic, at a site adjacent to Burnhead, Perkhill, Lumphanan, in accordance with the Appointed Officer's decision subject to additional justification as detailed in the notice.

**(D) LRB 283 – Land at Knockhill, Strachan, Banchory (APP/2014/2514)**

There had been circulated and was **noted** Local Review Body Decision Notice 283, dated 14 July, 2015, which advised that the Body had agreed with the decision reviewed by it and refused Full Planning Permission for erection of a chalet at land at Knockhill, Strachan, Banchory, in accordance with the Appointed Officer's decision.

**16. 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.

<b>Reference Number</b>	<b>Address</b>
(A) APP/2015/1039	Full Planning Permission for Installation of Bus Shelter (Retrospective) at Former Bluebird Bus Depot, 4 Golf Road, Ballater
(B) APP/2015/1317	Full Planning Permission for Erection of Two Dwellinghouses, Garage, Estate Office and Installation of Photovoltaic Array at Land at Carrue, Dinnet, Aboyne
(C) APP/2015/1390	Planning Permission in Principle for Demolition of Existing Bothy, Erection of Dwellinghouse and Sub Division of Feu and Formation of Access at Site to the South of The Steading, Gellan, Strachan, Banchory
(D) APP/2015/1587	Planning Permission in Principle for Erection of Dwellinghouse at Land at Whitehouse Farm, Montgarrie, Alford

**17. BALLATER STATION – FIRE: CONTRACT 18008**

There had been circulated a report by the Director of Infrastructure Services which sought approval to appoint contractors as a matter of urgency to prevent further damage and deterioration to the Old Royal Station, Ballater, following the fire in May, 2015.

After due consideration, the Committee **agreed** to delegate powers provided under paragraph 5.3.34 of the financial regulations, by reason of special urgency and having consulted with the Head of Finance and the Head of Commercial and Procurement, to allow officers to appoint suitable contractors without completing a tender process, in order to secure and protect Old Royal Station Ballater, as summarised in the report.

**18. STORAGE AREA ADJACENT TO CRAIGLASH QUARRY, KINCARDINE O'NEIL**

There had been circulated a report dated 30 July, 2015, by the Director of Infrastructure Services, which outlined the terms of, and sought approval for, an extension to the lease of the storage area adjacent to Craighash Quarry, Kincardine O'Neil.

After due consideration, the Committee **agreed**:-

- (1) to approve the extension of the lease of the storage area adjacent to Craighash Quarry, Kincardine O'Neil on the terms outlined in the report; and
- (2) to instruct officers to progress putting the lease extension in place with the Trustees of Midbeltie Estate.

#### **19. FORMER OUTDOOR CENTRE, BALLATER – PROPOSED MARKETING FOR SALE**

With reference to the Minutes of Meetings of the Committee of (1) 6 May, 2014 (Item 13), when the Committee had instructed officers to allow a period of ten weeks for a community bid for The Outdoor Centre to be formulated; (2) 19 August, 2014 (Item 13), when it had been agreed to allow the group concerned until the end of February, 2015 to formulate a detailed bid; and (3) 5 May, 2015 (Item 12) when Officers had been instructed to make further investigations into planning matters and community aspirations, there had been circulated a report by the Director of Infrastructure Services which recommended that the property should be offered for sale on the open market.

After due consideration, the Committee **agreed** to instruct officers to market for sale The Former Outdoor Centre, Ballater, including the adjacent property at 6 Abergeldie Road (The Outdoor Centre) in line with the details provided in the report.

## APPENDIX

### PLANNING APPLICATIONS

**(A) 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, Woodhill House, Westburn Road, Aberdeen, AB16 5GB

**Agent:** No Agent

With reference to the Minute of Meeting of the Committee of 26 May, 2015 (Item 8C), when consideration of the application had been deferred for further discussions between Planning and Roads Officers on possible alternative locations for the bus stop, the design of the bus shelter and consultation with the Community Council, there had been circulated a further report by the Director of Infrastructure Services which provided the Committee with additional information from Roads Development and the Public Transport Unit.

