

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

ALFORD PUBLIC HALL, ALFORD, 19 FEBRUARY, 2019

Present: Councillors M Ingleby (Chair), J Latham (Vice Chair), P Argyle, G Blackett (Items 1-11B), R Bruce, E Durno, P Gibb, G Petrie, and R Withey.

Apologies: Councillor A Ross.

Officers: J Clark, Area Manager (Marr); L Scott, Head Teacher, Aboyne Academy; M Milne, Head Teacher, Alford Academy; J Wight, Head Teacher, Banchory Academy; P Gaiter, Head Teacher, The Gordon Schools; A Johnston, Tackling Poverty and Inequalities Co-ordinator (by Skype); J Cranna, Principal Officer (Finance), P McEwan, Team Leader (Housing); M Harper, Service Manager (Economic Development); A Michie, Strategic Town Centres Executive; F Swanston, Environment Planner; N Mair, Senior Planner; A Overton, 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.

Councillor Petrie stated that she had a connection to Item 8 by virtue of being a member of Huntly Town Team; however, having applied the objective test she concluded she had no interest to declare.

Councillor Bruce declared an interest in Item 4 by virtue of having a child who formed part of the statistics but, having applied the objective test, she concluded the interest to be remote and insignificant therefore she would remain and participate in the item.

Councillor Argyle stated that he had a connection to Item 11B by virtue of one of the objectors being his GP; however, having applied the objective test he concluded he had no interest to declare.

Councillor Blackett declared an interest in Item 10, application A, by virtue of having been involved in phase 1 of the project; however, as she had not been involved in phase 2 and having applied the objective test, she concluded that she had no interest to declare.

During consideration of Item 5, Councillor Blackett stated that she had a connection to the item by virtue of an association with a group who had received an ACT2 grant; however, having applied the objective test she concluded she had no interest to declare.

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 the following item of the business on the grounds that it 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.
12

Paragraph No. of Schedule 7A
8

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 29 JANUARY, 2019

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 29 January, 2019.

4. ANALYSIS OF ATTAINMENT AND ACHIEVEMENT OF YOUNG PEOPLE IN MARR SECONDARY SCHOOLS IN ACCREDITED AWARDS, YEAR ENDING JUNE 2018

There had been circulated a report dated 1 February, 2019, by the Director of Education and Children's Services, which provided information on attainment and achievement of young people in Aboyne Academy, Alford Academy, Banchory Academy and The Gordon Schools in accredited awards in the school year ending June 2018.

The Committee heard from the head teachers of the four secondary schools on attainment levels, approaches to raising attainment and achievement, and the many wider achievements of young people in the schools.

The Committee welcomed and **agreed** to note the contents of the report on attainment and achievement of young people in Marr secondary schools in accredited awards in the year ending June 2018.

5. ABERDEENSHIRE CHARITIES TRUST (ACT2) FINANCIAL MANAGEMENT

There had been circulated a report dated 17 January, 2019, by the Director of Business Services, which asked the Committee to review (1) the minimum and maximum thresholds of grants available from Aberdeenshire Charities Trust (ACT2) for wards in the Marr area; and (2) the split of ward balances between capital and revenue.

The Senior Solicitor introduced the report and responded to queries in relation to the trust purposes and the split between revenue and capital. Members commented on the need for a communications strategy and discussed the thresholds, highlighting the large balances available in Ward 14.

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

- (1) to raise the maximum threshold of awards for groups in Ward 14 to £2,000;
- (2) that all other minimum and maximum thresholds of awards remain the same;
- (3) to retain the split of ward balances between capital and revenue;

- (4) to seek further information in relation to the possibility of extending trust purposes; and
- (5) to receive a report to review the thresholds and capital and revenue splits following the next review of ACT2 by the ACT2 Committee.

6. REDUCING CHILD POVERTY IN ABERDEENSHIRE 2019

There had been circulated a report dated 7 February, 2019, by the Director of Business Services, which explained that the Child Poverty (Scotland) Act 2017 placed a statutory duty on local authorities and health boards to jointly prepare, and submit to the Scottish Government, an annual Local Child Poverty Action Report identifying what action had been taken in the previous 12 months, and what action would be taken in future, to reduce child poverty. The Committee were asked to provide comments, for consideration by Full Council, on the Aberdeenshire Child Poverty Action Plan.

The Tackling Poverty and Inequalities Co-ordinator introduced the report and responded to questions from Members in relation to continuation of a pilot at the Gordon Schools to ensure pupils were able to access breakfast; further development of indicators; uptake of Best Start grants; summer hunger programmes; and the median household income.

