

ABERDEENSHIRE COUNCIL**MARR AREA COMMITTEE****ALFORD PUBLIC HALL, ALFORD, 1 NOVEMBER, 2016**

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

Apologies: Councillors K L Clark and J Webster.

Officers: J Clark, Area Manager (Marr), J Rogers, Head Teacher, L Dougall, Affordable Housing Officer, H Macrae, Business Development Executive, 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. Councillor Argyle declared an interest in (1) Item 10A as a friend of one of the objectors and (2) Item 10C as he lived close to the application site and was a neighbour of a number of the objectors and left the meeting during consideration of those items.

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 Items 11-12 of the business on the grounds that they involved the likely disclosure of exempt information of the class described in the relevant paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No of Schedule 7A
11	9
12	4

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 27 SEPTEMBER, 2016

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 27 September, 2016, subject to R Singleton, Principal Roads Engineer being added to the list of officers present at the meeting.

4. EDUCATION SCOTLAND INSPECTION OF LOGIE COLDSTONE PRIMARY SCHOOL

There had been circulated a report dated 21 September, 2016, by the Director of Education and Children's Services, which explained that Logie Coldstone School had been inspected in May 2016 as part of a national sample of primary and nursery education. The report provided the Committee with the inspection report and highlighted the key strengths of the school, as identified by the inspectors, and areas where the inspectors felt the school should focus in order to improve the quality of education.

The Head Teacher introduced the report and spoke on the positive aspects identified by the inspectors and action being taken to address the areas for development. She indicated that she was confident that the school could address the recommendations and highlighted support from parents in Logie Coldstone.

The Committee **agreed**:-

- (1) to note the contents 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) to future reports on Education Scotland school inspections being presented.

5. EDUCATION AND CHILDREN'S SERVICES QUARTERLY PERFORMANCE EXCEPTION REPORTING, APRIL – JUNE 2016 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 4 October, 2016, by the Director of Education and Children's Services, which advised the Committee on how Education and Children's Services had performed against key performance measures and associated targets, as set out in the Education and Children's Services Service Plan, in the period from April to June, 2016.

The Committee **agreed**:-

- (1) to acknowledge the performance achieved from April to June, 2016;
- (2) to note those measures where performance was below expectations from April to June, 2016;
- (3) to note the publication of the full April to June 2016 Performance Report on Ward Pages;
- (4) to request further information in relation to:-
 - (a) the role of advocacy services between Looked After Children, their families and the Council; and
 - (b) whether the Museum Service's online cataloguing system was nearly complete;

- (5) to request that results from the Council's reputation tracker be posted on Ward Pages; and
- (6) to instruct the Director of Education and Children's Services to continue to report, by exception, to Committee quarterly on performance measures against service objectives, and on a six monthly basis the progress in delivering all aspects of the Service Plan.

6. STRATEGIC HOUSING INVESTMENT PLAN 2017 - 2022

There had been circulated a report dated 21 September, 2016, by the Director of Infrastructure Services, which explained that Strategic Housing Investment Plans (SHIPs) were part of the Local Housing Strategy process. They were statements of affordable housing investment priorities in each local authority area which would guide the application of Scottish Government and other funding. The draft Strategic Housing Investment Plan 2017 – 2022 was appended to the report and the Committee were asked to provide comments for consideration by the Social Work and Housing Committee.

The Affordable Housing Officer introduced the report and responded to questions from Members in relation to funding, the downturn in the private sector housing market, alternative construction methods such as prefab housing, and flexibility in how affordable housing was delivered.

The Committee **agreed** to provide the following comments to the Social Work and Housing Committee on the draft Strategic Housing Investment Plan 2017 – 2022:-

- (1) Taking into consideration the economic situation in Aberdeenshire and the downturn in private development, Aberdeenshire should be considered favourably in terms of Scottish Government funding.
- (2) Consideration should be given to all house types and methods of construction to deliver affordable housing including buying from the open market and prefab housing.

7. HOUSING QUARTERLY PERFORMANCE EXCEPTION REPORTING APRIL – JUNE 2016 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 16 September, 2016, by the Director of Infrastructure Services, which advised the Committee on how the Housing Service had performed against key performance measures and associated targets, as set out in the Infrastructure Services Business Plan 2016/17, in the period from April to June, 2016.

