

## **ABERDEENSHIRE COUNCIL**

### **MARR AREA COMMITTEE**

#### **ALFORD COMMUNITY CAMPUS, ALFORD, 19 JULY 2016**

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

**Apologies:** Councillors G Blackett, K A Farquhar and J J Latham (Vice Chair).

**Officers:** J Clark, Area Manager (Marr), N Mair, Senior Planner, A Overton, Solicitor, 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 declarations were intimated –

- (1) Councillor Stewart on Item 5C as a partner of the applicant business and left the meeting during consideration and determination of that item and Item 5D as a friend of one of the objectors and continued to participate in the meeting; and
- (2) Councillor Petrie on Item 5D as she knew one of the objectors but the interest was not substantial so she continued to participate in the meeting.

#### **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 14 JUNE, 2016**

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 14 June, 2016.

#### **4. PROPOSED TEMPORARY LEASE/LICENCE OF THE BOXROOM, BELLFIELD PARK, BANCHORY**

There had been circulated a report dated 30 June, 2015, by the Director of Business Services, which (1) explained that Banchory and District Initiative had indicated interest in using the "Boxroom", Bellfield Park, Banchory, for storage purposes in connection with their various activities and (2) recommended that a temporary lease/licence of the Boxroom be granted to Banchory and District Initiative.

The Committee **agreed**:-

- (1) to the granting of a temporary lease/licence of the "Boxroom", Bellfield Park, Banchory to Banchory and District Initiative; and
- (2) to delegate power to officers to agree the terms for such a temporary lease/licence.

## **5. 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/2016/0960	Full Planning Permission for Conversion of Hotel to 4 Residential Units including Change of Use of Land to Garden Ground at Gordon Arms Hotel, Main Street, Rhynie
(B) 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
(C) APP/2016/1328	Listed Building Consent for Internal Alterations and Partial Demolition of Existing Wall to Form Access and Erection of Car Port and Gates at Land at Gate Cottage, Cocklarachy, Huntly
(D) APP/2016/1337	Full Planning Permission for Conversion of Store to Form 2 No. Flats at Store To The Rear Of 3 Gordon Street, Huntly

## APPENDIX

### PLANNING APPLICATIONS

- (A) **Reference No: APP/2016/0960 – Full Planning Permission for Conversion of Hotel to 4 Residential Units Including Change of Use of Land to Garden Ground at Gordon Arms Hotel, Main Street, Rhynie, Aberdeenshire, AB54 4HB**

**Applicant: Mr John Wilson, Birkdale, Boyndie Street West, Banff**  
**Agent: Brown And Brown Architects, The Soap Factory, 111 Gallowgate, Aberdeen**

Having heard that requests to speak had been received, the Committee **agreed** to hear from Mr John Wilson, the applicant; Mr and Mrs Reid, supporters; and Mr Maxwell Wallace, a supporter.

The Senior Planner reported on the detail of the application which sought full planning permission for the conversion of a hotel building into four residential dwellings. The Committee heard that five objections and two letters of support had been received. All consultees were satisfied, with the exception of Tap O Noth Community Council who had objected on the grounds of losing a community facility. The Senior Planner advised that the key consideration related to the loss of a tourist accommodation facility. The applicant had made efforts to keep the hotel open, the premises had been marketed for a reasonable period of time, and evidence had been provided that the business was no longer viable. The proposals would improve the rear elevation of the building with minimal disruption to the front, were of a high standard, and would contribute to the local housing stock. The loss of the hotel was disappointing but the Planning Service acknowledged that the applicant had attempted to sustain the business. The application was recommended for approval subject to conditions and the agreement of developer obligations.

The Committee then heard from Mr John Wilson, the applicant, who made reference to having taken over the premises over eight years ago; a steady decline in turnover due to a number of factors; customer numbers which averaged only six drinking customers and two meals a day; there being no loss of a community amenity as the function room was not well used; losses made by the business; the premises having been marketed between 2012 and 2014; and the community having been given the opportunity to purchase the hotel.

Mr Wilson then confirmed that he felt he had been given a fair hearing.

Mr and Mrs Reid and Mr Wallace were invited to address the Committee but indicated that they no longer wished to do so as they felt the case had been well presented by Mr Wilson.

The Committee **agreed**:-

- (1) that authority to grant full planning permission be delegated to the Head of Planning and Building Standards subject to:-
  - (a) the resolution of developer obligations; and
  - (b) the following conditions:
    - (i) 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.

- (ii) The development shall be served in accordance with the approved drawings and the following details:
  - (a) Prior to occupancy of development, 8 parking spaces surfaced in hard standing materials shall be provided within the site as indicated on Brown & Brown drawing number 166/P003b;
  - (b) Prior to occupancy of development, a communal access lane between communal bin store in car park off private Bogie Road access and Main Street must be provided as indicated on Brown & Brown drawing number 166/P003b.
  - (c) Prior to commencement of development, visibility splays measuring 2m by 25m to be formed on either side of the junction of the vehicular access with the private road (Bogie Road). All boundary walls that lie within the visibility splay envelope so formed must therefore be restricted to a maximum height of 900mm above the adjacent road level.