Thereafter, the Committee **agreed** to note the Aberdeenshire Child Poverty Action Plan.

7. UNIVERSAL CREDIT FULL SERVICE

There had been circulated a report dated 23 January, 2019, by the Director of Infrastructure Services, which provided an update on the roll out of Universal Credit, as reported to the Communities Committee on 8 November, 2018 (Item 11), together with information on rent arrears and multi-agency support being provided at a local level.

The Principal Officer (Finance) and Team Leader (Housing) responded to questions in relation to the transfer of responsibility for Universal Support to Citizens Advice; applications to the Scottish Welfare Fund; and future updates to Members.

The Committee **agreed**:-

- (1) to note the work that was being carried out to support customers in receipt of Universal Credit Full Service and the activities to mitigate rent arrears; and
- (2) to express concerns about the transfer of responsibility for Universal Support from local authorities to Citizens Advice, including in relation to the effect on people in areas without a Citizens Advice Bureau.

8. HUNTLY TOWN CENTRE

There had been circulated a report dated 4 February, 2019, by the Director of Infrastructure Services, on Huntly town centre and the 'Room to Thrive' 2030 Strategy. Comments were sought on the need for interventions in the town centre to support the community to deliver the strategy.

With reference to section 2.3 of the report, the Service Manager (Economic Development) highlighted that the application to the Scottish Land Fund to transform a vacant building in the Square had been successful. In response to queries on extending the scope of the regeneration strategy to include Huntly, it was clarified that the five year strategy period was only half way through but that there was support outwith the regeneration project.

The Committee **agreed** to note the report and comment to the Marr Area Manager, Huntly Town Team, and appropriate Council services:-

- (1) welcoming the 'Room to Thrive' 2030 Strategy;
- (2) highlighting the work being done by the community;
- (3) welcoming any further assistance from the Council to support the community to deliver the strategy, including any funding which could be targeted at Huntly town centre; and
- (4) welcoming the action within the strategy on clarifying conservation area regulations.

9. HISTORIC ASSET MANAGEMENT PROJECT ANNUAL UPDATE

There had been circulated a report dated 1 February, 2019, by the Director of Infrastructure Services, which provided an update on work undertaken in relation to the Historic Asset Management Project over the past 12 months and detailed proposed projects for the next financial year.

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

- (1) to note the annual update on the Historic Asset Management Project;
- (2) to request an update on the Tullich Church and Symbol Stones project;
- (3) to continue to support the approach taken by the Historic Asset Management Project; and
- (4) that the next annual update in Spring 2020 be given using the Council's Ward Pages and that Members be notified when it was available.

10. AREA COMMITTEE BUDGET – SMALL GRANT APPLICATIONS

There had been circulated a report dated 1 February, 2019, by the Director of Infrastructure Services, which sought consideration of applications for Area Committee Budget funding from Lumphanan Playpark Improvement Project and Lumsden Community Association. The report also advised Members of an award made to Strathdon Community Development Trust.

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

- (1) to approve an award of up to £1,750 to Lumphanan Playpark Improvement Project towards the cost of play equipment (phase 2 of the Lumphanan Playpark Improvement Project);
- (2) to approve an award of up to £590 to Lumsden Community Association towards the cost of infrastructure improvements at Lumsden Market Stance; and
- (3) to note an award of up to £82.39 to the Strathdon Community Development Trust towards the cost of the Strathdon Snowgate Webcam, approved by the Area Manager following consultation with the Chair and Ward Members.

11. 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/2018/2696	Full Planning Permission for Erection of Workshop (Class 5 - General Industrial) Including Formation of Commercial Yard and Erection of Dwellinghouse at Land to the South East of Woodside, Tullochvenus, Lumphanan
(B) APP/2018/2733	Planning Permission in Principle for Erection of Dwellinghouse and Garage at Land Adjacent to The Wolfings, Torphins
(C) APP/2018/2997	Full Planning Permission for Installation of Replacement Windows and Door (Retrospective) at 2 School Road, Braemar

12. ANNUAL WORK PLAN FOR EDUCATION AND CHILDREN'S SERVICES DIRECTORATE – PROCUREMENT APPROVAL

The Committee **agreed** to suspend Standing Order 2.1.3 to continue beyond 1.00pm.

There had been circulated a report dated 1 February, 2019, by the Director of Education and Children's Services, which sought consideration of an item on the Education and Children's Services Directorate Work Plan 2019/20 identified as falling within the remit of the Committee.

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

- (1) to note the Directorate Work Plan as detailed in Appendix 1 of the report;
- (2) to approve the item on the Work Plan identified as falling within the remit of the Committee; and
- (3) to seek clarification in relation to the borrowing costs.