The Committee **agreed**:-

- (1) to acknowledge the positive performance achieved from April to June, 2016;
- (2) to note those measures where performance was below expectations from April to June, 2016;
- (3) to note the publication of the complete April to June 2016 Performance Report on Ward Pages along with a reporting rationale document for all indicators; and
- (4) to request further information on what was being done to address the core issues in relation to fuel poverty, particularly improving insulation, as external factors could not be controlled.

8. INFRASTRUCTURE SERVICES QUARTER 1 (APRIL – JUNE 2016) PERFORMANCE EXCEPTION REPORT (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 20 September, 2016, by the Director of Infrastructure Services, which advised the Committee on how Infrastructure Services had performed against performance indicators, as set out in the Infrastructure Services Service Plan 2016 – 2019, in the period from April to June, 2016.

The Committee **agreed**:-

- (1) to acknowledge the good performance achieved from April to June, 2016;
- (2) to note those measures where performance was below expectations from April to June, 2016;
- (3) to note the publication of the complete April to June 2016 performance report on Ward Pages and on the Council's website;
- (4) to note that the number of planning applications dealt with within two months had been above target for some time and to request information on whether the target would be reviewed; and
- (5) to advise the Director to continue to report, by exception, to Committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the Service Plan.

9. PROPOSED SUB-LEASE OF ALEXANDER PARK, BANCHORY

There had been circulated a report dated 11 October, 2016, by the Director of Business Services, which sought approval for the sub-lease of Alexander Park, Banchory to Banchory Stonehaven Athletics Club. The report provided information on the proposed sub-lease and explained that Alexander Park was leased by the Council from the Inchmarlo Land Company Limited and used for athletics activities. Banchory Stonehaven Athletics Club were looking to create an all-weather surfaced area on part of the park and had secured grant funding from SportScotland subject to the Council agreeing a sub-lease of the facility to the Club.

The Committee **agreed**:-

- (1) to instruct officers to grant a 20 year sub-lease of Alexander Park, Banchory to the Banchory Stonehaven Athletics Club;
- (2) to delegate powers to the Head of Legal & Governance, following consultation with the Head of Property & Facilities Management, to agree detailed terms of the sub-lease such that this gives the Club the ability to obtain grant assistance in relation to the formation of an all-weather surfaced area on part of the park, as described within the text of the report; and
- (3) to instruct that as part of any sub-leasing the Council should retain the ability to terminate the sub-lease early, should plans come forward to relocate the athletics facilities elsewhere within Banchory.

10. PLANNING APPLICATIONS

The following planning applications were considered along with any objections and representations received and were dealt with as recorded in the **Appendix** to this minute.

Reference Number	Address
(A) APP/2016/1051	Planning Permission in Principle for Demolition of Existing Dwellinghouse and Erection of 6 Dwellinghouses with Associated Access Driveways and Landscaping at Bracken Hill, Grampian Terrace, Torphins
(B) APP/2016/2276	Planning Permission in Principle for Erection of Dwellinghouse at Land to North of Squirrel Lodge, Upper Lochton, Banchory
(C) APP/2016/2352	Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Sundayswells Croft, Torphins

11. HUNTLY FLOOD ALLEVIATION SCHEME – ACQUISITION OF LAND AND SERVITUDE RIGHTS

With reference to the Minute of Meeting of the Infrastructure Services Committee of 14 May, 2015 (Item 13), when the Huntly Flood Alleviation Scheme had been approved, there had been circulated a report by the Director of Business Services which sought approval of the acquisition of land and servitude rights over land at Gibston and Milton Farms, Huntly.

The Committee **agreed**:-

- (1) to the acquisition of land and servitude rights over land at Gibston and Milton Farms, Huntly, at a total combined cost of £285,700; and
- (2) to request that Local Members be provided with an update on whether an outstanding land negotiation would delay implementation of the Scheme.

12. SUPPORT FOR ABERDEENSHIRE BUSINESS SCHEME: SAB REF 116/0626

There had been circulated a report dated 17 October, 2016, by the Director of Infrastructure Services, which requested consideration of an application for assistance through the Support for Aberdeenshire Business Scheme.

