

**ABERDEENSHIRE COUNCIL**

**MARR AREA COMMITTEE**

**STEWARTS HALL, HUNTLY, 24 MAY 2016**

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

**Apologies:** Councillor G Blackett.

**Officers:** J Clark, Area Manager (Marr), M Benson, Programme Leader, R Kennedy Principal Engineer, N Mair, Senior Planner, C Roberts, Environment Planner, S Munro, Solicitor, A Overton, Solicitor, and K Macleod, Area Committee Officer (Marr).

**In Attendance:** Chief Inspector M Main 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 –

- (1) Councillor L Clark indicated that she had considered declaring an interest on Item 8A as she knew the architect but he was not a personal friend so she would continue to participate in the meeting;
- (2) Council Webster on Item 8A as she and her husband were the applicants and left the meeting during consideration of that item; and
- (3) Councillor K Clark on Item 7 as she was a member of the Banchory Area First Responders Steering Group and left the meeting during consideration of that application.

**2. 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.

**3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 3 MAY, 2016**

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 3 May, 2016.

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

There had been circulated a report by the Director of Business Services which provided the Committee with monitoring information relating to the Aberdeenshire and Moray Division of Police Scotland.

The Chief Inspector and Inspector provided the Committee with an overview of local performance in the Marr Area including in relation to road safety, efforts to increase work with schools, acquisitive crime, the importance of public reporting, policing of games and shows, and sexual offences involving social media.

During discussion, Members commented and asked questions in relation to social media crimes and working with peer educators, speaking to young people about police careers, 'Park Smart' banners, cycling safety, wildlife crime, response times and resource deployment, engagement with community councils, shoplifting, promoting awareness of speed detection work, and safety concerns regarding the junction at Alford Campus.

The Committee **agreed**:-

- (1) to note the performance monitoring information relating to the Aberdeenshire component of the Aberdeenshire and Moray Division of Police Scotland; and
- (2) to request that the Divisional Commander report to Committee quarterly on performance measures against service objectives.

#### **5. CAPITAL PLAN PROGRAMMES 2016 - 2017**

There had been circulated a report dated 4 May, 2016, by the Director of Business Services, which sought comment on programmes for the following lines in the Capital Plan for 2016/17: public toilets; access/environment projects; carbon reduction council wide objectives; development of industrial portfolio and factory units; landfill; household waste recycling centres; new waste collection service; children and young people's bill; ECS enhancements; depots; health and safety council wide objectives; and ICT.

The Programme Leader introduced the report and responded to questions from Members in relation to extensions to Aboyne and Ballater Primary Schools and the depot strategy.

The Committee **agreed**:-

- (1) to note the recommendation to be made to the Policy and Resources Committee that it approve the programmes for 2016/17 for the following lines in the Capital Plan: public toilets; access/environment projects; carbon reduction council wide objectives; development of industrial portfolio and factory units; landfill; household waste recycling centres; new waste collection service; children and young people's bill; ECS enhancements; depots; health and safety council wide objectives and ICT.
- (2) to request that the Committee be given the opportunity to comment on the Workspace programme;
- (3) to request the provision of a full breakdown of maintenance issues at Banchory Academy, including information on which budget the funds would come from and estimated dates for resolution, as previously requested by the Committee; and
- (4) to request further information in relation to:-
  - (a) an allocation for virement to future years within the programme for public toilets;

- (b) photovoltaic panels and whether any money was being made on these;
- (c) ventilation upgrade works at Aden Country Park; and
- (d) plans for webcasting of council meetings.

## **6. FLOOD MANAGEMENT AND COAST PROTECTION PROGRAMME OF MEASURES 2016/17**

With reference to the Minute of Meeting of the Committee of 3 May, 2016 (Item 9), when the Committee had deferred consideration of the Flood Management and Coast Protection Programme of Measures and requested that a report be brought to the next meeting of the Committee with further comment in relation to committed works in Ballater, there had been circulated a report dated 13 May, 2016, by the Director of Infrastructure Services, which sought approval of the Flood Management and Coast Protection Programme of Measures for 2016/17 and the Reserve List of Measures, and provided the Committee with information on short and medium term actions in Ballater following the recent flooding, together with plans for future work.

The Principal Engineer introduced the report and responded to questions from Members on work with Paul Hendy of the Scottish Flood Forum and the timescales for the Ballater Flood Protection Study.

