

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

STEWART'S HALL, HUNTLY, 29 AUGUST, 2017

Present: Councillors M Ingleby (Chair), J Latham (Vice Chair), P Argyle, G Blackett, R Bruce, E Durno, P Gibb, G Petrie, A Ross and R Withey.

Officers: J Clark, Area Manager (Marr), V Milne, Mental Health & Learning Disability Manager (South), M Skilling, Strategy Manager, Transportation, H MacRae, Business Development Executive, N Mair, Senior Planner, R O'Hare, Principal Solicitor (Democratic Services), and K Macleod, Area Committee Officer (Marr).

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

1. DECLARATION OF MEMBERS' INTERESTS

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

- (1) Councillor Blackett on Item 4A as she had taken a close interest in the matter and had guided the applicant, and left the meeting during consideration of the application;
- (2) Councillor Durno on Items 11B and 11D and left the meeting during consideration of those items; and
- (3) Councillor Bruce on Item 7 as a close family member worked for one of the businesses mentioned in the report and she would continue 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; and
- (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 20 JUNE, 2017

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 20 June, 2017.

4. SCOTTISH FIRE AND RESCUE SERVICE – MARR AREA COMMITTEE PERFORMANCE REPORT FOR QUARTER 1, 1 APRIL – 30 JUNE, 2017

There had been circulated a joint report by the Local Senior Officer, Scottish Fire and Rescue Service and the Director of Business Services which informed the Committee of how the Scottish Fire and Rescue Service had performed locally in Marr against key performance measures and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan 2014-17 and the Marr Multi-Member Ward Plan 2015-16, over the period from 1 April to 30 June, 2017.

The Station Manager provided the Committee with an overview of Scottish Fire and Rescue activity in the Marr area and responded to questions from Members in relation to fire classifications and work with the Cairngorms National Park Authority on muirburn fires and wildfires. Members welcomed the generally positive performance in the Marr area and particularly supported the emphasis on prevention. The Committee thanked the Station Manager and his crews and wished the Huntly Station well in the upcoming British Extrication Challenge.

The Committee **agreed**:-

- (1) to acknowledge the performance report relating to the period 1 April to 30 June, 2017; and
- (2) to acknowledge local operational matters arising, together with key resources issues, as detailed within appendices to the report.

4A. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF STREET TRADER'S LICENCE

There had been circulated a report dated 22 August, 2017, by the Director of Business Services, which sought consideration of an application for a street trader's licence. The report explained that the applicant, Chalmers Bakery, operated a baker's shop from a fixed unit at 6 Golf Road, Ballater which had been damaged by flooding, and was seeking a street trader's licence to be able to continue operating while the shop was being repaired. Due to the unusual circumstances, the Licensing Service was treating the application as being for both a temporary and full licence.

Pamela Chalmers, the applicant, explained that flood damage under the shop floor had caused the whole floor to sink, requiring a major renovation to repair the damage. Initially it had been hoped to move the shop into the kitchen but the scale of the repair required the premises to be vacated for over six weeks. The food van would allow the bakery to continue to provide a service and avoid losing potential business.

The Principal Solicitor asked the applicant whether they had a food safety certificate and the applicant confirmed that Environmental Health were due to inspect the vehicle if the licence was approved.

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

- (1) that a temporary street trader's licence should be granted with effect from 29 August, 2017 for a period of six weeks, subject to the provision of a food safety certificate from Environmental Health;
- (2) to delegate authority to the Head of Legal and Governance to issue a full street trader's licence at the end of the six week period, should the works to the bakery take longer to complete than anticipated; and
- (3) that standard condition No. 13 should not attach to either licence.

5. ABERDEENSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP (HSCP) PERFORMANCE AND OUTCOMES FRAMEWORK QUARTER 4 REPORTING 2016/17

With reference to the Minute of Meeting of the Integration Joint Board of 28 June, 2017 (Item 7), there had been circulated a report dated 2 August, 2017, by the Partnership Manager (South), Aberdeenshire Health and Social Care Partnership which provided information on how the Health and Social Care Partnership had performed against strategic priorities over the period from January to March, 2017.