Following discussion, the Committee **agreed** to approve a Market Development Grant of £4,000 and a £20,000 interest free plant and equipment loan, repayable over a five year period, to the applicant business, on condition that:-

- (1) provision of evidence of expenditure incurred by way of third party invoices and a copy of a bank receipt/statement confirming payment to suppliers was provided;
- (2) annual accounts were sent to the Head of Economic Development, Aberdeenshire Council for the length of the loan and the business participated in an annual monitoring visit;
- (3) a satisfactory bank reference was received;
- (4) a satisfactory credit check was received;
- (5) repayment guarantees were provided;
- (6) Aberdeenshire Council's support was acknowledged in appropriate press reports; and
- (7) evidence was received that the balance of the requisite funding was in place.

APPENDIX

PLANNING APPLICATIONS

- (A) **Reference No: APP/2016/1051 – Planning Permission in Principle For Demolition of Existing Dwellinghouse and Erection of 6 Dwellinghouses with Associated Access Driveways and Landscaping at Bracken Hill, Grampian Terrace, Torphins, Aberdeenshire, AB31 4JS**

Applicant: Mr Robert Shepherd, Bracken Hill, Grampian Terrace, Torphins, AB31 4JS

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

Councillor Argyle, having previously declared an interest, left the meeting during consideration of the application.

The Senior Planner reported on the detail of the application which sought planning permission in principle for the demolition of an existing dwellinghouse and the erection of six detached dwellinghouses. Reference was made to trees having already been felled on site; required road upgrades; consultation responses from the Council's Environment and Roads Development teams and Forestry Commission Scotland; nine objections having been received; an objection by Torphins Community Council; and affordable housing. The Planning Service were satisfied with the principle of six dwellinghouses on the site and the application was recommended for approval.

The Senior Planner then responded to questions from Members in relation to the level of woodland on site before the trees were felled, whether the application would have been viewed differently had the trees not been removed; the stage of development at which the road would be upgraded; privacy and overlooking; and compensatory planting.

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

- (1) that authority to grant planning permission in principle be delegated to the Head of Planning and Building Standards subject to:-
 - (a) completion of a Section 75 or other Legal Agreement relating to developer obligations towards affordable housing, secondary education and community facilities, and
 - (b) the following conditions:
 - (1) 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 woodland and tree survey, including a tree protection plan;
- (d) A landscaping scheme and plan including proposed landscape features (to include the compensatory planting of no less than 0.4 hectares within the site), including trees to be retained and planted;
- (e) 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;
- (f) Full details of the proposed means of disposal of foul and surface water from the development;
- (g) Full details of the proposed access to the development, street lighting, driveways and car/vehicle turning areas (including swept paths analysis in relation to Council refuse collection vehicles).

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).

- (2) The details required under Condition 1(c) shall reflect and include the following requirements:

- (a) A woodland survey

No works in connection with the development hereby approved shall commence unless a woodland and tree survey has been submitted to and approved in writing by the planning authority. The survey shall make an assessment of the woodland already lost and remaining to inform the necessary proposals for replacement planting to come forward. The woodland survey should also consider the ecological value of the woodland (lost and remaining), including an assessment of the potential impact on red squirrels.

- (b) A tree protection plan

No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- (i) The location of the trees to be retained within the site and on neighbouring sites and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction).
- (ii) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction)

- (iii) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- (c) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and identifies the proposed mitigation.
- (d) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained within the site and on trees along the shared boundaries on neighbouring land.
- (e) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the permission hereby approved shall commence unless the tree protective measures have been implemented in full in accordance with the approved details. 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. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to assess the woodland lost and remaining and ensure adequate protection for the trees and hedges on the site and in adjacent sites during the construction of development, and in the interests of the visual amenity of the area.

- (3) The landscape details required under Condition 1(d) shall include the following:
 - (a) The location of all new trees, shrubs, hedges, grassed areas and any water features;
 - (b) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
 - (c) The location, design and materials of all hard landscaping works including walls, fences and individual plot enclosure;
 - (d) Details of the replacement planting out with plot boundaries;
 - (e) A programme for the commencement, completion and subsequent maintenance of the proposed landscaping including replacement planting;
 - (f) Details of a non-vehicular connection between the site and the public footpath should be provided. If not provided this should be clearly justified in the landscaping plan.

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 completion of the dwellinghouse 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.

