

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

ALFORD PUBLIC HALL, ALFORD, 14 JUNE 2016

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

Officers: J Clark, Area Manager (Marr), R Goldring, Learning Estates Team Leader, M Temperley, Head Teacher (Finzean Primary School), L Buchan, Strategic Development Officer (Community Care), M Aspinall, Outdoor Access Officer / Environment Planner, C Roberts, Environment Planner, N Mair, Senior Planner, C Matheson, Architect, G Penman, Projects Manager (Flood Management, Coastal and Harbours), M Skilling, Strategy Manager (Transportation), A Overton, Solicitor, and K Macleod, Area Committee Officer (Marr).

In Attendance: Colin Westwood, Station Manager, Scottish Fire and Rescue Service.

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 Blackett on Item 18E as she was the applicant and left the meeting during consideration and determination of that item;
- (2) Councillor Webster on Item 18B as she and her husband were the applicants and left the meeting during consideration and determination of that item; and
- (3) Councillor Stewart on Items 18A and 18F as a partner of the applicant 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; and
- (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, as amended, that the public and media representatives be excluded from the

meeting for 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.

Item No	Paragraph No of Schedule 7A
19	8 and 9
20	8 and 10
21	8 and 10

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 24 MAY, 2016

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 24 May, 2016.

4. SCOTTISH FIRE AND RESCUE SERVICE – MARR AREA COMMITTEE PERFORMANCE REPORT FOR Q4 JANUARY – MARCH 2016

There had been circulated a joint report by the Local Senior Officer, Scottish Fire and Rescue Service and the Director of Business Services which provided the Committee with information on how the Scottish Fire and Rescue Service had performed locally in Marr against key performance measures and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan 2014 – 2017 and the Marr Multi-Member Ward Plan 2015 – 2016, for the period January to March, 2016.

The Station Manager provided the Committee with an overview of local performance in the Marr Area and made reference to recruitment; community home fire safety visits; CPR training; statistics in relation to accidental dwelling fires, non-fatal fire casualties, road traffic collisions, deliberate fires, and false alarms; damage to and refurbishment of Ballater Fire Station; flooding across Aberdeenshire; and an incident at Alastrean House.

The Station Manager then responded to questions from Members on details of accidental dwelling fires in the Marr Area and the impact of the downturn in the oil and gas industry on recruitment. Members paid tribute to the Service's response to flooding across the region and the fire at Alastrean House.

The Committee **agreed**:-

- (1) to acknowledge the performance report for the period January to March, 2016; and
- (2) to acknowledge local operational matters, together with key resource issues, as detailed within the report.

5. SCHOOL ROLL CAPPING: TOWIE SCHOOL

There had been circulated a report by the Director of Education and Children's Services which detailed proposals to cap Towie School at two classes, with a maximum roll of fifty pupils, as a short term interim solution from August 2016, to enable Towie School to fully deliver the curriculum and manage the pressure on the core facility of the building.

The Learning Estates Team Leader introduced the report and responded to questions on maximum class sizes and, if introduced, when the cap would be implemented and how long it would remain in place.

During discussion Members indicated that they couldn't support the proposals and made reference to concerns about splitting up siblings, travel distances, and discouraging growth in the area.

The Committee declined to support proposals to cap the roll at Towie School at fifty and **agreed** to request that a report on alternative solutions be brought to the meeting of the Committee on 19 July, 2016, prior to a report being taken to the Education, Learning and Leisure Committee.

6. EDUCATION SCOTLAND INSPECTION: CONTINUING ENGAGEMENT RECORD OF VISIT TO FINZEAN SCHOOL AND BALLOGIE NURSERY CLASS

There had been circulated a report by the Director of Education and Children's Services which advised that Finzean School had been re-inspected in January 2016 as part of the continuing engagement following the school inspection the previous year. The report outlined improvements and developments in practice since the original inspection and areas where the Inspectors felt the school should focus in order to improve the quality of education.

The Head Teacher (Finzean School) introduced the report and responded to a question on involving the whole school community in improving the work of the school.

The Committee congratulated the Head Teacher, staff, and pupils on the very positive results and **agreed**:-

- (1) to note the content of the report;
- (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; and
- (3) that further reports on Education Scotland school inspections be presented.