The Mental Health and Learning Disability Manager introduced the report and summarised performance in the Marr area. It was highlighted that the presentation of locality information was still in development and the measures would be reviewed; that a survey of service users and unpaid carers had shown a high level of satisfaction; and that although eleven indicators were red, targets were deliberately high and Aberdeenshire performance was above the national average on key indicators.

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

- (1) to note the content of the Integration Joint Board Performance Quarter 4 report;
- (2) to request an update with regards to the Braemar Care Initiative from a Health and Social Care Partnership Perspective;
- (3) to request a briefing note on mental health service provision and, at a later date, information specific to the Marr area;
- (4) to request that the decision making process for blue badges be looked at as a number of concerns had been raised; and
- (5) to request data on the number of successful blue badge appeals; the percentage of appeals from people in receipt of benefits which were successful; and the percentage of appeals from people not in receipt of benefits which were successful.

6. PROGRAMME FOR WALKING, CYCLING AND SAFETY INITIATIVES

With reference to the Minute of Meeting of the Infrastructure Services Committee of 1 June, 2017 (Item 13), when a programme of walking, cycling and safety initiatives had been considered and Aberdeenshire-wide projects had been approved, there had been circulated a report dated 18 August, 2017, by the Director of Infrastructure Services, which sought comments, for consideration by the Infrastructure Services Committee in October 2017, on the proposed programme of initiatives for the Marr area.

Having heard that a request to speak had been received, the Committee **agreed** to hear from Emma Murphy and Rachel Mather in relation to the A97 Logie Coldstone Footway.

The Strategy Manager spoke on the proposed programme for the Marr area and (1) recommended that consideration of projects related to the Huntly Integrated Travel Town be deferred pending a report to be brought to the next meeting of the Committee; (2) suggested that the allocation for the Hill of Banchory Woodland Path be amended to incorporate a pedestrian crossing as well as initial path works; and (3) advised that the A93 Colnabaichin Junction had likely been included on the reserve list in error.

The Committee then heard from Emma Murphy and Rachel Mather who spoke on the need for the Logie Coldstone Footway. Reference was made to the A97 being a fast and busy road; primary school children having to walk on the road to get to the hall; the risk of an accident; the hall being a focal point for the community; and a footway making it much safer for the toddler group to visit the school and playpark. Members were asked to support the project and

do all they could to ensure it was treated as a matter of urgency. Ms Murphy and Ms Mather then confirmed that they felt they had been given a fair hearing.

The Committee **agreed:-**

- (1) to note the Aberdeenshire-wide projects which had been approved by Infrastructure Services Committee on 1 June, 2017, as included in Appendices 1 and 2 to the report;
- (2) to defer consideration of the West Park/East Park and Deveron Street, Huntly projects, pending a report on the Huntly Integrated Travel Town to be brought to next meeting of the Committee on 19 September, 2017;
- (3) that the allocation for the Hill of Banchory woodland path be amended to an allocation for Hill of Banchory pedestrian facilities;
- (4) to fully support the inclusion of the A97 Logie Coldstone footway and to encourage officers to do everything reasonable to progress construction within the financial year;
- (5) to highlight that reflective road studs previously placed in Braemar had come off within days; and
- (5) to request than an update be provided to Local Members on progress and timescales for the B9002 Kennethmont Footway project.

7. ECONOMIC ACTIVITY IN MARR – APRIL 2016 TO MARCH 2017

There had been circulated a report dated 9 August, 2017, by the Director of Infrastructure Services, which provided the Committee with the annual report on economic development related activity in the Marr area between April 2016 and March 2017.

The Business Development Executive introduced the report and highlighted that there was still a difficult landscape in terms of the oil and gas industry and the North East's economy was still growing at a slower rate than the rest of Scotland. It was advised that, on a more positive note, Aberdeenshire had the seventh lowest rate of unemployment in Scotland.

