

**ABERDEENSHIRE COUNCIL****MARR AREA COMMITTEE****THE THEATRE, ALFORD COMMUNITY CAMPUS, ALFORD, 22 NOVEMBER, 2016**

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

**Apologies:** Councillors M F Ingleby (Chair) and M M Stewart.

**Officers:** J Clark, Area Manager (Marr), R Singleton, Roads Manager (Kincardine and Mearns and Marr), C Roberts, Environmental Planner (Built Heritage), I Milne, Waste Support Leader (Processing and Disposal South), C Matheson, Architect, N Mair, Senior Planner, A Overton, Solicitor, and K Macleod, Area Committee Officer (Marr).

**In Attendance:** Chief Inspector M Main, Police Scotland.

**1. DECLARATION OF MEMBERS' INTERESTS**

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following declarations were intimated:-

- (1) Councillor Petrie on Item 7 as a board member of Gordon Rural Action and left the meeting during consideration of that item; and
- (2) Councillor Farquhar on Item 7 as a trustee of Logie Coldstone Trust and left the meeting during consideration 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 Items 9 - 11 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
9	10
10	10
11	8 & 10

### 3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 1 NOVEMBER, 2016

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 1 November, 2016.

### 4. POLICE SCOTLAND – LOCAL AREA UPDATE

There had been circulated a report by the Local Area Commander (Aberdeenshire South), Police Scotland, which provided the Committee with monitoring information relating to the Marr component of the Aberdeenshire South Local Command Area of Police Scotland.

The Chief Inspector provided the Committee with an update on local trends, issues and risks in the Marr area including in relation to violence and disorder; road safety and road crime; acquisitive crime; and wildlife crime. The Chief Inspector also advised that Inspector Martin Burgess would be leaving towards the end of the year to take up a new post.

During discussion, Members commented and asked questions in relation to housebreaking detection rates, the importance of officer visibility; work with schools and implications of young people becoming involved in crime; anti-social behaviour; attendance at community council meetings; Crash Live events; domestic violence; mobile use and smoking in cars; wildlife crime; and speed detection equipment.

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

- (1) to note the monitoring information relating to the three multi-member wards which collectively formed the Marr component of the Aberdeenshire South Local Command Area, which was an integral part of the North East Division of Police Scotland;
- (2) to thank Inspector Martin Burgess for his work in the Marr area and his open engagement with the Marr Area Committee;
- (3) that an informal session be held with Members on work undertaken by the police in schools;
- (4) to request that local members be advised of the dates of future Crash Live events; and
- (5) to request further information on the nature of wildlife crimes in the area.

### 5. DISABLED PERSONS' PARKING PLACES

With reference to the Minute of Meeting of the Infrastructure Services Committee of 1 December, 2011 (Item 15), when the Council's policy on parking places for disabled people had been approved, there had been circulated a report dated 30 September, 2016, by the Director of Infrastructure Services, which sought authorisation to commence the statutory procedure for the making of the Aberdeenshire Council (Disabled Street Parking – Marr) Order 2016. The report provided the Committee with a list of spaces proposed for inclusion in the new order, together with a list of spaces which were in the previous order but were proposed for removal. Following the meeting there would be a four week statutory consultation with interested parties followed by a 21 day public consultation.

The Committee **agreed**:-

- (1) to authorise the commencement of the statutory procedure for the making of the Aberdeenshire Council (Disabled Street Parking – Marr) Order 2016;
- (2) following the conclusion of the statutory and public consultations, to revoke the Aberdeenshire Council (Disabled Street Parking – Marr) Order 2015 and enact Aberdeenshire Council (Disable Street Parking – Marr) Order 2016 in the event that no valid objections were received or any received were resolved and withdrawn; and
- (3) to instruct the submission of a further report to Committee in the event that any valid objections received were not resolved and not withdrawn, or the proposals were amended following consideration of valid objections.

## **6. TULLICH CHURCH AND CARVED STONES COLLECTION**

With reference to the Minute of Meeting of the Committee of 14 June, 2016 (Item 14), there had been circulated a report dated 7 November, 2016, by the Director of Infrastructure Services, which explained that, as a result of exploring the practicalities and costs of relocating the Tullich Carved Stones to Ballater Royal Station and a request from Historic Environment Scotland, an options appraisal had been carried out in relation to the Tullich Carved Stones. The report provided the Committee with the options appraisal and advised that officers' preferred option was to conserve the stones, repair Tullich church, return the stones to a new shelter in Tullich, and create an additional smaller exhibition in Ballater Station.