7. EDUCATION AND CHILDREN'S SERVICES QUARTERLY PERFORMANCE EXCEPTION REPORTING, JANUARY - MARCH 2016 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 20 May, 2016, by the Director of Education and Children's Services, which provided the Committee with information on how the Service had performed against key performance measures and associated targets, as set out in the Education and Children's Services Service Plan, for the period January to March, 2016.

The Committee **agreed**:-

- (1) to acknowledge the performance achieved from January to March, 2016;
- (2) to note those measures where performance was below expectations from January to March, 2016;
- (3) to note progress made with projects and actions within the 2015 - 2018 Service Plan for Education and Children's Services;
- (4) to note the publication of the full January to March, 2016 Performance Report on Ward Pages;
- (5) to comment and request further information as follows:-
 - (a) to raise concerns in relation to Aboyne and Banchory Academies which were over capacity and to comment that Members needed to know what would be done beyond changing the capacity figures,
 - (b) to note that 93% of Marr measures were on target,

- (c) to request a report on children's mental health in Aberdeenshire and work being done in this area,
- (d) to highlight a space created at The Gordon Schools, Huntly, where pupils could discuss issues in a welcoming environment, and to suggest that this should be rolled out to other academies, and
- (e) to request further explanation of why the following actions had been delayed:-
 - (i) Conduct review of all aspects that affect the management and use of supply cover in schools
 - (ii) Conduct facilitated stakeholder event to review and streamline Head Teacher recruitment processes
- (6) to instruct the Director of Education and Children's Services to continue to report, by exception, to Committee quarterly performance measures against Service objectives, and on a six monthly basis progress in delivering all aspects of the Service Plan.

8. ASSISTED TRANSPORT POLICY

With reference to the Minute of Meeting of the Aberdeenshire Integrated Joint Board of 11 May, 2016 (Item 8), there had been circulated a report dated 16 May, 2016, by the Chief Officer, Aberdeenshire Health and Social Care Partnership, which provided information on the current arrangements in relation to provision and procurement of assisted transport and outlined the principles on which a new assisted transport policy would be based.

The Committee **agreed**:-

- (1) to note the content of the report on the assisted transport policy and to provide the following comments to the Aberdeenshire Integrated Joint Board:-
 - (a) Consideration of those who would not be covered by the policy but where let down by public transport was needed.
 - (b) A commitment to consult and engage with service users should be included in the policy.
 - (c) Affordability shouldn't be the only consideration. Value for money and reasonableness/suitability of provision should also be crucial aspects of decision making.
 - (d) Building community capacity is key and the third sector should be recognised and valued as an equal partner.
- (2) to request that further reports on the assisted transport policy be brought to the Area Committee as work progressed.

9. RESIDENTIAL RESPITE SERVICES IN ABERDEENSHIRE AND THE CASE FOR REVIEW AND REDESIGN

With reference to the Minute of Meeting of the Aberdeenshire Integrated Joint Board of 11 May, 2016 (Item 9), there had been circulated a report dated 16 May, 2016, by the Chief Officer, Aberdeenshire Health and Social Care Partnership, which provided information on the current situation with respect to residential respite services and outlined the factors which meant that these services needed to be reviewed and redesigned.

The Committee **agreed:-**

- (1) to note the content of the report on residential respite services in Aberdeenshire and the case for review and redesign and to provide the following comments to the Aberdeenshire Integrated Joint Board:-
 - (a) Service users, families and carers should be engaged and consulted with upfront.
 - (b) Areas where advocacy was necessary should also be explored.
 - (c) There were concerns that the proposals were financially driven.
 - (d) It was difficult to judge the paper without knowing what alternative options were proposed. It needed to be made clear what the 'suitable alternatives in the community' were.
 - (e) The Service should make use of Crathie Opportunity Holidays.
 - (f) The outcome of the review must not have a negative effect on service users and carers.
 - (g) Clarification was sought on what closures were proposed.
- (2) to request that further reports on the review of residential respite services be brought to the Area Committee as work progressed.

10. MARR COMMUNITY PLAN 2016 - 2019

There had been circulated a report dated 1 June, 2016, by the Director of Infrastructure Services, which sought comments on, and endorsement of, the Marr Community Plan 2016 – 2019.