The Committee **agreed:-**

- (1) to approve the Flood Management and Coast Protection Programme of Measures for 2016/17, as detailed in Appendix A to the report, as it related to the Marr Area;
- (2) to approve the schemes on the Reserve List of Measures within the Marr Area;
- (3) to agree that schemes could be brought forward from the Reserve List in the order of priority given in the event of slippage, provided that their inclusion would not result in the overall expenditure exceeding the allocated budget sum; and
- (4) to note progress and plans for work in Ballater following the recent flooding.

## **7. AREA COMMITTEE BUDGET APPLICATIONS**

There had been circulated a report dated 9 May, 2016, by the Director of Infrastructure Services, which sought consideration of applications for Area Committee Budget funding from the North East Trail Centre Organisation, towards the cost of a feasibility study for the development of a mountain bike trail centre in Aberdeenshire, and Banchory and District Initiative, towards the cost of training and equipment to establish a Banchory Area First Responders group.

During discussion of the application from the North East Trail Centre Organisation, Members indicated that they supported the project in principle. It was suggested that the group be invited to reapply once a larger proportion of the project funding was in place and a clear fundraising plan, together with greater justification for the cost of the feasibility study, could be provided.

The Committee **agreed:-**

- (1) to refuse an application for funding from the North East Trail Centre Organisation for a contribution towards the cost of a feasibility study for the development of a mountain bike trail centre in Aberdeenshire but to support the project in principle; and

- (2) to approve an award of up to £2850 to Banchory and District Initiative towards the cost of training and equipment for the Banchory Area First Responders Group.

### **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.

<b>Reference Number</b>	<b>Address</b>
(A) APP/2016/0928 APP/2016/0932	Full Planning Permission and Listed Building Consent for Alterations and Extension to Dwellinghouse at Birkwood, Banchory

## APPENDIX

### PLANNING APPLICATIONS

- (A) **Reference No: APP/2016/0928 & APP/2016/0932 – Full Planning Permission and Listed Building Consent for Alterations and Extension to Dwellinghouse at Birkwood, Banchory, Aberdeenshire, AB31 6HY**

**Applicant: Nick Atkins and Jill Webster, Birkwood, Inchmarlo, Banchory, Aberdeenshire, AB31 4AP**

**Agent: Gary Grant, Whitestone Farm, Finzean, AB31 6LX**

Having previously declared an interest in the item, Councillor Webster left the meeting.

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

The Senior Planner reported on the detail of the application which sought full planning permission and listed building consent for an extension to a Category-B listed building which had been referred to the Committee because the applications had been submitted by an elected member. The Senior Planner made reference to previous extensions to the dwelling, the proposed new extension, no representations having been received, concerns raised by Historic Environment Scotland and the Council's Environment Team, and the submission of a design statement. The Planning Service considered that the proposal was not an appropriate alteration to the building. It was indicated that the Service was willing to work with the applicants to find an appropriate design. The applications were contrary to Scottish Historic Environment Policy and Policy 13 and SG Historic Environment 1 and Policy 8 and SG LSD3 of the Local Development Plan. They were therefore recommended for refusal.

The Environment Planner then responded to questions from Members on whether there could be more than one principal elevation, comments in the planner's report which indicated that the proposed extension would reduce the quality of the previous extension, and the number of existing bay windows.

The Committee then heard from Mr Grant, who indicated that he would address a number of inaccuracies in the planner's report. He stated that there were two issues for consideration – the acceptability of the design and whether the proposal would alter a principal elevation. With reference to Scottish Government Circular 1/2012, he disputed the planner's view that the south west elevation was a principal elevation. He made reference to the applicants having restored and extended the house while respecting its character, the comments from the Environment Service being incorrect, Historic Environment Scotland not having objected, and it not being possible to alter the design without compromising the integrity of the existing layout. He concluded that the design was of a high standard which would replicate and contrast the existing house and that the proposals would not alter a principal elevation. He asked the Committee to approve the application and suggested that Members may wish to consider a site visit.

Mr Grant then responded to questions from Members in relation to principal elevations and which elevations were visible.

Thereafter, Mr Grant confirmed that he felt he had been given a fair hearing.

The Committee **agreed** to defer consideration of the application, pending a site visit to take place on 7 June, 2016, in order to allow Members to look at the existing character of the dwelling and gain a better understanding of what could be considered a principal elevation.