The Environmental Planner highlighted key issues for consideration including the assessment of significance, current storage, ownership, time restrictions, and public consultations; outlined the reasoning behind the preferred option; and responded to questions from Members in relation to funding and current storage

The Committee **agreed**:-

- (1) to pursue a project to repair the Tullich church and create a purpose built shelter to house the carved symbol stones;
- (2) to the creation of a smaller exhibition at Ballater Station with a small selection of the stones on display on a temporary or permanent basis; and
- (3) to request consideration of what more could be done to ensure the preservation of the stones whilst they remained in storage.

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

There had been circulated a report dated 7 November, 2016, by the Director of Infrastructure Services, which sought consideration of applications for funding from the Area Committee Budget from Aboyne and District Men's Shed, Gordon Rural Action, and Logie Coldstone Trust.

The Area Manager highlighted that there were insufficient funds remaining in the 2016/17 Area Committee Budget to fully support all applications.

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

- (1) to approve an award of up to £1,030.03 to Aboyne and District Men's Shed for a contribution towards the cost of planning application and building warrant fees for the development of a Men's Shed to serve Aboyne and District;

- (2) to approve an award of up to £980.03 to Gordon Rural Action for a contribution towards the cost of repairs to their premises in Huntly;
- (3) to approve an award of up to £555.03 to Logie Coldstone Trust for a contribution towards the cost of a digital piano; and
- (4) that the criteria for the Marr Area Committee Budget be reviewed for 2017/18.

### **8. PLANNING APPLICATIONS**

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

<b>Reference Number</b>	<b>Address</b>
(A) APP/2016/1834	Planning Permission in Principle for Erection of Residential Development (90 Dwellinghouses), Sports Facility and Care Village with Associated Landscaping, Roads, Parking and Infrastructure at Phases 3, 4 & 5 South Of Hill Of Banchory

### **9. 18031 BALLATER STATION RE-INSTATEMENT**

With reference to the Minute of Meeting of Aberdeenshire Council on 30 June, 2016 (Item 19), when the Ballater Station Gateway Stage 2 report had been approved and officers had been instructed to proceed with Gateway Stage 3, there had been circulated a report dated 3 November, 2016, by the Director of Business Services, which provided the Committee with a progress update on the project to re-instate Ballater Station; sought approval of project costs and authorisation to accept a tender for the works; and sought authorisation to proceed to Gateway Stage 4 (construction).

The Committee **agreed**:-

- (1) to approve the overall project cost of £3,167,709.63;
- (2) to authorise phased acceptance of the corrected lowest priced tender from Morgan Sindall in the amount of £2,582,877.63;
- (3) to acknowledge the completion of Gateway Stage 3 and authorise the progression of the project to Gateway Stage 4 (Construction); and
- (4) to note that in the event of external funding not being realised, officers would report to Full Council on the resultant financial implications.

### **10. BANCHORY ACADEMY ROOF UPGRADE – CONTRACT 18112**

There had been circulated a report by the Director of Business Services which sought approval of projects costs and authorisation to accept a tender for works to upgrade the roof of Banchory Academy.

The Committee **agreed**:-

- (1) to approve the project cost of £127,959 inclusive of associated costs as detailed in the report; and

- (2) to authorise acceptance of the tender submitted by Corstorphine Roofing and Building in the amount of £118,480.78.

**11. AWARD OF CONTRACT – SUPPLY, INSTALLATION AND MAINTENANCE OF AN ENCLOSED COMBUSTION BIOGAS FLARE AT CROW’S NEST LANDFILL SITE, BANCHORY**

There had been circulated a report dated 3 November, 2016, by the Director of Infrastructure Services, which sought authorisation to accept a tender for the supply, installation and maintenance of an enclosed combustion biogas flare at Crow’s Nest Landfill Site, Banchory.

The Committee **agreed** to accept the most economically advantageous tender for the supply, installation and maintenance of an enclosed combustion biogas flare at Crow’s Nest Landfill Site, Banchory, which had been submitted by Landfill Systems amounting to a total cost of £54,650 over the three year contract period.

## APPENDIX

### PLANNING APPLICATIONS

- (A) **Reference No: APP/2016/1834 – Planning Permission in Principle For Erection of Residential Development (90 Dwellinghouses), Sports Facility and Care Village with Associated Landscaping, Roads, Parking and Infrastructure at Phases 3, 4 & 5, South Of Hill Of Banchory, Banchory, Aberdeenshire**

**Applicant:** Bancon Homes Ltd, Burnett House, Banchory Business Centre, Burn O Bennie Road, Banchory, Aberdeenshire, AB31 5ZU  
**Agent:** No Agent

The Senior Planner advised that the application was for a major development and clarified that the proposal was not a departure from the Local Development Plan. The Committee also heard that a separate application for full planning permission for the erection of the sports centre was soon to be determined.