The Area Manager (Marr) introduced the report and explained that, through consultation with the Committee, communities, and community planning partners, five priorities had been identified for inclusion in the Marr Community Plan:- empowered and confident communities, economically vibrant communities, connecting communities, healthy, safe and thriving communities, and natural heritage and environment. The Plan's accompanying action plan would be a live document with new actions added on an ongoing basis. Progress would be monitored by the Marr Community Planning Group and the Committee was invited to consider its representation on the group.

The Committee **agreed:-**

- (1) to endorse the contents of the Marr Community Plan 2016 – 2019 and to provide the following comments for consideration by the Marr Community Planning Group:-
 - (a) Undertaking a gap analysis study in relation to empty shops in Banchory town centre should be included in the action plan.
 - (b) The proposed new health centre in Banchory should be included in the action plan.
 - (c) Consideration should be given to bringing forward the community ward forums on community based housing solutions.
 - (d) Stagecoach service was a big problem in Deeside. It was noted that this would be looked at on an Aberdeenshire level.

- (e) Priority 4, Key Action 3, "We will work with communities to explore and assess broadband and mobile phone coverage", needed to be better explained.
- (2) that, subject to confirmation that the Committee could have more than one representative on the Marr Community Planning Group, the Committee be represented by the Chair, or Vice Chair as substitute, and by one other Member of the Committee to rotate between wards.

11. AREA COMMITTEE BUDGET APPLICATIONS

There had been circulated a report dated 27 May, 2016, by the Director of Infrastructure Services, which sought consideration of applications for Area Committee Budget funding from Alford Heritage Museum for storage materials for the museum's collection of historical photographs and postcards, Kincardine O' Neil Village Hall for new tables, Third Stage for arts sessions for retired people, and Tap O Noth Community Council for a planter at Rannes Hall. The report also advised of an award of funding made to Tap O Noth Community Council towards the cost of plants and compost for Clatt Village Hall Golden Anniversary Garden which had been approved by the Area Manager.

The Committee **agreed**:-

- (1) to approve an award of up to £400 to Alford Heritage Museum for a contribution towards the cost of archival quality storage materials for the museum's collection of historical photographs and postcards;
- (2) to approve an award of up to £485 to Kincardine O' Neil Village Hall towards the cost of new tables for the hall;
- (3) to approve an award of up to £2752 to Third Stage towards the cost of weekly arts sessions for retired people;
- (4) to approve an award of up to £488.40 towards the cost of a flower planter to be placed at the entrance of Rannes Hall, Kennethmont; and
- (5) to note an award of up to £250 to Tap O Noth Community Council towards the cost of plants and compost for Clatt Village Hall Golden Anniversary Garden, approved by the Area Manager under delegated powers.

12. PROGRAMME FOR ACTIVE TRAVEL AND ROAD SAFETY

With reference to the Minute of Meeting of the Infrastructure Services Committee of 12 May, 2016 (Item 8), when a report seeking agreement of a programme of capital works related to active travel and road safety had been considered, there had been circulated a report dated 26 May, 2016, by the Director of Infrastructure Services, which sought comment on a list of proposed projects for the Marr Area.

The Strategy Manager (Transportation) spoke to the report and made reference to work with Huntly and District Development Trust on Integrated Travel Towns; work with the Banchory Town Centre Improvement Group; both parts of the car park extension at Bridge Street, Banchory being brought forward within the year; and unallocated funding which could be used for further works.

The Committee **agreed**:-

- (1) to note comments made by the Infrastructure Services Committee at its meeting on 12 May, 2016, when a report on the proposed programme for Active Travel and Road Safety had been presented;

- (2) to note the list of proposed projects for the Marr Area as detailed in Appendix 1 to the report and to provide the following comments:-
 - (a) to welcome the Logie Coldstone footway being progressed,
 - (b) to note that both parts of the car park extension at Bridge Street, Banchory, would be progressed with the year, and
 - (c) to suggest that unallocated budget could be used to look at the need for a crossing on the A93 near the Morrisons supermarket in Banchory.
- (3) to request further information in relation to:-
 - (a) the relocation of the pedestrian crossing on the A93 in Aboyne,
 - (b) the Kennethmont Footway and the lead contact for the project,
 - (d) work planned at the A944 Bridge of Alford, and
 - (e) timescales for work on the Crathes to Hirn road and clarification on whether any of the project would be funded through developer obligations.