During discussion, it was commented that the Economic Annual Review should include consideration of the impacts of shooting, fishing and stalking. The Discover Deeside augmented reality tourism app was highlighted as another positive project. Members further commented and asked questions in relation to digital connectivity, the oil and gas industry, business start-ups, and Brexit.

The Committee **agreed:-**

- (1) to note the contents of the report on economic development activity in Marr between April 2016 and March 2017;
- (2) to request further information on fibre broadband coverage in Marr particularly in remote rural areas; and
- (3) to seek clarification regarding the report on Industry Support and Growth – Energy as this was considered to provide an overly optimistic view.

8. AREA COMMITTEE BUDGET APPLICATIONS

There had been circulated a report dated 14 August, 2017, by the Director of Infrastructure Services, which sought consideration of applications for Area Committee Budget funding from Huntly Community Cycling, Banchory and District Initiative, Deeside Bike Collective and

Cromar Community Council and advised of an allocation of funding to repair the electrical pillar in Huntly Town Square which had been approved by the Area Manager.

The Committee **agreed**:-

- (1) to approve an award of up to £2,000 to Huntly Community Cycling towards the cost of purchasing a bike track system, bikes, helmets and a storage trailer;
- (2) to approve an award of up to £1,000 to Banchory and District Initiative towards the cost of developing the learning spaces at Number One – Community Matters, Banchory;
- (3) to approve an award of up to £1,212 to Deeside Bike Collective towards the cost of planning application fees for the creation of a bike trails area in Banchory;
- (4) to approve an award of up to £750 to Cromar Community Council towards the cost of a power supply for Christmas lights in Tarland Square; and
- (5) to note an award of up to £250 to Aberdeenshire Council towards the cost of repairing the electrical pillar in Huntly Town Square, approved by the Area Manager following consultation with the Chair and Ward Members.

9. LOCAL REVIEW BODY DECISION NOTICE 375 – 22A LITTLEJOHN STREET, HUNTLY (APP/2017/0048)

There had been circulated, and was **noted**, Local Review Body Decision Notice 375, dated 17 July, 2017, which advised that the Local Review Body had agreed with the determination reviewed by it and refused full planning permission for the installation of replacement windows and door at 22a Littlejohn Street, Huntly in accordance with the appointed officer's decision, subject to the planning policy reference being amended to reflect that contained within the adopted Aberdeenshire Local Development Plan 2017.

10. SCOTTISH GOVERNMENT PLANNING AND ENVIRONMENTAL APPEALS DIVISION (DPEA) DECISION NOTICE – THE STABLES, TILLQUHILLIE, BANCHORY (APP/2016/1152)

There had been circulated, and was **noted**, an Appeal Decision Notice from the Planning and Environmental Appeals Division of the Scottish Government, dated 28 June, 2017, which advised of a decision to allow an appeal and grant planning permission for the erection of a dwelling house at The Stables, Tillquhillie, Banchory without condition 6 of planning permission approval APP/2014/1706 but with an additional condition requiring the applicant to demonstrate that the business had been re-established and a suitable business case had been made.

11. 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/2016/3058	Full Planning Permission for Erection of 2 Dwellinghouses and Garage and Change of Use of Agricultural Land to Domestic Garden Ground at Land to North of Woodhead, Tillquhillie, Banchory
(B) APP/2017/0881 APP/2017/0882	Planning Permission in Principle for Erection of 2 Dwellinghouses and Formation of Access and Planning Permission in Principle for Erection of Dwellinghouse at Land at Braehead Farm, Banchory

Reference Number	Address
(C) APP/2017/1063	Full Planning Permission for erection of Eco Bothy (Class 10 Non-Residential Institution) at Greenmyres, Drumblade, Huntly
(D) APP/2017/1253	Full Planning Permission for Erection of 2 Dwellinghouses and Formation of Access at Land to South of Windyhill, Dungeith Avenue, Banchory
(E) APP/2017/1365	Full Planning Permission for Erection of Men's Shed (Class 10 Non-Residential Institution) and Installation of Air Source Heat Pump at Land to North of Cemetery, Cemetery Road, Aboyne
(F) APP/2017/1410	Full Planning Permission for Alterations and Extension to Dwellinghouse at The Bungalow, Nether Wheedlemont, Rhyndie

