

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

ALFORD PUBLIC HALL, ALFORD, 27 MARCH, 2018

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); P Finch, Strategic Transportation Manager; G Penman, Projects Manager; A Funk, Principal Roads Engineer; R Newlands, Senior Roads Engineer; D MacPherson, Structures Manager; N West, Landscape Services Officer; B Miller, Head of Service, Economic Development and Protective Services; N Mair, Senior Planner; J Joss, Senior Solicitor; and K Macleod, Area Committee Officer (Marr).

1. DECLARATION OF MEMBERS' INTERESTS

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

- (1) Councillor Blackett on Item 12 as her husband was chair of Marr Area Partnership and she was a member of Ballater Royal Deeside Limited and would leave the meeting during consideration of the item;
- (2) Councillor Argyle on Item 12 as the Council's nominee to Mid Deeside Limited but the interest was not significant therefore he would remain and participate;
- (3) Councillor Latham on Item 12 as the Council's nominee to Marr Area Partnership in an advisory capacity and he would remain and participate;
- (4) Councillor Ingleby on Item 14B as a number of the representations were from tradesmen known to her but having applied the objective test she concluded that she had no interest to declare; and
- (5) Councillor Ross on Item 14A as she knew someone in attendance who was accompanying a person who had submitted a representation and would leave the meeting during consideration of the 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 Item 15 of the business on the grounds that they involved the likely disclosure of exempt information of the class described in the relevant paragraph of Part 1 of Schedule 7A of the Act.

Item No
15

Paragraph No. of Schedule 7A
8

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 6 MARCH, 2018

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 6 March, 2018.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR FUNFAIR AT ABOYNE HIGHLAND GAMES ON 3 AND 4 AUGUST, 2018

There had been circulated a report dated 5 March, 2018, by the Director of Business Services, which advised of an application for a temporary public entertainment licence relating to the operation of a funfair at Aboyne Highland Games which requested operating hours outwith the standard operating hours set in the Council's policy in respect of circuses and fairgrounds.

The Senior Solicitor confirmed that no objections had been received from statutory consultees.

The Committee **agreed** to grant the extension to the hours of operation of the funfair at Aboyne Highland Games as sought:-

Friday, 3 August, 2018 18:00 – 23:30

Saturday, 4 August, 2018 08:00 – 23:30 (kiosks only)
11:30 – 23:30 (all other equipment)

5. EDUCATION AND CHILDREN'S SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER – DECEMBER 2017 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 21 February, 2018, by the Director of Education and Children's Services, which advised 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 during the period from October to December, 2017.

The Committee **agreed**:-

- (1) to acknowledge the performance achieved from October to December, 2017;
- (2) to note those measures where performance was below expectations from October to December, 2017;
- (3) to welcome there being no measures where performance was below expectations in Marr from October to December, 2017;
- (4) to request the inclusion of further detail on measures where status had improved to green or was notably improving;

- (5) to note the publication of the complete October – December 2017 Performance Report on Ward Pages; and
- (6) to instruct the Director of Education and Children’s Services to continue to report, by exception, to committee quarterly performance measures against Service objectives.

6. A96 ABERDEEN TO INVERNESS DUALLING POSITION STATEMENT

There had been circulated a report dated 21 February, 2018, by the Director of Infrastructure Services, which provided background information on the A96 Aberdeen to Inverness dualling project and sought comments on a position statement in respect of the future assessment of route options in advance of the statement being considered by a full meeting of Aberdeenshire Council.

The Strategic Transportation Manager introduced the report and explained that the proposed position statement comprised of three elements: Option Q remaining under consideration on an equal basis to other options; key considerations that future assessment work should take into account; and open and transparent working relationships between Transport Scotland and Aberdeenshire Council.

The Committee **agreed**:-

- (1) to note the progress that had been made to date on the A96 Aberdeen to Inverness dualling project; and
- (2) to provide the following comments on the position statement in respect of the future assessment or route options, for consideration at a future Aberdeenshire Council meeting, and to be communicated to Transport Scotland and its consultants thereafter:-
 - (a) In relation to the statement that route options as far north as the A947 and A920 should remain under consideration, specific mention of Option Q would be welcomed.
 - (b) The arguments set out in paragraph 2.5.5 of the report should be included in the position statement.
 - (c) Paragraph (b) of the position statement should reference not creating future constraints on the positioning of the Huntly bypass due to the finishing position of the eastern section.
 - (d) Inclusion of reference to the importance of the Bennachie special landscape area was welcome.