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

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

The applicant has demonstrated that the property can no longer support a viable tourist accommodation business and with no interest coming forward for continued use of the property as a tourist facility, it is clear the market has decided it is surplus to the tourist market. As such, the proposal is considered compliant with Policy 1 and SG Bus4 in the Aberdeenshire Local Development Plan 2012. The proposed use as residential is considered sympathetic to existing neighbouring uses and the physical changes to the property would not give rise to any undue amenity impacts to neighbouring premises. In addition, the proposed development could be adequately serviced. Overall, the proposal is considered compliant with the provisions of all relevant policies in Aberdeenshire Local Development Plan 2012 and therefore is considered acceptable.

- (B) 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, AB12 3JG**

**Agent: Ken Mathieson Architectural Design Ltd, Mansard House, 15 Oldmeldrum Road, Bucksburn, Aberdeen, AB21 9AD**

Having heard that a request to speak had been received, the Committee **agreed** to hear from Mr Ian Livingstone, Ryden, on behalf of the applicant.

The Senior Planner reported on the detail of the application which sought full planning permission for the erection of a replacement dwelling and the erection of three additional

dwelling as an organic growth addition to Strachan. The Committee heard that the replacement dwelling would be on the same footprint as the existing dwelling and was fully compliant with policy. With regards to the three additional dwellings, Belts of Collonach was not an organic growth settlement and was too large to be considered a cohesive group. However there was an organic growth opportunity at Strachan, about 1km from the site. The Senior Planner advised that Policy 3 and SG Rural Development 1 encouraged organic growth within 400m of a settlement but there was scope to expand this where a development was appropriately sited. The application was considered to be more appropriate in terms of layout, siting and design than an isolated site within 400m of Strachan. The development would help to maintain the school roll at Strachan School, could be adequately accessed and serviced, and would have no detrimental impact on amenity. The application was recommended for approval subject to conditions and the agreement of developer obligations.

The Senior Planner then responded to Members' questions on whether the Community Council had made any representation; safe routes to school and comments in the report on the potential for a school bus service; agricultural land loss; restrictions on the number of sites coming forward under the organic growth policy; and visual impact in relation to Scolty Hill.

The Committee then heard from Mr Ian Livingstone, who spoke on behalf of the applicant, and contended that the proposals constituted an appropriate small scale development in terms of the Local Development Plan. He made reference to the applicant's diligent and responsible approach; the proposals integrating with the established pattern of development; the replacement dwelling enhancing a derelict cottage; the rear dwellings being compatible with neighbouring properties and reflecting the rural setting; and the opportunity to benefit Strachan and boost the primary school. He concluded that the proposals constituted a sustainable small scale development of low value land and requested the Committee's support in line with the officer's recommendation.

Mr Livingstone then confirmed that he felt he had been given a fair hearing.

Following discussion, Councillor Webster, seconded by Councillor Argyle, moved that the application be refused on the grounds that the proposed development was not an appropriate organic growth addition to Strachan and was not compliant with Policies 3 and 8 of the Aberdeenshire Local Development Plan.

As an amendment, Councillor L Clark, seconded by Councillor K Clark, moved that authority to grant full planning permission be delegated to the Head of Planning and Building Standards in line with the planner's recommendation.

Members of the Committee voted as follows:-

for the motion (3) Councillors Argyle, Stewart and Webster

for the amendment (4) Councillors Ingleby, K Clark, L Clark and Petrie

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

- (1) that authority to grant full planning permission be delegated to the Head of Planning and Building Standards subject to:-
  - (a) the resolution of developer obligations; and
  - (b) the following conditions:-
    - (i) The development shall be served in accordance with the approved drawings and the following details:

- (a) The maximum gradient of the first 5m of the upgraded access must not exceed 1 in 20.
- (b) Prior to occupancy of development, first 10m of upgraded access (measured from edge of road) to be fully paved.
- (c) Prior to occupancy of development, Off-Street parking for 11 cars, surfaced in hard standing materials must be provided within the site as shown on site layout plan 001/J.
- (d) Prior to commencement of development, visibility splays measuring 2.4m by 74m to be formed on the southwest side and 2.4m by 120m on the northeast 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 more than 0.9m in height above adjacent carriageway level.
- (e) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift & shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
- (f) Prior to occupancy of development a suitable vehicle turning area must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in forward gear.
- (g) The junction that the proposed vehicular access forms with the public road to be kerbed to radii and width as shown on Cameron & Ross Drg. A/15160 904 Rev.1. The area within the bell mouth & for a minimum distance of 10m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, & shall be surfaced with dense bitumen macadam or asphalt.

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

- (ii) Prior to the construction of any dwellinghouses an Energy Statement applicable to those dwellinghouses must be submitted to and approved in writing by the Planning Authority, including the following items:
  - (a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
  - (b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

- (iii) The proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans (A/15160 905 Rev 1) and Drainage Impact Assessment carried out by Cameron and Ross in July 2015 and shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and maintained, in the interests of the amenity of the area.