13. HISTORIC ASSET MANAGEMENT PROJECT – COMPLETION OF DATABASE AND COMMENCEMENT OF MAINTENANCE PROGRAMME

There had been circulated a report dated 31 May, 2016, by the Director of Infrastructure Services, on the Historic Asset Management Project. The report provided background information on the project which had been established to undertake a review of all council owned or managed non-operational heritage assets. A summary list of all surveyed assets was provided, together with an outline of the proposed prioritisation methodology.

The Outdoor Access Officer/ Environment Planner spoke on the project and made reference to the compilation and survey of the list of assets, the key priority being health and safety, and sites which required immediate attention including Kincardine O' Neil Auld Kirk and the Old Parish Church, Tarland.

During discussion Members queried whether the Queen Victoria Fountain, Aboyne, and the Aboyne War Memorial Buildings should be included on the list of assets as it was thought these were managed by the Community. The Outdoor Access Officer / Environment Planner indicated that the list could be amended where there was local knowledge of such arrangements.

The Committee **agreed:-**

- (1) to note the completion of a database of "Council owned or managed non-operational heritage assets";
- (2) to note the proposed prioritisation methodology to determine future works;
- (3) to note the prioritised list of works for all "Council owned or managed non-operational heritage assets", including those to be undertaken in the 2016/17 financial year;
- (4) to note that a project update would be submitted annually to the Committee; and
- (5) to comment that severe damage by flood or fire should also be considered as a priority in determining future works.

14. TULLICH KIRK AND SYMBOL STONES

There had been circulated a report dated 31 May, 2016, by the Director of Infrastructure Services, which provided the Committee with background information on Tullich Kirk and Tullich Symbol Stones and sought comment on proposals to relocate the symbol stones to the Royal Station in Ballater.

The Outdoor Access Officer/ Environment Planner spoke on issues encountered in the course of a project to create a purpose built shelter for the symbol stones at Tullich Kirk and outlined the benefits of relocating the stones to a public exhibition space at the Royal Station, Ballater.

During discussion Members indicated that, on balance, the advantages of relocating the symbol stones to Ballater outweighed the disadvantages. Proposals to create a themed walk from the Royal Station to Tullich Kirk were welcomed.

The Committee **agreed** to support proposals to relocate the Tullich Symbol Stones to Ballater Royal Station and to recommend that the Infrastructure Services Committee approve the proposals.

15. WINDOW MATERIALS IN CONSERVATION AREAS

With reference to the Minute of Meeting of the Committee of 21 August, 2012 (Item 10F), when the Committee had requested that a report on the use of uPVC in conservation areas be brought forward for Members' consideration, there had been circulated a report dated 30 May, 2016, by the Director of Infrastructure Services, which outlined the main reasons for recommending timber replacement windows in conservation areas and commented on the advantages and disadvantages of different materials.

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

- (1) to note the content of the report which outlined the main reasons for recommending timber replacement windows in conservation areas and the advantages and disadvantages of different materials;
- (2) to request further information on the difference between timber and uPVC windows in terms of security; and
- (3) to request that feedback be provided following a meeting on options in relation to flood risk management.

16. LOCAL REVIEW BODY DECISION NOTICES

(A) LRB 327 – Birchbank, Richmond Road, Huntly (APP/2015/3067)

There had been circulated, and was **noted**, Local Review Body Decision Notice 327, dated 9 May, 2016, which advised that the Body had agreed with the determination reviewed by it and refused full planning permission for installation of replacement windows and door at Birchbank, Richmond Road, Huntly, in accordance with the Appointed Officer's decision.

(B) LRB 330 – 1 Knocks Cottages, Birkhall, Ballater (APP/2016/0083)

There had been circulated, and was **noted**, Local Review Body Decision Notice 330, dated 9 May, 2016, which advised that the Body had agreed with the determination reviewed by it and refused full planning permission for alterations and extension to a dwellinghouse at 1 Knocks Cottages, Birkhall, Ballater, in accordance with the Appointed Officer's decision.

17. SCOTTISH GOVERNMENT APPEAL DECISION NOTICE – LAND ON FASQUE AND GLENDYE ESTATE (APP/2015/2724)

There had been circulated, and was **noted**, an appeal decision notice from the Directorate of Planning and Environment Appeals, dated 26 April, 2016, which advised of a decision to allow an appeal and grant planning permission for the erection of an anemometer mast up to 80 meters in height at land on Fasque and Glendye Estate, subject to conditions listed in the decision notice.