7. FLOOD RISK AND COAST PROTECTION PROGRAMME OF MEASURES 2018/2019

There had been circulated a report dated 16 March, 2018, by the Director of Infrastructure Services, which presented the proposed Flood Management and Coast Protection Programme of Measures for the Marr Area for 2018/19, together with a reserve list of measures.

The Projects Manager introduced the report and responded to questions from Members.

The Committee **agreed**:-

- (1) to approve the Flood Management and Coast Protection Programme of Measures for 2018/19 as detailed in Appendix A to the report, as it related to the Marr Area;

- (2) to approve the schemes on the reserve list of measures within the Marr Area, as detailed in Appendix A to the report;
- (3) that schemes could be brought forward from the reserve list in the order of priority given in the event of slippage, provided that their inclusion would not result in the overall expenditure exceeding the allocated budget sum; and
- (4) to note that approval for any Marr Area based procurements over £50,000 would be sought within the Infrastructure Services 2018/19 Procurement Plan.

8. ROAD MAINTENANCE PROGRAMME 2018/19

There had been circulated a report dated 28 February, 2018, by the Director of Infrastructure Services, which presented the proposed Road Maintenance Programme for the Marr Area for 2018/19, together with a reserve list of schemes.

The Principal Roads Engineer provided further information on the programme and funding for road maintenance and responded to questions from Members in relation to pot holes; the patching budget; drainage maintenance; NESTRANS funding; road markings; staffing; and winter maintenance.

Members highlighted that the A96 junction at Cairnie School had been raised by the community council as being in particularly poor condition. It was also requested that the surface dressing works at B976 Bush Farm tie in with the bridge works if possible and that sufficient notice be given.

The Chair thanked the Principal Roads Engineer and her team and the Committee **agreed** to approve the Area Road Maintenance Programme for 2018/19 as detailed in Appendix A to the report.

9. MARR AREA 2018/2019 BRIDGEWORKS PROGRAMME (ROAD NETWORK)

There had been circulated a report dated 15 March, 2018, by the Director of Infrastructure Services, which presented the proposed Bridgeworks Programme (Road Network) for the Marr Area for 2018/19, together with a reserve scheme.

The Structures Manager introduced the report and responded to questions from Members.

The Committee **agreed**:-

- (1) to approve the Marr Area 2018/19 Bridgeworks Programme (Road Network) as detailed in Appendix A to the report; and
- (4) to note that approval for any Marr Area based procurements over £50,000 would be sought within the Infrastructure Services 2018/19 Procurement Plan.

10. LANDSCAPE SERVICES REVENUE AND CAPITAL WORK PROGRAMME 2018/19

There had been circulated a report dated 15 March, 2018, by the Director of Infrastructure Services, which presented the proposed Landscape Maintenance and Capital Programme for the Marr Area for 2018/19, together with a reserve list of schemes. An update on projects undertaken by Landscape Services jointly with local communities was also provided.

The Landscape Services Officer responded to questions from Members in relation to planting at Tullich Cemetery; extension of Rhynie Cemetery; play equipment at Haughton Park and in Huntly; routine maintenance at Captain's Wood; and war memorial cleaning. Members also welcomed improvements to parking in Strachan; work with local communities; and maintenance regimes to support biodiversity.

The Committee **agreed** to approve the Area Landscape Maintenance and Capital Programme 2018/19 as detailed in Appendix 1 to the report.

11. INFRASTRUCTURE SERVICES QUARTER 3 2017-2018 PERFORMANCE REPORT AND SERVICE PLAN UPDATE (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 28 February, 2018, by the Director of Infrastructure Services, which provided a summary of Infrastructure Services' performance during the period from October to December, 2017 and progress with actions set out in the Infrastructure Services Service Plan 2017-20.

The Committee **agreed**:-

- (1) to acknowledge the good performance achieved from October to December, 2017 and thank the Service for their strong performance, with no Marr measures being below target;
- (2) to note those measures where performance was below expectations from October to December, 2017;
- (3) to note the progress of actions set out in the Infrastructure Services Service Plan 2017-20;
- (4) to note the publication of the complete October – December 2017 Performance Report and Service Plan Update on Ward Pages and the Council's website; 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.