Councillor Presiding over meeting

Print Name

Signature

Date

APPENDIX

PLANNING APPLICATIONS

- (A) **Reference No: APP/2016/3058 – Full Planning Permission for Erection of 2 Dwellinghouses and Garage and Change of Use of Agricultural Land to Domestic Garden Ground at Land to North of Woodhead, Tillquhillie, Banchory, Aberdeenshire**

Applicant: N J Properties Per Agent
Agent: John Wink Design, Midtown of Foudland, Glens of Foudland, Huntly, AB54 6AR

Having heard that a request to speak had been received, the Committee **agreed** to hear from Jennifer Kennedy, John Wink Design, the agent.

The Senior Planner reported on the detail of the application which sought full planning permission for the erection of two dwellinghouses and garages and change of use of land from agricultural to domestic garden ground. The application was reported to Committee as there was an unresolved objection from the Environmental Health Service.

The Senior Planner advised that a late letter of representation from the owner of a small timber processing yard close to the application site had raised a material concern regarding noise from the business which could trigger noise complaints. As a result, Environmental Health had requested a noise impact assessment. The applicant, in discussion with the Planning Service, had decided to proceed without a noise impact assessment. The Planning Service were satisfied that the proposal complied with the relevant policies and that the noise would not have a significant impact. The application was recommended for approval subject to conditions and the resolution of developer obligations.

Jennifer Kennedy, the agent, then addressed the Committee and reiterated that the proposal met all the policy requirements. While it was understood that a noise impact assessment would be needed for an application which would create noise, the proposed development would not have an impact. The noise from the business was not considered to be above and beyond what would be expected in the countryside and there was 140m of woodland between the site and the business. A noise impact assessment was felt to be an excessive requirement and the Committee were asked to grant full planning permission. Ms Kennedy then confirmed that she felt she had been given a fair hearing.

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

- (1) that authority to grant full planning permission be delegated to the Head of Planning and Building Standards subject to:-
 - (a) satisfactory resolution of developer obligations; and
 - (b) the following conditions:
 01. No individual dwellinghouse hereby approved shall be erected 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 shall not be occupied unless it has been constructed 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.

02. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 90 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

03. The dwellinghouses hereby approved shall not be occupied unless its lay-by, driveway, parking and turning area has been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority. The maximum gradient of the first 5m of the new access shall not exceed 1:20 gradient and the first 5m of new access (measured from the edge of the public road) is to be fully paved. Off-street parking for 5 cars, surfaced in hard standing must be provided within the site and a lay-by measuring 8.0metres by 2.5metres with 45 degree splays is to be formed on the frontage of the site and the proposed vehicular access is to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development. A suitable vehicle turning area, measuring not less 7.6metres by 7.7metres must be formed within the site to enable all vehicle movements onto or from the public road in forward gear. Each access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of each driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

04. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The areas shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being

wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store area[s] shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

05. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- (a) Existing landscape features and vegetation to be retained;
- (b) Protection measures for the landscape features to be retained;
- (c) The location of any new trees, shrubs, hedges, grassed areas and water features,
- (d) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (e) The location, design and materials of all hard landscaping works including walls, fences, and gates;
- (f) An indication of existing trees, shrubs and hedges to be removed;
- (g) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

06. The proposed development shall be connected to the public water supply as indicated in the submitted application, and shall not be connected to a private water supply 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.

07. The dwellinghouses hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the drainage report carried out by John Wink Design dated December 2016. The foul and surface water

drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

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

The application is considered appropriate to the countryside setting, with ample amenity space utilising two existing brownfield opportunities in line with R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017. Issues relating to noise from a nearby rural enterprise are not considered to significantly impact on amenity of future residents.