During discussion, disappointment was expressed that safety issues had not been given greater weight by the Reporter.

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/2015/3033	Full Planning Permission for Erection of No. 2 Dwellinghouses, Partial Demolition of Steading, and Change of Use of Former Mill and Steading Building to form No.2 Dwellinghouses at Site at Greenhaugh, Huntly
(B) APP/2016/0928 APP/2016/0932	Full Planning Permission and Listed Building Consent for Alterations and Extension to Dwellinghouse at Birkwood, Banchory
(C)	Item Withdrawn
(D) APP/2016/1152	Full Planning Permission for Removal of Condition 6 (Restricted Occupancy) of Previously Approved APP/2014/1706 (Erection of Dwellinghouse, Change of Use of Temporary Accommodation to Holiday Accommodation, Extension to Stables to Form Hay Store, and Retrospective Consent for Car Port and Log Store) at The Stables, Tillquhillie, Banchory
(E) APP/2016/1170	Full Planning Permission for Alterations and Extension to Dwellinghouse at Balnellan House, Glenshee Road, Braemar
(F) APP/2016/1326	Full Planning Permission for Formation of Car Port and Erection of Gates at Gate Cottage, Cocklarachy, Huntly

19. 18031 BALLATER STATION RE-INSTATEMENT

With reference to the Minute of Meeting of the Policy and Resources Committee of 21 April, 2016 (Item 24), when the Gateway Stage 1 report in relation to the reinstatement of Ballater Station had been approved and officers had been instructed to proceed with Gateway Stage 2, there had been circulated a report dated 8 March, 2016, by the Director of Business Services, which sought comment on recommendations to Full Council in relation to the project next steps. The report provided the Committee with a project update, a detailed project programme, information on the procurement process, a summary of internal leasing arrangements, and details of capital and revenue implications.

The Committee **agreed** to fully endorse the following recommendations to Full Council:-

- (1) approve the Gateway Stage 2 report and instruct officers to proceed to Gateway Stage 3;
- (2) instruct officers to proceed with obtaining tenders as outlined in the report; and
- (3) approve the funding strategy as outlined in the report.

20. HUNTLY FLOOD PROTECTION SCHEME – DELEGATION OF TENDER AWARD

There had been circulated a report dated 26 May, 2016, by the Director of Infrastructure Services, which explained that the Huntly Flood Protection Scheme had been successfully promoted in August 2015 following completion of the statutory process under the Flood Risk Management (Scotland) Act 2009; advised that tender documents had been issued in May 2016; and requested that the Committee delegate authority to award the contract in order to minimise any potential delays.

The Committee **agreed** to delegate authority to the Head of Roads and Landscape Services, following consultation with the Head of Commercial and Procurement Services, the Head of Finance, and the Chair and Vice Chair of Marr Area Committee, to accept a tender recommended by officers (based on a quality/price basis), provided the tender prices did not exceed 25% of the estimated contract value and that a follow up report confirming the tendering and appointment details be submitted to Committee in September 2016.

21. BALLATER AND ABOYNE BRIDGE REPAIRS FOLLOWING STORM FRANK DAMAGE – DELEGATION OF TENDER AWARD

There had been circulated a report dated 26 May, 2016, by the Director of Infrastructure Services, which provided the Committee with background information in relation to required repairs to Ballater Bridge and Aboyne Bridge following Storm Frank; advised that tender that tender documents for the construction work had been issued in June 2016; and requested that the Committee delegate authority to award the contract in order to minimise any potential delays.

The Committee **agreed** to delegate authority to the Head of Roads and Landscape Services, following consultation with the Head of Commercial and Procurement Services, the Head of Finance, and the Chair and Vice Chair of Marr Area Committee, to accept a tender recommended by officers, provided the tender prices did not exceed 25% of the estimated contract value, and that a follow up report confirming the tendering and appointment details be submitted to Committee in September 2016.

APPENDIX

PLANNING APPLICATIONS

- (A) **Reference No: APP/2015/3033 – Full Planning Permission for Erection of No. 2 Dwellinghouses, Partial Demolition of Steading and Change of Use of Former Mill and Steading Building to form No.2 Dwellinghouses at Site at Greenhaugh, Huntly, Aberdeenshire, AB54 4PT**

Applicant: K Stewart & Sons, Cocklarachy, Huntly
Agent: John Wink Design, Midtown of Foudland, Glens of Foudland, Huntly

Councillor Stewart, having previously declared an interest, left the meeting during consideration and determination of the application.