12. AREA COMMITTEE BUDGET 2017/18 AND 2018/19

There had been circulated a report dated 2 March, 2018, by the Director of Infrastructure Services which provided information on use of the Area Committee Budget in 2017/18 and advised that an allocation of £80,000 was available to the Marr Area Committee for 2018/19 to respond to local needs. The Committee were asked to consider proposals for the use of the Area Committee Budget 2018/19.

The Area Manager outlined the proposals as detailed in the report. During discussion, Members considered the appropriate level of grant to be made available through the Large Grant Scheme and a majority supported the proposed maximum of £5,000.

The Committee **agreed**:-

- (1) to request further detail on grants awarded through the Marr Area Partnership Initiative Grant Scheme in 2017/18;
- (2) to allocate £7,500 to Marr Area Partnership to run the Initiative Grants Scheme;
- (2) to allocate £6,450 to rural partnerships;
- (3) to identify £35,000 to deliver a revised large project grant scheme whereby community groups could apply for a grant of up to £5,000 per project;
- (4) that the remaining £31,050 provide an alternative grant scheme for community projects for up to £2,000 per project; and

- (5) to approve the proposed distribution of funding to rural partnerships as detailed in paragraph 6.3 of the report which would provide funding as follows:

Marr Area Partnership	£31,816
Royal Deeside Partnership	£7,500
Banchory and District Initiative	£2,750

13. COMMUNITY COUNCIL GRANTS 2018/19

There had been circulated a report dated 12 March, 2018, which sought consideration of the allocation of community council administration grants for the Marr Area for 2018/19.

The Committee **agreed** the allocation of community council administration grants for the Marr Area for 2018/19 on the basis of a fixed grant of £300 supplemented by an additional amount based on the number of electors in each community council area, as detailed in the appendix to the report.

14. PLANNING APPLICATIONS

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

Reference Number	Address
(A) APP/2017/3140	Full Planning Permission for Erection of 2 Dwellinghouses (Change of House Types) (Amendment to Previous Planning Approval APP/2016/0985) at Site at Ardine, Belts, Strachan, Banchory
(B) APP/2018/0065	Full Planning Permission for Erection of Two Dwellinghouses (Short Term Letting Accommodation - Retrospective) at Land Adjacent to Denend, Newton of Begshell, Drumblade, Huntly
(C) APP/2018/0182	Full Planning Permission for Installation of Replacement Windows and Door (Retrospective) at 2 School Road, Braemar

15. INFRASTRUCTURE SERVICES KEY ACTIVITY, PROJECTS AND FORWARD PROCUREMENT PLAN FOR 2018/19

There had been circulated a report dated 26 February, 2018, by the Director of Infrastructure Services, which sought approval of items on the Procurement Work Plan for the Infrastructure Services Directorate identified as falling within the remit of the Committee.

The Committee **agreed**:-

- (1) to note the Directorate Work Plan as detailed in Appendix 1 to the report;
- (2) to approve the items on the Work Plan identified as falling within the remit of the Committee;
- (3) to seek clarification in relation to bridgework programmes not included in the procurement plan; and
- (4) to request that a copy of the workplan including contract references be circulated to Members.

Councillor Presiding over meeting

Councillor Moira Ingleby

Print Name

Signature

01/05/2018

Date

APPENDIX A

PLANNING APPLICATIONS

(A) Reference No: APP/2017/3140 – Full Planning Permission For Erection of 2 Dwellinghouses (Change of House Types) (Amendment to Previous Planning Approval APP/2016/0985) at Site At Ardine, Belts, Strachan, Banchory, Aberdeenshire

Applicant: Mr Scott McCombie, Fasgadh, Dungeith Avenue, Banchory, AB31 5UA

Agent: John Wink Design, Midtown Of Foudland, Glens Of Foudland, Huntly, AB54 6AR

There had been circulated a report dated 8 March, 2018, by the Director of Infrastructure Services, which sought consideration of an application for full planning permission for the erection of two dwellinghouses (change of house types) as an amendment to the previously approved application APP/2016/0985. The application was being reported to Committee as it was a departure from the Development Plan and was recommended for approval.

Having declared an interest, Councillor Ross left the room during consideration of the item.

The Committee heard that a request to speak had been received and **agreed** to hear from John Wink, the agent.