The Senior Planner reported on the detail of the application and made reference to the Banchory settlement statement and the phasing plan for the application site and Lochton of Leys. The Planning Service were supportive of the general vision and approach. The Committee heard that one representation had been received; the Education Service had commented on school capacity but, on the basis of the phasing, had not objected; the Housing Service had welcomed the overprovision of affordable housing; and technical consultees were satisfied subject to provision of information at the detailed design stage. Banchory Community Council had objected to the application and the Senior Planner addressed the issues raised in their consultation response. The application was recommended for approval as a delegated grant subject to a section 75 Agreement and conditions detailed in the report. The Committee were asked to note that condition 7 may not be required and that this would be clarified with the Transportation Service.

The Senior Planner then responded to questions from Members in relation to the provision of football pitches; landscaping; water pressure and no consultation response having been received from Scottish Water; school capacity; the stage at which affordable housing would be built; whether the outcome of the application would affect the sports centre application; space for expansion of the sports centre; how the care village met the definition of community use; the possibility of adding conditions in relation to landscaping and the safety of the Hill of Banchory West/Raemoir Road junction; and the purpose of settlement statements in the Local Development Plan.

During discussion, Members expressed concern that the indicative plans left no land for future expansion of the sports centre. Members also commented on the need to get the landscaping right in order to create a sense of place, and pedestrian safety at the junction of Hill of Banchory West and Raemoir Road.

Following a full discussion, members sought assurances from the Senior Planner that these issues could be addressed as delegated matters and through additional conditions.

Thereafter, 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 formation of a joint S75 agreement with APP/2014/1973;

- (b) the issue of pedestrian safety at the junction of Raemoir Road and Hill of Banchory West being raised with the Transportation Service;
- (c) final confirmation from the Transportation Service on the necessity and appropriateness of condition 7;
- (d) an additional condition to safeguard land for future expansion of the sports centre;
- (e) the strengthening of condition 2 below to secure high quality landscaping and provision of play areas; and
- (f) the following conditions:-
  - (1) No development in connection with each respective phase of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details. Depending on the phase, the MSC/FPP shall include:
    - (a) 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 within the relevant phase of development;
    - (b) A full SuDS design for each phase of the development, prepared to meet the requirement of CIRCA manual C697, including full details of the proposed means of disposal of surface water from each relevant phase of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. Calculations for the 1 in 10, 1 in 30 and 1 in 200 plus climate change events. The design should give consideration to the capacity of any existing watercourse and the effects on any downstream properties. Overland flow routes for the 1 in 200 year event, plus climate change, should be clearly demonstrated;
    - (c) Full details of the connection to the existing Scottish Water foul water drainage network for the relevant phase of development;
    - (d) Full details of existing groundwater abstractions for private drinking water supplies within or within 100m of the site;
    - (e) A detailed water features survey identifying any impacts and proposed mitigation measures to groundwater within the relevant phase of development;
    - (f) Details of all cut and fill operations in the relevant phase of the development;
    - (g) A supplementary transport assessment shall be submitted for phase 5 of the development;

- (h) Full details of all roads, footpaths and cycleways throughout the relevant phase of the development including a Street Engineering Review (SER), Quality Audit and Roads SUDS. SER and QA must include all connecting adoptable streets linking all phases between Hill of Banchory West, Hill of Banchory Road South and Fir Brae;
- (i) Details of any screen walls/fencing to be provided within the relevant phase of the development;
- (j) Details of all landscaping, planting and screening associated with the relevant phase of the development;
- (k) Full details of the layout, siting, design and finish of all residential properties throughout the relevant phase of development;
- (l) Full details of the layout, siting, design and finish of all non-residential properties throughout the relevant phase of development. This shall include but is not limited to; community facilities;
- (m) Full details of all waste/recycling collection points, for residential and non-residential properties;
- (n) Baseline ecological surveys for protected species;
- (o) A tree survey shall be submitted for phase 5, identifying woodland corridors and individual trees which are suitable for retention within the proposed development. The survey shall identify appropriate mitigation measures for tree loss;
- (p) A Construction Environmental Management Plan; and
- (q) Energy Statement.

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.