The Senior Planner reported on the detail of the application which proposed the erection of two dwellinghouses and the conversion of a former mill and steading to create four properties in total. The application had been referred to Committee because it had been submitted by the partner of an elected member. The Committee heard that, under the rural development policy, the level of development should not normally exceed three units but the application was considered to be an exceptional circumstance. The proposed development would be a good use of the site and, in terms of design, there was a good balance between conserving original elements and new units which respected the character of remaining buildings. One outstanding issue in relation to the private water supply could be dealt with as a delegated matter. The application was recommended for approval.

During discussion Members commented that the proposals complied with policy, would be a sensitive conversion using quality materials, and would add quality houses to Huntly's housing stock.

The Committee **agreed:-**

- (1) that authority to grant full planning permission be delegated to the Head of Planning and Building Standards subject to:-
 - (a) Obtaining the required Private Water Supply certification and the subsequent removal of the current holding objection from Environmental Health; and
 - (b) The following conditions:
 - (i) 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.

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.

- (ii) The development shall be served in accordance with the approved drawings and the following details:
 - (a) At its junction with the A980, the maximum gradient of the first 5m of the access must not exceed 1 in 20.
 - (b) Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site as shown in drawing number 817-020A.
 - (c) Prior to occupancy of development, a passing place measuring 8m x 2.5m with 5m splays to be formed on the private access road approximately mid-way between the A980 and the bridge over the River Bogie. Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Development.
 - (d) Prior to commencement of development, visibility splays measuring 2.4m by 160m 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 windblown. Details must be submitted to Roads Development for approval.

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) Prior to any works commencing, the developer shall secure the implementation of a Level 1 archaeological standing building survey of the extant structures, to be carried out by an archaeological organisation acceptable to the planning authority. The scope of the archaeological standing building survey will be set by the Aberdeenshire Council Archaeology Service on behalf of the planning authority. The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record upon completion.

Reason: To record features of the historic environment of the structure.

Standing Building Survey Level Defined

Level 1 - a descriptive, fuller record than Photographic Survey, with the addition of measured floor plans and elevations and a written account of the building's plan, form, function, age and development sequence plus a full photographic survey of the interior and exterior of the building.

- (iv) That no works in connection with the permission hereby approved shall take place unless the trees/hedging marked for retention on the approved plans have been protected by fencing in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. No works shall commence unless details of the protective fencing have been submitted to and agreed in writing by the Planning Authority. 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/hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

- (v) Prior to the commencement of development, the applicant/developer shall submit details of proposed re-planting species to the Planning Authority for approval in writing. No part of the development shall be occupied until the planting scheme is in place on site, and any planting damaged or dying within the first five years must be replaced.

Reason: To ensure the proposed development can be delivered with appropriate associated landscaping and diversity of fauna to the benefit of future residents' general amenity.

- (2) that the reason for the decision be as follows:-

The proposal presents an exceptional circumstance to exceed the definition of small scale development on this site due to the scale and size of existing buildings on site. The proposed development delivers the appropriate redevelopment of this site compliant with Policy 3 Development in the Countryside and the associated SG Rural Development1: Housing and business development in the countryside, and complaint with all other relevant policies of the Aberdeenshire Local Development Plan (2012).

- (B) Reference No: APP/2016/0928 and 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

Councillor Webster, having previously declared an interest, left the meeting during consideration and determination of the application.

With reference to the Minute of Meeting of the Committee of 24 May, 2016 (Item 8A), when the application had been deferred pending a site visit 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, there had been circulated a report by the Director of Infrastructure Services which confirmed that a site visit had taken place on 7 June, 2016.

The Senior Planner reminded the Committee of the detail of the application which sought full planning permission and listed building consent for an extension to a category-B listed building and was recommended for refusal. The Committee heard that previous extensions were acceptable as they were modern contrasts and subservient to the existing property but the proposed extension was not subservient and was neither a direct replication nor a stark

enough contrast to be considered as a modern addition. Historic Environment Scotland and the Council's Environment and Planning Teams considered the south west elevation to be a principal elevation but this was disputed by the applicant and agent. It was highlighted that although Scottish Historic Environment Policy had been superseded by Historic Environment Scotland Policy, this still referred to the guidance note which had informed the view of the Planning Service.