(B) Reference No: APP/2017/0881 – Planning Permission in Principle for Erection of 2 Dwellinghouses and Formation of Access at Land at Braehead Farm, Banchory; and

Reference No: APP/2017/0882 – Planning Permission in Principle for Erection of Dwellinghouse at Land at Braehead Farm, Banchory

Applicant: Raemoir Properties Ltd, Muirden, Turriff, AB53 4NH
Agent: Colin Thompson Chartered Architect, Old Chapel Road, Inverurie, AB51 4QN

Having previously declared an interest in the item, Councillor Durno left the meeting during consideration of the applications.

Having heard that a request to speak had been received, the Committee **agreed** to hear from Alex Fowlie, Muirden Energy, on behalf of the applicant.

The Senior Planner reported on the detail of the two linked applications which sought planning permission in principle for the erection of three dwellinghouses and formation of access. The applications were reported to Committee as there had been valid objections from six or more individuals or bodies with separate postal addresses or premises and an unresolved objection from the community council.

The Senior Planner made reference to the three dwellings originally proposed in APP/2017/0881 having been reduced to two; details of the access road; the existing access being blocked off; the proposal not being linked to the previous major development application at Auchattie; there being very little landscape impact; representations received; and consultees, with the exception of the community council, being satisfied. In terms of issues raised in representations, it was advised that the access road was acceptable in terms of road safety, the sites were legitimate brownfield sites, and no precedent for further development would be set. Both applications were recommended for approval subject to the resolution of developer obligations and conditions.

Alex Fowlie then addressed the Committee and confirmed that Muirden had not had any involvement with the previous applications. Reference was made to a 2010 consent having included the same access road with no objections made; the majority of representations relating to the major development application which had been put to bed; and working closely with the Council to comply with planning policy including building a dyke at the end of the access road, reducing the number of houses, and undertaking a habitat survey. He concluded that the proposals were a well-considered use of the site and he hoped the Committee would grant planning permission in principle. Mr Fowlie then confirmed that he felt he had been given a fair hearing.

During discussion, the Senior Planner was asked to address concerns raised about the access road and the impact on the River Dee Special Area of Conservation (SAC). He advised that the site was far enough away not to impact the SAC. Drainage arrangements were satisfactory and a habitat survey had not identified any evidence of protected species on the site. It was advised that there were no issues with the scale and location of the access road and the same road had been approved as part of the consented application in 2010.

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

(1) that authority to grant APP/2017/0881 be delegated to the Head of Planning and Building Standards subject to:-

(a) satisfactory resolution of developer obligations; and

(b) the following conditions;

01. 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 development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

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;
- (h) Full details of refuse bin uplift store;
- (i) Full archaeological photographic survey of buildings to be removed/demolished.

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).

02. Further to the requirements of condition 1i, no demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

03. No individual dwellinghouses hereby approved shall be erected 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 shall not be occupied unless it has been constructed 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.

04. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility splays are provided in accordance with details to be submitted under condition 1 part f. Visibility of 59m metres should be provided in both directions along the channel line of the public road from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated out with the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

05. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing in accordance with the details to be submitted under condition 1 part h. The areas shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. The dwellinghouses shall not be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

06. The dwellinghouse hereby approved shall not be occupied unless its lay-by, driveway, parking and turning area has been provided and fully paved in accordance with details to be submitted under condition 1 part g. The maximum gradient of the first 5m of the new access must not exceed 1 in 20. Prior to the occupancy of development, the first 5m of access (measured from the edge of the public road) is to be fully paved and a suitable vehicular turning area, measuring not less than 7.6m x 7.6m must be formed within the site to enable vehicular movements onto or from the public road carried out in forward gear. The access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of each driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

07. Prior to commencement of development and further to the details provided under condition 1 part f, the access track from the site through Braehead Farm to the B976 is to be permanently closed, as identified on drawings 021704-P1+2-20 Rev C and 021704-P1+2-SLP Rev C.

Reason: In the interests of road safety.

08. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted in accordance with the details submitted under condition 1 part c and approved in writing by the planning authority.