For the avoidance of doubt, all landscaped areas out with the curtilages of the dwellinghouses and shown on the approved landscaping plan shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellinghouses hereby approved without the express grant of planning permission by the planning authority. The replacement planting out with individual curtilages shall extend to at least 0.4 hectares. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans, shall be erected within the landscaped areas without an express grant of planning permission by the planning authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and replacement planting which will compensate for the loss of woodland within the site and help integrate the proposed development into the local landscape in the interests of the visual amenity of the area and in the interests of the character and appearance of the development and provide a separate non-vehicular access to the site.

- (4) The details required under Condition 1(f) shall reflect and include the following requirements:

Unless otherwise agreed with the planning authority dwellinghouse hereby approved shall be occupied/brought into use unless the surface water drainage systems have been provided in accordance with the approved plans and Revised Ground Assessment and Drainage Recommendation Report prepared by S.A. McGregor Geotechnical and Environmental Onsite Services 19.08.2016. No dwellinghouse shall be occupied until such time as a surface water maintenance scheme has been submitted for the written approval of the planning authority.

The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

For the avoidance of doubt, each plot shall be served by an individual surface water soakaway within the curtilage of the dwellinghouse, and this must be detailed on the submitted site layout plan for each plot.

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

- (5) The access details required under Condition 1(g) shall include the following requirements:
- (a) Prior to the occupancy of the development, the section of Grampian Terrace from Innermarkie Wynd to the development site shall be upgraded to adoptable standards. The access road and internal roads shall be constructed to the Council's Standards for Road Construction Consent and Adoption and surfaced in bituminous macadam or asphalt.
 - (b) Prior to the occupation of the development the driveway for each dwellinghouse shall be surfaced in bituminous macadam or asphalt for the first 5 metres from the road and the maximum gradient of the first 5m of the new driveways shall not exceed 1 in 20; and
 - (c) Prior to the occupancy of each dwellinghouse, off-street parking shall be provided in accordance with Aberdeenshire's car parking standards, surfaced in hardstanding materials.

Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To In the interests of road safety and to ensure that a safe access, parking and turning area are provided to an adequate standard in accordance with Council policies.

- (6) Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

- (7) That the dwellinghouses hereby approved shall not be constructed unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include 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 hereby approved 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.

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

Subject to conditions, the proposed development complies with the Aberdeenshire Local Development Plan (2012), in particular Policy 8: Layout, siting and design of new development and the associated SG LSD2: Layout, siting and design of new development and SG LSD4: Infill development; Policy 11: Natural Heritage and the associated SG Natural Environment2: Protection of the wider biodiversity and geodiversity; and Policy 14: Safeguarding of resources and areas of search and the associated SG Safeguarding3: Protection and conservation of trees and woodland.

(B) Reference No: APP/2016/2276 – Planning Permission in Principle For Erection of Dwellinghouse at Land To North Of Squirrel Lodge, Upper Lochton, Banchory, Aberdeenshire

Applicant: North Banchory Company, Banchory Business Centre, Burn O'Bennie Road, Banchory, AB31 5ZU

Agent: North Banchory Company, Banchory Business Centre, Burn O'Bennie Road, Banchory, AB31 5ZU

The Senior Planner reported on the detail of the application which sought planning permission in principle for the erection of a dwellinghouse. It was confirmed that the application site was within the Banchory settlement boundary in both the current and emerging Local Development Plans. The Senior Planner highlighted that provision for an additional passing place had been secured in order to address concerns that the existing passing place would be affected by the site access. The Committee heard that seven valid objections had been received and the Senior Planner addressed the material issues raised in relation to green space, road safety, tree impact, wildlife, drainage, privacy, and precedent for further development. The site was capable of accommodating one dwelling, consultees were satisfied and the application was fully compliant with policy. Therefore the application was recommended for approval.

The Senior Planner then responded to questions from Members in relation to access to the neighbouring allocated site and impacts on wildlife.

Councillor L Clark, seconded by Councillor Latham, moved that the Committee should undertake a site visit to allow members to gain a better understanding of any road safety impacts.

As an amendment, Councillor Ingleby, seconded by Councillor Argyle, moved that the Committee should not undertake a site visit.