The Senior Planner then responded to a question on whether the south west elevation would be considered a principal elevation without the two previous extensions.

During discussion some Members spoke in support of the application. Reference was made to the character of the house having already been altered by previous extensions; the scale being appropriate and not overly dominant in its setting; the proposed extension being an assertive contrast but also sympathetic to the character of the building; there being no formal objections; and the need to allow adaptation to ensure the sustainability of listed buildings.

Other Members indicated that they were minded to support the planner's recommendation and made reference to the garden elevation being a principal elevation; concerns raised by Historic Environment Scotland; and the Planning Service not objecting to the principle of an extension but to the particular design and approach.

Councillor K Clark, seconded by Councillor L Clark, moved to delegate authority to grant full planning permission and listed building consent to the Head of Planning and Building Standards.

As an amendment Councillor Argyle, seconded by Councillor Blackett, moved that the application be refused in line with the planner's recommendation.

Members of the Committee voted as follows:-

for the motion (6) Councillors Ingleby, Latham, K Clark, L Clark, Farquhar, and Stewart.

for the amendment (3) Councillors Argyle, Blackett and Petrie.

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

(1) to delegate authority to grant full planning permission and listed building consent to the Head of Planning and Building Standards;

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

The proposal is of an appropriate scale and design, reflective of the original dwelling but giving sufficient contrast to read as a modern addition to the listed building, and as such complies with Policy 8 Layout, siting and design of new development and the associated SG LSD3: House extensions, and Policy 13 Protecting, improving and conserving the historic environment and the associated SG Historic Environment1: Listed buildings of the Aberdeenshire Local Development Plan.

(3) to request that the delegation in relation to planning applications which had been submitted by an elected member and were recommended for refusal by the Planning Service be reviewed and to recommend that such applications be referred to the Infrastructure Services Committee.

- (C) **Reference No: APP/2016/0985 – Full Planning Permission for Erection of Replacement Dwellinghouse and Detached Garage and Erection of 3 No Dwellinghouses and Formation of Access at Land at Ardine Belts, Strachan, Banchory, Aberdeenshire, AB31 6NL**

Applicant: Veitchi Homes Ltd, Unit 4, Wellington Circle, Altens, Aberdeen
Agent: Ken Mathieson Architectural Design Ltd, Mansard House, 15 Oldmeldrum Road, Bucksburn, Aberdeen

Item Withdrawn.

- (D) **Reference No: APP/2016/1152 – Full Planning Permission For Removal of Condition 6 (Restricted Occupancy) of Previously Approved APP/2014/1706 (Erection of Dwellinghouse, Change of Use of Temporary Accommodation to Holiday Accommodation, Extension to Stables to Form Hay Store, and Retrospective Consent for Car Port and Log Store) at The Stables, Tillquhillie, Banchory, Aberdeenshire, AB31 6JS**

Applicant: Mr Victor Smith, The Stables, Tillquhillie, Banchory
Agent: No Agent

Having heard that a request to speak had been received, the Committee **agreed** to hear from Ms Juliette Laing on behalf of Mr Victor Smith, the applicant.

The Senior Planner reported on the detail of the application which sought the removal of condition 6 of planning application APP/2014/1706. The condition limited the occupancy of the dwellinghouse to a person solely or mainly employed, or last employed, in the operation of the associated livery business, or a widow/widower of such a person. The application had been referred to Committee because valid objections had been received from more than five separate households.

The Senior Planner advised that the planning history of the site was detailed in the report but the main issue to consider was the removal of the occupancy condition. The Committee heard that the business associated with the property was not operational at present but the applicant had intimated an intention to reopen it in future. Reference was made to a letter from the Scottish Government's Chief Planner which stated that occupancy conditions should only be used in exceptional circumstances and needed to be fully justified. The Senior Planner made reference to the six policy tests that planning conditions must meet and advised that occupancy conditions were rarely necessary and creating financial difficulty could be deemed unreasonable. The removal of the condition was considered to be acceptable and the application was recommended for approval.