Councillor presiding over meeting

Councillor Moira Ingleby

Print Name

Signature

12/3/2019

Date

APPENDIX A

PLANNING APPLICATIONS

- (A) **Reference No: APP/2018/2696 – Full Planning Permission for Erection of Workshop (Class 5 - General Industrial) Including Formation of Commercial Yard and Erection of Dwellinghouse at Land to the South East of Woodside, Tullochvenus, Lumphanan, Aberdeenshire**

Applicant: Mr & Mrs Morgan, 20 Covenanters Row, Aberdeen, AB12 5QD
Agent: Gerry Robb Architectural Design Services, Bridgend, Bridgeview Road, Aboyne, Aberdeenshire, AB34 5HB

There had been circulated a report dated 4 February, 2019, by the Director of Infrastructure Services, which sought consideration of an application for full planning permission for the formation of a general industrial workshop (class 5), including yard space, and the erection of an associated dwellinghouse. The application was being reported to the Committee as (1) it was a departure from the development plan and recommended for approval and (2) there had been valid objections from six or more individuals or bodies with separate postal addresses or premises.

Having heard that requests to speak had been received, the Committee **agreed** to hear from Mr Morgan, the applicant and Mr Duncan Leitch, an objector.

The Senior Planner reported on the detail of the application and made reference to the business not being a primary industry but serving primary industries; supporting information and letters of support; 24 hour operation being on a call out basis and not on the premises; the house being too separate for acceptance as an addition to a cohesive group but there being no concerns about wider landscape impact; need for a house on site; access and the condition on maintaining visibility splays; and matters raised in representations. The Senior Planner also advised that the formal response from Environmental Health and amended plan for increased boundary treatment had been received.

The Committee then heard from Mr Morgan, the applicant, who made reference to establishing the business three years ago; increasing customer numbers and the need for larger premises; the intention to offer employment and the opportunity for an apprenticeship; his background and desire to bring up his family in the area; addressing objectors' concerns; 24/7 operation being emergency call outs only; and the benefits of living on site in terms of reduced travel, site security, and increased efficiency. Mr Morgan then confirmed that he felt he had been given a fair hearing.

Mr Leitch addressed the Committee on his objection and made reference to development having previously been refused due to the prominence of the site; having been required to build his house on a lower level; letters of support not being specific to the location; no benefits for the immediate community; other businesses providing the same service; concerns about noise; the noise impact assessment being incomplete; and the business being better located in a less restricted location away from a residential area. Mr Leitch then confirmed that he felt he had been given a fair hearing.

Members then sought clarification from the Senior Planner in relation to the emergency call out service, overlooking, and the noise impact assessment.

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

- (1) that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-
 - (a) inclusion of Environmental Health's required conditions on the decision notice;

(b) receipt of an amended plan, or attachment of a condition, to secure increased boundary treatment to the northern edge of the overall site; and

(c) the following conditions:-

01. The consented dwelling shall not be occupied until such time as the associated consented yard and workshop is operational.

Reason: To ensure the phasing of the development aligns with the essential need for the dwelling alongside the operational business.

02. No works in connection with the development hereby approved shall commence unless details of the full specification and colour of all the materials, including roof, wall, windows, doors, garage doors, rainwater goods, to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

03. The dwellinghouse and workshop hereby approved shall not be occupied unless its driveway, parking and turning area has been provided and fully paved in accordance with the following details:

(i) The maximum gradient of each access shall not exceed 1:20 gradient.

(ii) The access with the public road shall be fully paved for the first 5m measured from the edge of the public road or back of footway.

(iii) Off-street parking for 2 cars, surfaced in hard standing materials, shall be provided within the domestic curtilage of the dwelling.

(iv) Visibility splays, measuring 2.4m by 160m shall be formed either side of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

(v) A bin uplift store area shall be constructed, behind any visibility splays, to be accessible for bin uplift and secure enough to prevent empty bins from being windblown. Details must be submitted to Roads Development for approval and work then carried out as per those agreed details.

(vi) A turning area, measuring not less than 7.6m x 7.6m, must be formed within both the yard and domestic curtilage to enable all vehicle movements onto the adjacent road to be carried out in a forward gear.

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. Prior to the commencement of development, clear evidence, such as a sworn statement or binding legal agreement, must be provided to the

Planning Service to ensure that the required visibility splays, which occupy land in third party ownership, can be provided and controlled by the applicant, to ensure they are retained in perpetuity. The evidence provided must be properly recorded and registered with all relevant properties to ensure long term access for maintenance and included within land deeds where appropriate. No development shall take place until such evidence, and confirmation of lasting agreement, has been provided and accepted by the Planning Service.