Details of the scheme shall include:

- (a) A tree survey in accordance with BS 5837:2012;
- (b) Existing landscape features and vegetation to be retained;
- (c) Protection measures for the landscape features to be retained;
- (d) Existing and proposed finished levels;
- (e) The location of new trees, shrubs, hedges and grassed areas;
- (f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;

- (g) An indication of existing trees, shrubs and hedges to be removed;
- (h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

09. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems has been provided in accordance with the details to be submitted under condition 1 part e and approved plans and report by Colin Thompson Chartered Architect dated March 2017. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

10. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply 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.

- (2) that authority to grant APP/2017/0882 be delegated to the Head of Planning and Building Standards subject to:-

- (a) satisfactory resolution of developer obligations; and
- (b) the following conditions;

01. 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 development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

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;
- (h) Full details of refuse bin uplift store.

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).

02. No individual dwellinghouse hereby approved shall be erected 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 shall not be occupied unless it has been constructed 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.

03. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply 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.

04. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems has been provided in accordance with the details to be submitted under condition 1 part e and approved plans and report by Colin Thompson Chartered Architect dated March 2017. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

05. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted in accordance with the details submitted under condition 1 part c and approved in writing by the planning authority.

Details of the scheme shall include:

- (a) A tree survey in accordance with BS 5837:2012;
- (b) Existing landscape features and vegetation to be retained;
- (c) Protection measures for the landscape features to be retained;
- (d) Existing and proposed finished levels;
- (e) The location of new trees, shrubs, hedges and grassed areas;
- (f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (g) An indication of existing trees, shrubs and hedges to be removed;
- (h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

06. The dwellinghouse shall not be occupied until the proposed access has been formed as per approved plans and is fully operational.

Reason: For the interest of public safety.

07. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility splays are provided in accordance with details to be submitted under condition 1 part f. Visibility of 59m metres should be

provided in both directions along the channel line of the public road from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated out with the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

08. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing in accordance with the details to be submitted under condition 1 part h. The areas shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. The dwellinghouses shall not be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

09. The dwellinghouse hereby approved shall not be occupied unless its lay-by, driveway, parking and turning area has been provided and fully paved in accordance with details to be submitted under condition 1 part g. The maximum gradient of the first 5m of the new access must not exceed 1 in 20. Prior to the occupancy of development, the first 5m of driveway (measured from the edge of the public road) is to be fully paved and a suitable vehicular turning area, measuring not less than 7.6m x 7.6m must be formed within the site to enable vehicular movements onto or from the public road carried out in forward gear. The access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of each driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

- (3) that the reason for the decisions be as follows:-

The proposal is considered an appropriate site for redevelopment of an existing brownfield opportunity in an appropriate location, close to amenities and with consideration taken to the surrounding landscape. Therefore, the proposal is considered compliant with Policy R2: Housing and employment development elsewhere in the countryside within the Aberdeenshire Local Development Plan 2017.

(C) Reference No: APP/2017/1063 – Full Planning Permission for Erection of Eco Bothy (Class 10 Non-residential Institutions) at Greenmyres, Drumblade, Huntly, Aberdeenshire, AB54 6AG

Applicant: HDDT, Brander Building, The Square, Huntly
Agent: Jill Andrews Architect, Swilebog Farmhouse, Cornhill, Banff

The Senior Planner reported on the detail of the application which sought full planning permission for the erection of an Eco Bothy. The application was reported to Committee as it was a departure from the Local Development Plan and was recommended for approval.

The Committee heard that the proposal was part of Huntly and District Development Trust's community facility at Greenmyres. The proposal was a departure from the Local Development Plan which looked for community facilities to be located within settlements. The Greenmyres facility was a unique venture which encouraged people to get outdoors and enjoy the countryside and, although not within a settlement, was considered to be appropriately located for its purpose. The proposed eco bothy was an addition to that facility and was recommended for approval.

The Committee **agreed**:-

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

01. The proposed development shall not be brought into use unless the proposed private water treatment system has been installed in accordance with the approved details. Once installed the private water treatment system shall thereafter be permanently retained.