The Senior Planner reported on the detail of the application which had been referred to Area Committee following an objection from the Community Council. Reference was made to the location of the site, the style of the structure and representations received.

Following further discussion on the siting of the bus stop, taking into account the change of use of the former bus depot in that location and safety concerns, the Committee **agreed**:-

- (1) to grant full planning permission as the application complied with the relevant policies within the Cairngorms National Park Plan 2015 and was appropriate in terms of layout, siting and design; and
- (2) to request that the Area Manager take forward concerns about the siting of the bus stop with officers from the Roads and Public Transport Services.

**(B) Reference No: APP/2015/1317 - Full Planning Permission for Erection of Two Dwellinghouses, Garage, Estate Office and Installation of Photovoltaic Array at Land at Carrue, Dinnet, Aboyne, Aberdeenshire, AB34 5LX**

**Applicant:** Dr & Mrs G Drummond, Keen View, Blelack Estate, Logie Coldstone, AB34 5NH

**Agent:** Matthew W Merchant, Silverbank, North Deeside Road, Banchory, AB31 5YR

Having heard that a request to speak had been received, the Committee **agreed** to hear from Mr Matthew Merchant, the agent.

The Senior Planner introduced the application which had been referred to Area Committee at the request of local members. The Committee heard that planning permission in principle for a dwellinghouse on the site had been granted by the Committee in 2014 because of the business justification for a dwelling, against the officer's recommendation. The application before the Committee included a further two bedroom unit to be occupied by a separate estate worker. The applicant considered this to be ancillary accommodation but the Planning Service were of the view that it was separate. The Senior Planner reported on the detail of the application and advised that it was recommended for refusal as there was insufficient justification for a second dwellinghouse at the site and it had not been demonstrated that the second dwelling could be adequately serviced in terms of its own private foul water treatment.

In response to a question from a member the Senior Planner confirmed that planning permission in principle had been granted due to the labour need for a forestry estate worker.

The Committee then heard from Mr Merchant, the agent, who was accompanied by Mr G Drummond, the applicant. Mr Merchant indicated that he objected to the proposals being described as two dwellinghouses and considered the two bedroom property to be ancillary accommodation for an estate worker in order to fulfil the labour requirements of the estate. He made reference to the provisions of Scottish Government Planning Circular 4/1998 on "granny annexes" and staff accommodation; the adequacy of drainage arrangements as the unit was not a separate dwelling; and the labour requirements of the estate, including tourism which was not taken into account by the labour report.

Mr Merchant responded to questions from members on the labour report and the justification for an estate worker to live on-site.

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

The Senior Planner then responded to a question from a member on occupancy conditions.

Following discussion, the Committee **agreed**:-

- (1) to refuse full planning permission for the following reasons:-
- (i) The application fails to accord with Policy 1: New Housing Development, part 3 Other housing in the countryside of the Cairngorm National Park Local Development Plan (2015) in that the second dwellinghouse has not been demonstrated to be necessary for or improving of the operational and economic viability of an active business which has a locational requirement directly linked to the countryside.
  - (ii) It has not been demonstrated that the second dwelling can be adequately serviced in terms of its own private foul water treatment, and therefore fails to comply with Policy 10: Resources, part 1 Water resources of the Cairngorm National Park Local Development Plan 2015.
- (C) Reference No: APP/2015/1390 - Planning Permission in Principle for Demolition of Existing Bothy, Erection of Dwellinghouse and Sub Division of Feu and Formation of Access at Site to the South of The Steading, Gellan, Strachan, Banchory**

**Applicant: Mr & Mrs J Hewson, The Steading, Gellan, Strachan, Banchory**  
**Agent: Gary Grant, Whitestone Farm, Finzean, Banchory, AB31 6LX**

Having heard that a request to speak had been received, the Committee **agreed** to hear from Mr Gary Grant, the agent.