The Senior Planner reported on the detail of the application and advised that the Roads Development Service had withdrawn their objection subject to amended conditions, resolving the issue of access. Reference was made to the highly material planning history; the new proposal being for two instead of three dwellings; the previous application having been approved as organic growth but the proposal not meeting the scope of the organic growth policy in the new Local Development Plan; the principle of development having been established; and there being no concerns about design and scale. The application was recommended for approval as a departure from the Local Development Plan subject to conditions including the amended conditions requested by Roads Development.

The Committee heard from John Wink, the agent, who made reference to the objection from Roads having been resolved and confirmed that the applicant had legal agreement to permanently maintain visibility. Mr Wink then confirmed that he felt he had been given a fair hearing.

The Committee **agreed**:-

(1) to grant Full Planning Permission subject to the following conditions:-

(1) The dwellinghouse hereby approved shall not 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 local development plan policy C1 regarding the aim, where feasible, of achieving a Gold sustainability label under section 7 of the building standards technical handbook.

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 local development plan policy C1 regarding, among other things, carbon-dioxide emissions.

- (2) 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.

- (3) The tree management proposals shall be carried out in complete accordance with the approved scheme.

Reason: In order to preserve the character and visual amenity of the area.

- (4) The dwellinghouses hereby approved shall not be brought into use unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and Drainage Impact Assessment by Cameron and Ross dated February 2018. 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.

- (5) 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 74 metres in a southwest direction and 120 metres in a north east direction 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 above 0.9 metres 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 over 0.9 metres 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.

- (6) The dwellinghouses hereby approved shall not be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the details shown on the approved plan. 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.

- (7) The dwellinghouses hereby approved shall not be occupied unless its 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 first 5 metres of the upgraded access (measured from the edge of the public road) should be fully paved. A suitable vehicular turning area, measuring not less than 7.6m by 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 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.

- (8) The development hereby approved shall not be brought into use unless offstreet car parking for a minimum of 6 cars has been provided in accordance with the details shown on the approved plans. Once provided, the approved additional car parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the additional car parking area to an appropriate standard and to ensure the retention of adequate off-street parking facilities within the site, all in the interests of road safety.

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

The applications seeks a reduction in scale of a consented development from three dwellinghouses to two. This site has a consent that could be implemented, therefore this proposal is not being treated as a new development, but an amendment to the previous approval. Furthermore, the scale, design and setting of the proposal remains to be considered appropriate and does not impact on the character of the surrounding area. The proposal is therefore supported as a departure from Policy R2 housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017).

- (B) Reference No: APP/2018/0065 – Full Planning Permission For Erection of Two Dwellinghouses (Short Term Letting Accommodation - Retrospective) at Land Adjacent To Denend, Newton Of Begshill, Drumblade, Huntly, Aberdeenshire, AB54 6BJ**

Applicant: J & J Foad, Newton Of Begshill, Drumblade, Huntly, AB54 6BJ
Agent: Ryden LLP, 25 Albyn Place, Aberdeen, AB10 1YL

There had been circulated a report dated 12 March, 2018, by the Director of Infrastructure Services, which sought consideration of an application for full planning permission (retrospective) for the erection of two dwellinghouses to be used as short term letting accommodation. The application was being reported to Committee as it was a departure from the Development Plan and was recommended for approval.

Having heard that a request to speak had been received, the Committee **agreed** to hear from Mrs Jane Foad, the applicant.

The Senior Planner reported on the detail of the application and made reference to the proposal not being compliant with Policy R2 or Policy B3 which required tourist accommodation to be well related to a settlement; a letter of support from VisitScotland and further supporting information on tourism and economic benefits; the design being appropriate to the setting; social and economic benefits; and benefits of the countryside location. The

Senior Planner also addressed matters raised in letters of support and objection. The Committee heard that the application was recommended for approval as a departure from Policies B3 and R2 of the Local Development Plan, subject to conditions including a restriction on use to short term letting accommodation, for the reasons detailed within the report.

With regards to paragraph 6.8 of the report, Members wished it to be recorded that only one hotel had ceased to operate in Huntly and that others were still in operation.

The Committee then heard from Mrs Foad, the applicant, who spoke on the purchase of the farm; the need to diversify; establishing the glamping business; the structures being removable and not realising that planning permission was needed; fitting the character of the farm and landscape; visitors appreciating the opportunity to stay on a working farm and enjoy rural Aberdeenshire; providing a list of local shops, restaurants, and attractions to visitors; VisitScotland's letter of support; and use of local businesses and produce. Mrs Foad concluded by asking Members to support the recommendation in order to secure the long term future of the farm and business. Mrs Foad then confirmed that she felt she had been given a fair hearing.

