

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

ALFORD PUBLIC HALL, ALFORD, 11 SEPTEMBER, 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); R Baxter, Waste Manager; N Mair, Senior Planner; J Joss, Senior Solicitor; 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.

Councillor Gibb declared an interest in Item 7 by virtue of being an active supporter of Cromar Future Group and advised that he would leave the meeting and take no part in the item.

Councillor Bruce declared an interest in Item 7 by virtue of being a member of Torphins Tennis Club and advised that she would leave the meeting and take no part in the item.

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 21 AUGUST, 2018

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 21 August, 2018.

4. SCOTTISH FIRE AND RESCUE SERVICE – MARR AREA COMMITTEE PERFORMANCE REPORT FOR Q1, 1 APRIL – 30 JUNE, 2018

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 Members how the Scottish Fire and Rescue Service had performed locally in Marr against key performance and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan and Marr Multi-Member Ward Plan, during the period from April to June, 2018.

The Station Manger presented the report and responded to questions from Members in relation to moorland fires; getting the message through on responsible access; and water rescue training.

During discussion, Members also welcomed the new report format; requested that full establishment figures be included in future reports; and congratulated Huntly fire station on their involvement in the extrication challenge.

The Committee **agreed**:-

- (1) to acknowledge the performance report relating to the period from April to June, 2018; and
- (2) to acknowledge local operational matters arising, together with key resource issues, as detailed within appendices to the report.

5. USE OF DELEGATED POWERS BY AREA MANAGER TO CONSIDER THE REQUEST FOR ADDITIONAL OPERATING HOURS FOR A FUNFAIR AT BELLABEG, STRATHDON BY REASON OF SPECIAL URGENCY

On a circulated report by the Director of Business Services, dated 22 August, 2018, the Committee **agreed** to note the use by the Area Manager (Marr) of delegated powers (as provided in the List of Powers Delegated to Officers, paragraphs B1 and B2) by reason of special urgency, as summarised in the report, in order to grant additional operating hours for a funfair at Bellabeg, Strathdon.

6. WASTE STRATEGY CONSULTATION

There had been circulated a report dated 23 August, 2018, by the Director of Infrastructure Services, which sought consideration of the draft Waste Strategy 2019-2023.

The Waste Manager spoke on the proposed strategy including the main deliverables, public consultation, the options for the kerbside collections service, improvements to household waste and recycling centres (HWRC); seasonal garden waste collection points; and financial implications. She then responded to issues raised by Members in relation to garden waste and compost bins, glass collection, potential impacts of changes to kerbside collections, and the Alford HWRC.

The Committee **agreed** to acknowledge the draft Waste Strategy 2019-2023 and make comments to the Infrastructure Services Committee as follows:-

- (1) In relation to seasonal garden waste collection points, could the proposed Ballater collection point be split between Ballater and Braemar (for example being located for 3 weeks in Ballater and 1 week in Braemar) and similarly the Aboyne collection point between Aboyne and Tarland or another rural village.
- (2) There were some concerns about impacts on elderly and disabled people and people without cars who were unable to access waste recycling centres.
- (3) There were some concerns about the impact of monthly collections/smaller bins for residual waste on families.
- (4) Local Members requested an update in relation to the Alford HWRC. Further consideration in relation to the opening hours was needed.
- (5) Education and communication would be crucial.

7. AREA COMMITTEE BUDGET – SMALL GRANT APPLICATIONS

There had been circulated a report dated 23 August, 2018, by the Director of Infrastructure Services, which sought consideration of applications for Area Committee Budget funding from Torphins Tennis Club, The Gordon Schools, Cromar Future Group, and Deveron Projects.

In relation to the application from Cromar Future Group, Members acknowledged that the funding would allow extension of the science festival to smaller schools which had not been included last year but commented that they would like to see consideration of how the project could become sustainable in the long term as it was not intended to provide annual funding.

The Committee **agreed**:-

- (1) to award up to £2,000 to Torphins Tennis Club towards the cost of resurfacing tennis courts;
- (2) to award up to £835 to The Gordon Schools towards the cost of refillable school water bottles;
- (3) to award up to £2,000 to Cromar Future Group towards the cost of a science festival; and
- (4) to award up to £2,000 to Deveron Projects towards curation of The Town Collection.