- (iv) All construction works in connection with the development hereby approved shall be carried out in complete accordance with the approved construction method statement (Veitchi Homes - 28th April 2016).

Reason: In the interests of protecting the natural environment.

- (v) For the avoidance of doubt, unless otherwise agreed by the Planning Service, the bathroom window on the south elevation of the first floor of Plot 1, shall be obscure glazing. Once installed, the obscure glazing shall be permanently retained thereafter and the window shall not be altered without permission from the Planning Authority.

Reason: In the interest of the residential amenity of the adjacent property.

- (vi) All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into

the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

- (vii) 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.

- (viii) The development hereby approved shall not be brought into use unless evidence of the proposal being submitted for technical approval from Scottish Water (the email submitted is not sufficient) has been submitted too and approved in writing by the planning authority.

Reason: In order to ensure the development can be adequately serviced.

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

The proposed development is considered an appropriate organic growth addition to Strachan in that it is located within the nearby cluster of dwellings at Belts of Collonach, providing additional housing to the local area in a sensitive location that will also help sustain the local school roll. The design of the dwellings are considered acceptable and would not adversely impact on the character of the area or landscape setting, or on the amenity of any existing adjacent dwellings. The application complies with the relevant policies within the Aberdeenshire Local Development Plan 2012.

**(C) Reference No: APP/2016/1328 – Listed Building Consent for Internal Alterations and Partial Demolition of Existing Wall to Form Access and Erection of Car Port and Gates at Gate Cottage, Cocklarachy, Huntly, Aberdeenshire, AB54 4RA**

**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 introduced the application which sought listed building consent for a number of internal alterations and the addition of a car port and access gates on a category B curtilage listed building. The proposals had been granted full planning permission by the Committee at its meeting of 14 June, 2016 (Item 18F).

The Committee **agreed** to grant listed building consent for the following reason:-

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 Scottish Planning Policy, Historic Environment Scotland Guidance,

Policy 8: Layout, siting and design and SG LSD3: House Extensions and Policy 13: Preserving, improving and conversing the historic environment and SG Historic Environment1: Listed buildings of the Aberdeenshire Local Development Plan 2012.

**(D) Reference No: APP/2016/1337 – Full Planning Permission for Conversion of Store to Form 2 No. Flats at Store To The Rear Of 3 Gordon Street, Huntly, Aberdeenshire**

**Applicant: Mr John Haws, 35 Haughton Place, Alford**  
**Agent: No Agent**

The Senior Planner reported on the detail of the application which sought full planning permission to convert a store into two one-bedroom flats with associated on-site parking. The application had been referred to the Committee because valid objections had been received from more than five separate households and the Community Council had objected.

The Senior Planner made reference to the proposals improving the aesthetic of the existing building and creating two modest one-bedroom flats, at an affordable price, within Huntly town centre. With regards to consultees, Huntly Community Council had objected on the grounds of road safety. Developer obligations and information requested by the Contaminated Land team could be resolved as delegated matters. The Committee heard that the key consideration was road safety and the narrow access to Gordon Street. Reference was made to the taxi company which shared use of the access road. The Roads Development team had initially objected but had accepted the proposal on the basis that the existing Class 6 storage use could generate more traffic. Overlooking impacts were not significant and the Planning Service considered the access, layout, siting, and design to be acceptable. The proposals were considered to be a unique opportunity for the local housing market and the application was recommended for approval subject to conditions, including a condition on finishing materials, and resolution of delegated matters.

The Senior Planner then responded to questions from Members on private garden space, whether the parking arrangements would impede the taxi firm, contamination, overlooking, and road signage.

After due consideration, Councillor Petrie, seconded by Councillor L Clark, moved that the application be refused on the grounds of overlooking and road safety impacts.

As an amendment, Councillor Ingleby, seconded by Councillor Argyle, moved that authority to grant full planning permission be granted in line with the planner's recommendation.

Members of the Committee voted as follows:-

for the motion (2) Councillors Petrie and Stewart

for the amendment (5) Councillors Ingleby, Argyle, K Clark, L Clark and Webster.

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

- (1) that authority to grant full planning permission be delegated to the Head of Planning and Building Standards subject to:-
  - (a) the submission of a Phase 2 Contaminated Land survey and subsequent removal of the existing holding objection imposed by the Contaminated Land team;
  - (b) resolution of developer obligations;
  - (c) a condition on finishing materials; and

(d) the following conditions;

(i) The development shall be served in accordance with the approved drawings and the following details:

(a) Prior to occupancy of development, Off-Street parking for 3 cars, surfaced in hard standing materials must be provided within the site; and

(b) Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

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

(ii) 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.

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

The proposed use would be compatible with the existing uses immediately neighbouring the site and would not give rise to any undue impacts on the amenity of those neighbouring uses. As such, the proposal is considered acceptable and is compliant with relevant policies of the Aberdeenshire Local Development Plan 2012.