- (2) The landscaping details to be submitted pursuant to Condition 1, parts i and j, above shall include:
  - (a) Existing and proposed finished ground levels relative to a fixed datum point;
  - (b) Existing landscape features and vegetation to be retained;
  - (c) Existing and proposed services including cables and pipelines;
  - (d) The location of new trees, shrubs, hedges, grassed areas and water features;
  - (e) A schedule of plants to comprise species, plant sizes and proposed numbers and density;

- (f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- (g) An indication of existing trees, shrubs and hedges to be removed;
- (h) A Biodiversity Action Plan;
- (i) A programme for the completion and subsequent maintenance of the proposed landscaping, including details of ground preparation. 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 each respective phase 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 each phase 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; and
- (j) Full details of path provision including micro- routing, specifications and phasing of implementation and location of an appropriate crossing facility on Fir Brae.

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.

- (3) The details to be submitted pursuant to Condition 1 parts b and c, shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied 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. The details required shall also include details of the future long term maintenance of the system covering matters such as:
  - (a) Inspection regime relating to matters such as offlets/inlets;
  - (b) Frequency and method of cleaning of filter trenches, removal of silt etc.;
  - (c) Grass cutting (and weeding) regime for the SUDS basin and trenches;
  - (d) Means of access for future maintenance;

- (e) How to ensure that planting will not be undertaken over perforated pipes;
- (f) Details of the contact parties for future factoring/maintenance of the scheme; and
- (g) A strategy for dealing with any field drainage affected by the works.

More information is available within the publication Drainage Impact Assessment at  
<http://www.aberdeenshire.gov.uk/flooding/report/sepadia.pdf>

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

- (4) The details submitted pursuant to Condition 1 part p, the Construction Environmental Management Plan (CEMP) shall include the following:
  - (a) Risk assessment of potentially damaging construction activities;
  - (b) Identification of “biodiversity protection zones”;
  - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including any run off of sediment;
  - (d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - (e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - (f) Responsible persons and lines of communication;
  - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - (h) Use of protective fences, exclusion barriers and warning signs; and
  - (i) A timetabled schedule of development incorporating each phase of development, updated as development progresses; and
  - (j) A waste management plan.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

- (5) The details to be submitted pursuant to condition 1 part q, shall include following items:

- (a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the phase of the development; and
- (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, unless otherwise agreed in writing. (In this case a reduction in the predicted carbon dioxide emissions by 30% beyond the 2007 Building Regulations Carbon Dioxide Emissions Standard). The respective phase of the development shall not be occupied unless it has been carried out in 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.

- (6) Prior to commencement of development, visibility splays, agreed with Infrastructure Services (Roads Development) through the Street Engineering Review and Quality Audit, shall be formed on either side of the junctions of the vehicular access with the public road. The visibility splays so formed shall thereafter remain in perpetuity and be kept free of all permanent obstructions above adjacent carriageway 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.

- (7) Prior to the commencement of any works the traffic mitigation to traffic signals on Raemoir Road (A980)/Station Road (A93) and Dee Street (B974)/ High Street (A93), shall be implemented as designed and agreed under condition 3 of APP/2015/1840.

Reason: To ensure the traffic signals at the High Street (A93)/ Dee Street and Station Road (A93)/Raemoir Road (A980) continue to operate effectively.

- (8) Prior of occupancy of any dwellinghouse within Phase 4 the footpath providing a safe route to school shall be fully constructed and operational.

Reason: In order to ensure that the development is served by an appropriate safe route to school.

- (9) Prior to the occupation of the development, the development shall, in perpetuity, be served in accordance with the approved drawings and the following details:
  - a) Proposed garages must be set back at least 6m from the rear of the footway; and

- b) Garage doors must not overhang the footway at any point in its travel.

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.

- (10) Prior to the occupancy of each phase, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy as outlined in the approved Street Engineering Review (SER) or as otherwise agreed in writing with the Council.

Reason: In the interests of road safety.

- (11) Prior to the occupation of the first dwellinghouse a residential travel plan, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy shall be submitted. No dwellinghouse shall then be occupied until the details submitted have been approved by the Planning Authority, in consultation with Transportation.

Reason: To encourage a mode shift towards more sustainable forms of travel and inform residents on the benefits of active and sustainable travel.

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

Apart from Policy 6: Affordable Housing, the proposal is considered to comply with all other relevant policies within the Aberdeenshire Local Development Plan 2012 and meets the requirements of the settlement statement. Although the proposal does not comply with Policy 6 it does comply with Scottish Planning Policy 2014, which provides a reason to support the level of affordable housing as a departure from the Local Development Plan.

The proposal is considered to be able to be appropriate in landscape terms and is considered to result in a satisfactory development in Aberdeenshire.

- (3) to comment that the Committee would look for the very highest quality of design.