8. 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/2018/0522	Full Planning Permission for Construction of Mountain Bike Trails, Formation of Access and Car Parking at Land Around Pittenderich Cairn, Tarland
(B) APP/2018/0703	Full Planning Permission for Change of Use from Holiday Let (Class 7) to Flat (Sui Generis) at The Gatsby, The Square, Torphins

Councillor presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATIONS

(A) Reference No: APP/2018/0522 – Full Planning Permission for Construction of Mountain Bike Trails, Formation of Access and Car Parking at Land Around Pittenderich Cairn, Tarland

Applicant: Tarland Development Group, c/o 6 Bridgeview Place, Aboyne
Agent: No Agent

With reference to the Minute of Meeting of the Committee of 21 August, 2018 (Item 20A), when the application had been deferred to allow for a site visit, there had been circulated a report dated 27 August, 2018, by the Director of Infrastructure Services, which sought consideration of the application for full planning permission for the construction of mountain bike trails and associated facilities.

The Senior Planner addressed the main issues that had been raised in relation to landscape impacts, which would be very minor; impacts on wildlife, which were addressed through the habitat survey and construction management plan; benefits for local businesses; impacts on other recreational users; safety of links to Tarland; and maintenance of tracks and toilets. The application was recommended for approval subject to conditions.

Following debate, Councillor Argyle, seconded by Councillor Blackett, moved to grant full planning permission, in accordance with the Planning Service's recommendation, subject to an additional condition to require signage warning road users of the presence of cyclists.

As an amendment, Councillor Gibb, seconded by Councillor Ross, moved to refuse planning permission on the grounds that the proposal was contrary to Policy R2: Housing and employment development in the countryside; would have a negative impact on the Howe of Cromar Special Landscape Area; and there was insufficient evidence of any benefit to the local economy and community.

Members of the Committee voted:-

for the motion (8) Councillors Ingleby, Latham, Argyle, Blackett, Bruce, Durno, Petrie, and Withey

for the amendment (2) Councillors Gibb and Ross.

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

(1) to grant full planning permission subject to:-

(a) an additional condition to require signage warning road users of the presence of cyclists; and

(b) the following conditions:-

01. 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 160 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 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 plan 2017-109/DO2 A.

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.

02. Prior to the laying of the parking area full details of the permeable material to be used for the hard standing areas shall be provided for the written approval of the Planning Authority. Once approved the material shall not be altered without prior written consent of the Planning Authority.

Reason: To ensure the surface material for the parking area is permeable and appropriate to the rural character of the area.

03. Prior to commencement of the shared access path along the B9119 the final details of the path shall be submitted for the approval in writing of the Planning Authority in consultation with the Roads Authority. The shared path shall thereafter be constructed in accordance with the approved details.

Reason: To ensure that the details of the path width are appropriate to the shared use nature of the footpath

04. Prior to the construction of any individual trail full details of the signage types and types of crossing and slow down features proposed and their locations shall be submitted for the approval of the Planning Authority. Once approved these shall be installed as per the approved plans.

Reason: In order to ensure that signage and slow down features/fencing is proportionate and appropriate to the rural character of the area.

05. No works in connection with the car park 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 and removed;
- (b) Protection measures for the landscape features to be retained;
- (c) Existing and proposed finished levels;
- (d) The location of new trees, shrubs, hedges, grassed areas;
- (e) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- (f) The location, design and materials of all hard landscaping works including fences and gates;
- (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.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed car park development into the local landscape and provide opportunity for suitable tree planting to compensate for tree loss on site.

06. Unless otherwise agreed in advance with the Planning Authority, or otherwise restricted by other conditions of this permission, all trails shall be constructed within a distance of 10m of the routes shown on the Amended Site Maps 1-5 with the exception of the following areas where any deviation from the proposed routes must be agreed in advance in writing to the planning authority:

- Areas identifies GWDTE (see SITE MAP 5C)
- Species Buffers as identified on the amended site maps 1-5
- Where additional crossing of marked paths and rights of way may be required.

Reason: In order to provide reasonable flexibility via micro siting for the tracks outside sensitive areas.

07. Construction of the development shall be undertaken in strict accordance with the construction management details set out within the Construction Environment Management Plan (May 2018) unless otherwise agreed in writing with the Planning Authority. For avoidance of doubt this includes the following restrictions:

- (a) Prior to construction of any section of trail (including any proposed borrow pits) a pre works walk over check shall be carried out by a suitably qualified ecologist and a summary of the walk over check shall be provided in writing for the approval of the Planning Authority and shall include any additional mitigation measures required. Construction of section of the trail shall not begin until written approval has been given.
- (b) For avoidance of doubt tree felling shall take place outside the breeding bird season unless breeding bird survey has taken place and does not identify any nesting birds. Development within 1000m of the identified Raptor nests shall not take place within the breeding bird season (February to August) unless a Raptor Survey, as described in the Construction Environment Management Plan has been submitted to and approved by the Planning Authority in consultation with SNH as relevant.
- (c) Trails development as shown within Site Map 1C and 2C shall not commence unless full details of shrub planting (including a timescale) between the trails and badger sets has been submitted to and approved by the Planning Authority. The agreed planting in these areas shall be completed within the first available planting season following the commencement of development and shall thereafter be maintained in perpetuity.