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

(2) that the reason for departing from the Aberdeenshire Local Development Plan (2017) be as follows:-

The proposed development would provide a community facility in a location where there is an already established community land use. The development would be accessible to the public and have a beneficial impact on the wider Huntly area. This coupled with the use of renewable materials and traditional design features is considered to override the principle of Policy P6: Community infrastructure, where community facilities are expected to be located within settlement boundaries.

(D) Reference No: APP/2017/1253 – Full Planning Permission for Erection of 2 Dwellinghouses and Formation of Access at Land to South of Windyhill, Dungeith Avenue, Banchory, Aberdeenshire

Applicant: Mr Bruce McCombie, Bru Mar, Pantoch, Banchory
Agent: DGBArchitecture, Hillview, Mount Street, Banchory

Having previously declared an interest in the item, Councillor Durno left the meeting during consideration of the application.

Having heard that a request to speak had been received, the Committee **agreed** to hear from Theresa Hunt, Burness Paull on behalf of Mr and Mrs Clark, objectors to the application.

The Senior Planner reported on the detail of the application which sought full planning permission for the erection of two dwellinghouses and formation of access. The application was reported to Committee as there had been valid objections from six or more individuals or

bodies with separate postal addresses or premises and an unresolved objection from Banchory Community Council.

The Senior Planner made reference to the site's planning history including a proposal for two dwellings which had been recommended for approval by the Planning Service but had been refused by the Committee following a site visit. The Committee heard that the proposal had been tweaked and that the changes were outlined at section 2.4 of the report. Eight objections had been received and consultees, with the exception of Banchory Community Council, were satisfied. The Senior Planner reiterated that the Planning Service had supported the previous application and that improvements had been made, therefore the application was recommended for approval.

Theresa Hunt then advised that her clients lived opposite the site. The three key points of their objection related to the suitability of the site for two houses; amenity; and road safety. It was stated that the application was the third on the site in two years and was very similar to what had already been rejected. Reference was made to two houses on the site being overdevelopment; the layout conflicting with the existing character of the area; privacy and amenity impacts; and road safety concerns. It was concluded that the Committee had rejected the previous proposal and should refuse the application for the same reasons as there had been no material changes. Ms Hunt then confirmed that she felt she had been given a fair hearing.

During discussion, Members commented in relation to general road safety issues in the area, overdevelopment of the site, impacts on neighbouring properties, and what had changed since the previous application.

After due consideration, the Committee **agreed** to refuse full planning permission for the following reason:-

The proposed two dwellings present an overdevelopment of the site and do not fit successfully on to the site, resulting in significant impacts on the amenity of adjacent dwellings in terms of overlooking and overbearing. The proposal does not respect its setting and will erode the character of the surrounding area, and as such the proposed development is contrary to Policy P1: Layout, siting and design of the Aberdeenshire Local Development Plan (2017).

(E) Reference No: APP/2017/1365 – Full Planning Permission for Erection of Men's Shed (Class 10 Non-Residential Institution) and Installation of Air Source Heat Pump at Land to North of Cemetery, Cemetery Road, Aboyne, Aberdeenshire

Applicant: Aboyne Men's Shed, Unit 9, Aboyne Business Centre, Aboyne
Agent: Gerry Robb Architectural Design Services, Bridgend, Bridgeview Road, Aboyne

The Senior Planner reported on the detail of the application which sought full planning permission for the erection of a building to be used as a Men's Shed. The application was reported to Committee as it was a departure from the Local Development Plan and was recommended for approval.

The Committee heard that the proposal was a departure from the Development Plan as it was for a community building located outside of a settlement; however, the site was close to the main thoroughfare of Aboyne, as well as bus and walking routes. It was also located next to the Aboyne Highland Games store. Reference was made to realignment of the access track and the acceptable functional design of the proposed building. The application was recommended for approval as a departure from Policy P6: Community infrastructure of the Local Development Plan (2017).