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

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

The short term holiday letting accommodation hereby approved shall be used solely as temporary holiday letting accommodation for a period of stay not exceeding 4 weeks, and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the planning authority. The short term holiday letting accommodation shall not be occupied as a person's sole or main residence and the owner of the short term holiday letting accommodation shall maintain an up-to-date register of the name of each occupier of the short term holiday letting accommodation on the site, their length of stay and their main home address, and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the short term holiday letting accommodation as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

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

The proposed two dwellings, for short term letting accommodation, can be supported as a departure from Policy B3: Tourist facilities and Policy R2 Housing and business development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 on the basis of the unique circumstance that this development is promoting small scale tourist accommodation that has demonstrated its potential future success, providing a basis for longevity of success through tying in to VisitScotland's wider tourism strategy, contributing to the wider social and economic benefits of the area through enhanced tourist accommodation offerings and support for local services ancillary to the functions of this enterprise, the general support for proposals of this nature within SPP, and the proposal is acceptable in all other matters in relation to access, servicing, design and landscape impacts.

(C) Reference No: APP/2018/0182 – Full Planning Permission For Installation of Replacement Windows and Door (Retrospective) at 2 School Road, Braemar, Aberdeenshire, AB35 5ZS

Applicant: Mrs Sandra Stewart, 2 School Road, Braemar, AB35 5ZS
Agent: Paul Whitford, 45 Mount Street, Aberdeen, AB25 2QX

There had been circulated a report dated 15 March, 2018, by the Director of Infrastructure Services, which sought consideration of an application for full planning permission (retrospective) for replacement uPVC windows and doors at 2 School Road, Braemar. The application was being reported to Committee as at least two Local Ward Members had requested that the application be referred.

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

The Senior Planner reported on the detail of the application and made reference to the Cairngorms National Park and Historic Environment Scotland policies on conservation areas; uPVC and large vents not being traditional features; the need for best quality design and materials; a Local Review Body refusal of an appeal for uPVC windows in Ballater; a report from the Environment Team on comparable pricing and thermal performance of timber and uPVC windows; the need to conserve the built heritage of the Conservation Area; and the windows not respecting the character of the building or Conservation Area. The Senior Planner advised that the application was contrary to Policies 1, 3 and 9 of the Cairngorms National Park Local Development Plan and was recommended for refusal. The Senior Planner then responded to a question on other buildings with uPVC windows in conservation areas.

The Committee then heard from Mrs Sandra Stewart, the applicant, who referred to the property not being a place of historical interest; ensuring it was kept in good repair; the previous windows being beyond repair; cost differences between timber and uPVC; the windows having smaller vents and matching the colour and design of the previous windows; other properties in the vicinity with uPVC; the windows having been installed for four years before anyone noticed; and there being no change to the colour, style or visual impact. Mrs Stewart responded to Members' questions on when the windows had been installed and awareness of the requirements related to the conservation area and then confirmed that she felt she had been given a fair hearing.

Following discussion, Councillor Blackett, seconded by Councillor Gibb, moved to grant full planning permission on the grounds that the particular application did not have a negative impact on the character of the property or the setting of Braemar Conservation Area.

As an amendment Councillor Argyle, seconded by Councillor Bruce moved to refuse full planning permission in accordance with the report recommendations.

Members of the Committee voted:-

for the motion (5) Councillors Latham, Blackett, Durno, Gibb and Ross

for the amendment (5) Councillors Ingleby, Argyle, Bruce, Petrie and Withey

There being an equality of votes, the Chair exercised the casting vote for the amendment.

Therefore, the amendment was carried and the Committee **agreed** to refuse full planning permission for the following reasons:-

- (1) The proposal is contrary to Policy 1: New Housing Development, Part 7: Alterations to Existing Houses; and Policy 3: Sustainable Design, Part 4: Alterations to the Existing Building Stock of the Cairngorms National Park Local Development Plan 2015 as the

design and materials would have a negative effect on the visual appearance and character of the property.

- (2) The proposal is contrary to Policy 9: Cultural Heritage, Part 2: Conservation Areas of the Cairngorms National Park Local Development Plan 2015 as the design and materials do not fit successfully with the traditional construction of the property, and detract from the visual appearance, character and setting of the Braemar Conservation Area.