Reason: In the interests of road safety, to ensure the visibility splays at the junction with the public road can be provided and maintained in perpetuity.

05. 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 buildings hereby approved without the prior express grant of planning permission by the planning authority.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

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 dwellinghouse and workshop/yard 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 the drainage report by S.A. McGregor dated 7th November 2018. The foul and surface water drainage systems shall be permanently retained thereafter.

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

01. The proposed business is of small scale and through conditions shall be accessible and capable of functioning without any significant impacts on the amenity of the surrounding area, in compliance with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017).
02. The proposed dwelling can be supported as a departure from R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017) as it is associated with the essential operation of the above business which serves primary industries, which through supporting representations and testimonies deem such a business essential to their ongoing operation.

(B) Reference No: APP/2018/2733– Planning Permission in Principle for Erection of Dwellinghouse and Garage at Land Adjacent to The Wolfings, Torphins, Aberdeenshire, AB31 4HP

Applicant: Craigmyle Estates Ltd, Craigharr House, Keithhall, Inverurie, AB51 0LN

Agent: Gerry Robb Architectural Design Services, Bridgend, Bridgeview Road, Aboyne, AB34 5HB

There had been circulated a report dated 1 February, 2019, by the Director of Infrastructure Services, which sought consideration of an application for planning permission in principle for the erection of a dwellinghouse and garage. The application was being reported to the Committee as (1) there were valid objections from six or more individuals or bodies with separate postal addresses or premises and (2) an unresolved objection from Torphins Community Council.

Having heard that requests to speak had been received, the Committee **agreed** to hear from Mr Eric Day, Torphins Community Council; Dr Kevin Jennings, an objector; and Ms Leonie Gordon, an objector.

The Senior Planner reported on the detail of the application and made reference to design details not being required as the application sought planning permission in principle; the proposed house being an addition to a cohesive group; the area having been felled under licence with a restock condition; compensatory planting proposed elsewhere; technical consultees being satisfied; and matters raised by Torphins Community Council and in representations including in relation to design, loss of paths and woodland, road safety, habitats, and light and noise pollution. The application was recommended for approval.

The Committee heard from Eric Day, who spoke on Torphins Community Council's objection and made reference to the applicant utilising the cohesive group policy to advance development successively; the plot being similar in size to others built by the developer; removal of recently planted trees; compensatory planting elsewhere not being relevant to the village; road safety concerns; a requirement for smaller affordable homes; and locating development within the village rather than as ribbon type development on the outskirts. Mr Day then confirmed that he felt he had been given a fair hearing.

Kevin Jennings addressed the Committee on his objection, making reference to the woods, which were much used by citizens for running, walking and cycling; loss of one of the most popular paths which ran through the site; the single track road being oversubscribed and having no passing places; establishing a precedent for further development; the proposal not advancing the young or disadvantaged; and permanent loss of a natural resource loved by local citizens. Dr Jennings then confirmed that he felt he had been given a fair hearing.

The Committee also heard from Leonie Gordon who explained that she lived, and owned a holiday let, on Craigmyle Road. She referred to concerns about road safety; negative impact on the holiday let business; loss of a beautiful amenity area for families; children walking and cycling to school; the road not being safe for additional traffic; and woodland removal and replacement trees being of lower value. Ms Gordon then confirmed that she felt she had been given a fair hearing.

The Senior Planner then responded to Members' questions in relation to the felling of the site.

Thereafter, the Committee **agreed** to defer consideration of the application for a site visit to be held on Tuesday, 5 March, 2019 to allow Members to gain a better understanding of matters raised including in relation to road safety; the extent to which the site could be considered part of a cohesive group; and what was on site in terms of planting.

(C) Reference No: APP/2018/2997– 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 30 January, 2019, by the Director of Infrastructure Services, which sought consideration of an application for full planning permission (retrospective) for the installation of replacement uPVC windows and doors. The application was being reported to the Committee as at least two Ward Members had requested its referral.

The Senior Planner reported on the detail of the application and advised that nothing had changed since the refusal of an identical proposal in March 2018; PVC was not appropriate in a conservation area; and the application was recommended for refusal. The Committee also heard that, as an enforcement notice has not been served following the previous refusal and as the windows had been in place for over four years, the applicant could apply for a certificate of lawfulness.

Following discussion, the Committee **agreed** to refuse Full Planning Permission for the following reasons:-

01. 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.
02. 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.