Reason: In order to ensure proper management of the environmental sensitivities on site in the interests of minimising the environmental effects of the project.

08. No works in connection with the blue 'Pittenderich Trail' as shown on approved Site Map 4 shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
- (a) The location of the historic environment features to be protected during construction works; and
 - (b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment.

09. New borrow pits shall be permitted within 10m of the trail subject to the following restrictions:
- Prior to the formation of borrow pits in areas identified as Acid Grassland or Dry Heath as shown on of the plan 370228 - 005 (Phase 1 Habitat Survey dated Jan 2018) the location of any pits shall be agreed in writing with the Planning Authority;
 - No borrow pits shall be formed within or directly adjacent to the protected areas identified on Site Maps 1 C and 2C ;
 - No borrow pits shall be formed within the GWDTE buffer zone as identified on Revised Site Map 5;
 - Borrow Pits shall have a maximum extent of 3m squared and be a maximum depth of 2m;
 - Prior to removal of material from any borrow bit all surface vegetation and top soil shall be removed carefully and stored carefully. Immediately after the removal of the material from the borrow pit the surface vegetation and top soil shall be re-laid to the satisfaction of the planning authority and in accordance with best practice techniques.

Reason: to ensure the control of the winning of onsite material to limit the environmental effects of the project.

10. The site shall be managed in accordance with the submitted Access Strategy. In the event that any existing core paths, rights of way or other waymarked paths are temporarily closed during construction signposted alternatives must be made available with a date given for their reopening. Temporary closure of a right of way or core path shall be notified to the access officer at least 5 working days in advance. In addition to the measures set out in the Access Strategy the applicant shall, prior to the commencement of use of the trails ensure that

appropriate signage is provided within the car parking area stating that informal trail building is not permitted within the site area.

Reason: In the interests of appropriately managing access during the construction and operation of the proposed development.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no external lighting shall be installed within the site or on the building(s) unless otherwise approved in writing by the Planning Authority.

Reason: In the interests of protecting the character of the area and protected species.

12. The applicant shall ensure proper maintenance of the Composting Toilets as proposed in the Tarland Trails II Business Plan for the lifetime of the development.

Reason: In the interests of the amenity of the car park and the surrounding area.

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

There is significant support for developments which promote and encourage outdoor access, leisure and recreation, particularly where this can have a positive effect on the local economy and encourage tourism. The development accords with Policy R2: Housing and employment development in the Countryside and Policy B3: Tourist Facilities and the proposal will not have a significant effect on landscape or visual amenity, biodiversity or trees and woodlands or the water environment. The proposal can be safely accessed and will provide significant parking, which will enhance opportunities for access and recreation as supported by Policy P2: Open Space and access in new developments all of the Aberdeenshire Local Development Plan 2017.

- (B) **Reference No: APP/2018/0703 – Full Planning Permission for Change of Use from Holiday Let (Class 7) to Flat (Sui Generis) at The Gatsby, The Square, Torphins, Aberdeenshire, AB31 4GP**

Applicant: Mr A Shepherd, The Gatsby, The Square, Torphins, AB31 4GB
Agent: Fitzgerald + Associates Ltd, 53 Albert Street, Aberdeen, AB25 1XT

There had been circulated a report dated 2 August, 2018, by the Director of Infrastructure Services, which sought consideration of an application for change of use from holiday let to flat. The application was being reported to Committee as there was an unresolved objection from Environmental Health.

The Chair advised that the applicant had requested to speak but was no longer able to attend.

The Senior Planner reported on the detail of the application and made reference to the planning history; justification for the proposal; the objection from Environmental Health as a noise impact assessment had not been submitted; and the existing use not being enforceable. While it would have been preferred for a noise impact assessment to be provided, the application complied with policy and would not result in a significant change to the current situation, therefore was recommended for approval.

The Committee **agreed:-**

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

01. The flat hereby approved shall not be occupied unless off-street parking for 2 cars, surfaced in hard standing materials have been provided within the site. Prior to the change of use coming into effect, a site plan detailing the parking for the flat, as well as the retention of private parking for the pub and adjacent dwelling "Gatsby" shall be provided for further approval by the Planning Authority. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of appropriate dedicated parking to serve the flat, in the interests of road safety.

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

The proposed change of use from a holiday let (Class 7) to flat (Sui Generis) is acceptable due to adequate demonstration of the lack of demand for short term letting accommodation, and the proposed use is compatible with its surroundings. The proposal complies with relevant policies of the Aberdeenshire Local Development Plan (2017).