Members then sought clarification on whether civil matters raised in representations were material considerations; procedure with respect to applications for removal of planning conditions; and weight to be given the planning history including the decision on planning application APP/2014/1706 and the Reporter's comments. The Senior Planner reiterated that the Planning Service did not consider the condition to be competent.

The Committee then heard from Ms Laing who indicated that the applicant was a local man who worked offshore, ran an agricultural services business and had also assisted in the livery business. She made reference to challenges in securing a mortgage, the mortgage company having requested the removal of the condition, and the applicant's intention to restart the livery business.

Thereafter, Ms Laing confirmed that she felt she had been given a fair hearing.

During discussion, Members commented that they felt the associated business and restricted occupancy condition had formed an essential part of the justification for approving the house and that without the link to the business the house would have been contrary to policy. Reference was made to the Reporter's comments in relation to the residential accommodation detracting from the rural character of the area and Members indicated that, in the circumstances of the case, they considered the occupancy condition to be reasonable and necessary.

The Committee **agreed** to refuse the application for the following reason:-

The original decision to grant consent for the house was on a need case basis and subject to a condition to tie the house to the business. The condition is considered to remain necessary and reasonable in this regard, as without the link to the business the house would not comply with relevant planning policy.

(E) Reference No: APP/2016/1170 – Full Planning Permission for Alterations and Extension to Dwellinghouse at Balnellan House, Glenshee Road, Braemar, Aberdeenshire, AB35 5YQ

Applicant: Mr & Mrs Simon & Geva Blackett, Balnellan House, Glenshee Road, Braemar
Agent: Moxon Architects, Ardoch, Crathie

Councillor Blackett, having previously declared an interest, left the meeting during consideration and determination of the application.

The Senior Planner reported on the detail of the application which sought full planning permission for alternations and extensions to an existing detached property located within the Braemar Conservation Area. The application had been referred to Committee because it had been submitted by an elected member. The Senior Planner made reference to the site plan and the existing and proposed elevations. Overall, the proposal complied with Historic Environment Scotland policy and the relevant policies of the Cairngorm National Park Authority Local Development Plan. The application was therefore recommended for approval.

The Committee **agreed**:-

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

(a) For the avoidance of doubt, the wall materials of the extension hereby approved shall be finished and retained in larch vertical boarding, unless otherwise agreed in writing by the Planning Authority.

Reason: In the visual interests of the property and surrounding conservation area.

(2) that the reason for the decision be as follows:-

The proposal is appropriately designed and scaled in accordance with Policy 1: New Housing and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015. There would be no adverse impact to the character of the Braemar Conservation Area as a result of this development in compliance with Policy 9: Cultural Heritage.

(F) Reference No: APP/2016/1326 – Full Planning Permission for Formation of Car Port and Erection of Gates at Gate Cottage, Cocklarachy, Huntly, Aberdeenshire, AB54 4RA

Applicant: K Stewart & Sons, Cocklarachy, Huntly, AB54 4RA
Agent: John Wink Design, Midtown Of Foudland, Glens Of Foudland, Huntly, AB54 6AR

Councillor Stewart, having previously declared an interest, left the meeting during consideration and determination of the application.

The Senior Planner reported on the detail of the application which sought full planning permission for the addition of a car port and access gates at a category-B listed building. The application had been referred to Committee because it had been submitted by the partner of an elected member. The Senior Planner outlined the proposed materials and advised that these tied in with the existing dwelling. Reference was made to the site plan, proposed elevations, and there being no concerns in relation to the impact on the character of the listed building. The proposals were considered to be an improvement on the existing run-down lean-to and the application was recommended for approval.

The Committee **agreed:-**

- (1) to grant full planning permission subject to the following condition:-
 - (a) Prior to the commencement of development, samples of the following elements of the proposed external finish of the development shall be submitted to and approved in writing by the Planning Authority:
 - Wall finish
 - Roof finish
 - Design and finish of the doors.

The development shall be carried out in complete accordance with the approved details.

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.

- (2) that the reason for the decision be as follows:-

The proposal is considered to be appropriate in terms of layout, siting and design and would have little impact on the character and appearance of the listed building. As a result the proposal accords with Policy 8: Layout, siting and design and SG LSD3: House Extensions and Policy 13: Preserving, improving and conserving the historic environment and SG Historic Environment1: Listed buildings of the Aberdeenshire Local Development Plan 2012.