Members of the Committee voted as follows:-

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

for the amendment (5) Councillors Ingleby, Argyle, Blackett, Petrie and Stewart

The motion was carried and the Committee **agreed** not to undertake a site visit.

Councillor Argyle, seconded by Councillor Ingleby, moved that authority to grant planning permission in principle be delegated to the Head of Planning and Building Standards in accordance with the report recommendations.

As an amendment, Councillor L Clark, seconded by Councillor Blackett, moved that the application be refused on the grounds of road safety.

Members of the Committee voted as follows:-

for the motion (5) Councillors Ingleby, Argyle, Blackett, Petrie and Stewart

for the amendment (3) Councillors Latham, L Clark and Farquhar.

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

(1) that authority to grant planning permission in principle be delegated to the Head of Planning and Building Standards subject to:-

(a) the payment of Developer Obligations, and

(b) the following conditions:

(1) 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).

- (2) The details submitted to comply with condition 1 part f must include the following details on a site plan, and 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 access must not exceed 1 in 20.
 - (b) Prior to occupancy of development, first 5m of driveway (measured from edge of road) to be fully paved.
 - (c) Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site.
 - (d) Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45 splays to be formed on frontage of the site and the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.
 - (e) Prior to occupancy of development, a passing place measuring 10.0m x 2.5m with 5m splays to be formed on the opposite side of the Crows Nest access road in the vicinity of the site. Location and construction specification must be agreed in advance with Roads Development.
 - (f) Prior to commencement of development, visibility splays measuring 2.4m by 120m 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.
 - (g) 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 and shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
 - (h) 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.

- (3) 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.

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

The application is considered compliant with Policy 8: Layout, siting and design of new development and Supplementary Guidance SG LSD4 Infill Development and all other relevant policies within the Aberdeenshire Local Development Plan 2012.

Councillor L Clark entered her dissent from the resolution adopted.

(C) Reference No: APP/2016/2352 – Planning Permission in Principle For Erection of Dwellinghouse at Site Adjacent To Sundayswells Croft, Torphins, Aberdeenshire

Applicant: Learney Estate c/o Agent

Agent: Savills, Wemyss House, 8 Wemyss Place, Edinburgh, EH3 6DH

Councillor Argyle, having previously declared an interest, left the meeting during consideration of the application.

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

The Senior Planner reported on the detail of the application which sought planning permission in principle for the erection of a dwellinghouse. The Committee heard that the site sat within an existing cohesive group of nine dwellings which allowed for the erection of one dwelling within the current plan period. The Senior Planner advised that nine objections had been received and addressed the material issues raised in relation to loss of character, overshadowing, road safety, noise and disturbance, and the cohesive nature of the site. The Planning Service were satisfied with the principle of the development and the application was recommended for approval.

The Senior Planner then responded to questions in relation to loss of agricultural land, the site's location, ancillary buildings, and future permissible development in the cohesive group.

The Committee then heard from Mr Graham, the agent, who indicated that the proposals were in line with the relevant criteria of Policy 3 of the Local Development Plan and Supplementary Guidance. He made reference to the dwelling being an appropriate infill addition to the group, the indicative layout and design, consideration given to character and to national and local policy, and a transport planner having confirmed the viability of the road access.

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

The Committee **agreed**:-

- (1) that authority to grant planning permission in principle be delegated to the Head of Planning and Building Standards subject to:-
 - (a) payment of Developer Obligations, and
 - (b) the following conditions:
 - (1) 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).

- (2) Further to the details required under Condition 1 part (f), the development shall be served in accordance with the following details:
 - (a) Prior to occupancy of development, a 2m wide footway must be formed along the verge of the public road to link with existing footway to the east. Full construction details to be submitted for approval.
 - (b) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.

- (c) Prior to occupancy of development, first 5m of driveway (measured from edge of road or back of footway) to be fully paved.
- (d) Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards.
- (e) Prior to commencement of development, visibility splays measuring 2.4m by 120m 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.
- (f) 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 and shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
- (g) 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.

The above details should be shown on the proposed site plan submitted to comply with Condition 1.

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.

- (3) 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. (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.

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

The application is considered compliant with Policy 3: Development in the countryside and Supplementary Guidance, Rural Development 1: Housing and business development in the countryside and all other relevant policies within the Aberdeenshire Local Development Plan 2012.