The Senior Planner reported on the detail of the application which had been referred to Area Committee at the request of local members. The Committee heard that no representations had been received but that the Environment Service had raised concerns about the impact on biodiversity and had requested additional information. It was advised that the key issue related to SG Rural Development 1 which placed no restriction on the size or footprint of a replacement dwelling provided that it was on the same site. The presence of a bothy provided a potential development opportunity but the proposed location did not relate to the bothy and the removal of this attractive vernacular building would have a detrimental impact. The application was therefore recommended for refusal.

The Senior Planner then responded to a question from a member on dwellinghouses in the cluster.

The Committee heard from Mr Grant, the agent, who indicated that the application complied with the spirit of relevant policy. He made reference to the provisions on replacement dwellings in SG Rural Development 1; insufficient room to develop in the northern corner of the site where the bothy was located; similar applications which had been approved; the lower level of the proposed dwelling and planting to be maintained.

Mr Grant then responded to a question from a member on the reason for demolishing the existing bothy.

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

The Senior Planner then reiterated that the Planning Service did not consider the development site to be within the curtilage of the brownfield opportunity as it was not within the curtilage of the bothy or the original curtilage of the steading.

Following discussion, the Committee **agreed** to defer determination of the application pending a site visit to take place on Tuesday 1 September, 2015 at 10.30am to allow members to gain a better understanding of the layout of the site.

**(D) Reference No: APP/2015/1587 - Planning Permission in Principle for Erection of Dwellinghouse at Land at Whitehouse Farm, Montgarrie, Alford**

**Applicant: W & W Mackie, Per Agent**  
**Agent: Halliday Fraser Munro, Carden Church, 6 Carden Place, Aberdeen, AB10 1UR**

Having previously declared an interest in the item, Councillor Webster left the meeting during consideration and determination of the item.

The Senior Planner reported on the detail of the application which had been referred to Area Committee at the request of local members. The Committee heard that one objection had been received and no issues had been raised by consultees. The Senior Planner outlined the relevant planning history of the area and indicated that the key issue was whether the development met the requirements of the organic growth policy. The application was recommended for approval as the Planning Service considered it to be an acceptable organic growth addition to Montgarrie under Policy 3 and SG Rural Development 1 by virtue of its siting within 400m of the settlement boundary and there being capacity remaining.

Following discussion, Councillor Latham, seconded by Councillor Blackett, moved that the application be refused on the grounds that it did not comply with Policy 8: Layout, siting and design of new development and Policy 12: Landscape Conservation of the Aberdeenshire Local Development Plan 2012.

As an amendment Councillor Ingleby, seconded by Councillor K Clark, moved that planning permission in principle be granted subject to the conditions detailed in the report.

Members of the Committee voted:-

for the motion (3) Councillors Blackett, L Clark and Latham

for the amendment (4) Councillors Ingleby, Argyle, K Clark and Farquhar.

The amendment was carried and the Committee **agreed**:-

(1) to grant planning permission in principle subject to 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;
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (e) Full details of the proposed means of disposal of foul and surface water from the development;
- (f) Full details of the proposed access to the development including visibility splays where appropriate;
- (g) Full details of the proposed car parking/vehicle turning area for the development.

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

- (ii) Prior to the construction of the dwellinghouse an Energy Statement applicable to that dwellinghouse must be submitted to and approved in writing by the Planning Authority, including the following items:

- (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
- (ii) 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.

- (iii) That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be occupied/brought into use unless the agreed drainage system has been

provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme.

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

- (iv) 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;
  - b) 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;
  - c) 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;
  - d) 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) that the reason for the decision be as follows:-

In principle, the proposed development is considered acceptable under Policy 3 and supplementary guidance policy SG Rural Development1: Housing and Business Development in the Countryside in the Aberdeenshire LDP 2012 as an 'organic growth' addition, due to its proximity to Montgarrie settlementary boundary and relationship with the existing pattern of development in the area. The proposed development has also been found to be acceptable in terms of access, parking and drainage provision in accordance with all other relevant policies in the Aberdeenshire Local Development Plan 2012.

For the avoidance of doubt, the proposed dwellinghouse would fill the final organic housing growth space remaining for the settlement of Montgarrie within the existing plan period.