The Committee **agreed**:-

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

01. 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:

- (a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- (b) 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);
- (c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
- (d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation;
- (e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
- (f) 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 development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. 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 ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

02. No works in connection with the permission hereby approved shall commence unless a scheme of compensatory tree planting, to offset the loss of 5 birch trees, has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- (a) The location of the compensatory tree planting;
- (b) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (c) A programme for the implementation, completion and subsequent management of the proposed compensatory tree planting.

The compensatory tree planting shall be carried out in complete accordance with the approved scheme and any planting which, within a period of 5 years from the completion of the compensatory tree planting, 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.

The agreed compensatory tree planting scheme **MUST** be comprehensive and include timescales for the implementation of the works.

Reason: In order to maintain woodland cover in accordance with the aims of local and national planning policies.

- (2) that the reason for departing from the Aberdeenshire Local Development Plan (2017) be as follows:-

Whilst situated outwith the settlement boundary, the site is well located in relation to Aboyne and the wider population, and the site is accessible by a varied means of mode of transport, and is compliant with all other relevant policies, and is therefore acceptable as a departure from Policy P6: Community infrastructure of the Aberdeenshire Local Development Plan (2017).

- (F) Reference No: APP/2017/1410 – Full Planning Permission for Alterations and Extension to Dwellinghouse at The Bungalow, Nether Wheedlemont, Rhynie, Aberdeenshire, AB54 4LL**

Applicant: Mr and Mrs Ian McLean, Nether Wheedlemont, Rhynie

Agent: No Agent

Having heard that a request to speak had been received, the Committee **agreed** to hear from Mr and Mrs McLean, the applicants.

The Senior Planner reported on the detail of the application which sought full planning permission for alternation and extension to a dwellinghouse. The application was reported to Committee as Local Ward Members had requested that the application be referred.

The Senior Planner made reference to the extension being tantamount to a new home; the design not being acceptable in a rural context; the Local Development Plan's aim to achieve high quality design; and the existing single storey dwelling fitting well in the landscape. It was suggested that the proposal would have benefited from pre-application discussion to achieve a better design to meet the internal requirements. The application was recommended for refusal for the reasons detailed in the report.

Mr and Mrs McLean addressed the Committee and made reference to the existing house having few design features, not being energy efficient, and being a dated 1990s bungalow rather than a traditional rural building. They highlighted that they were active members of the community, ran a joinery business from their home, and wished to continue living in Rhynie but needed a home fit for the 21st century. Reference was made to maximising solar gain and country views; the increase in ridge height only being 0.5 metres; and there being no impact on neighbours. It was suggested that a site visit to see the lack of existing features and the surrounding landscape may be merited.

Mr McLean then responded to a question about pre-application discussion and indicated that they would be willing to discuss changes but wanted more space. Mr and Mrs McLean then confirmed that they felt they had been given a fair hearing.

The Senior Planner advised that the Planning Service would welcome engagement on a revised proposal to achieve the best design while still giving the applicants the space and open outlooks they wanted. It was highlighted that there would be a one year period in which they could reapply without having to pay another planning fee.

Councillor Withey, seconded by Councillor Latham, moved that full planning permission be granted on the grounds that the proposal was considered to be acceptable in terms of layout, siting and design and would not have a negative impact on the landscape.

As an amendment, Councillor Argyle, seconded by Councillor Ross, moved that full planning permission be refused in accordance with the report recommendations.

Members of the Committee voted:-

for the motion (2) Councillors Latham and Withey

for the amendment (8) Councillors Ingleby, Argyle, Blackett, Bruce, Durno, Gibb, Petrie, and Ross.

The amendment was carried and the Committee **agreed** to refuse full planning permission for the following reason:-

The proposed alterations and extension is not considered to be appropriate in terms of design and scale. The proposed development would not be viewed as being subservient to the existing dwellinghouse, and is out of character with the original scale and proportions of the dwelling. Furthermore, development would not be considered appropriate within its setting as it would have a significant impact on the surrounding landscape through the inappropriate design. Therefore the proposal fails to comply with Policy P1: Layout, siting and design and E2: Landscape of the Aberdeenshire Local Development Plan 2017.