

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

BANCHORY TOWN HALL, BANCHORY, 18 JUNE, 2019

Present: Councillors M Ingleby (Chair), J Latham (Vice Chair), P Argyle, G Blackett (Items 1-8), R Bruce, E Durno, P Gibb, G Petrie, A Ross and R Withey.

Officers: J Clark, Area Manager (Marr); S Milne, Head Teacher, Towie School and Nursery; K Laakso, Strategic Development Officer; M Macleod, Environment Planner; N Mair, Senior Planner; P Robertson, Senior Solicitor; and K Macleod, Area Committee Officer (Marr).

In attendance: Chief Inspector S Drummond, Police Scotland.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct.

Councillor Petrie declared interests in (a) Item 10, by virtue of being the Council's representative on Gordon Rural Action and having significant involvement with Huntly Community Sports Trust, and (b) Item 12 by virtue of being the Council's representative on Gordon Rural Action. She advised that she would leave the meeting and take no part in the items.

Councillor Durno stated that she had a connection to Item 9A but having applied the objective test she concluded she had no interest to declare.

Councillor Argyle declared an interest in Item 11 by virtue of being a director of Mid Deeside Community Trust and advised that he would leave the meeting and take no part during consideration of recommendation 1.1.

Councillor Blackett declared an interest in Item 9B by virtue of one of the supporters having been her election agent but having applied the objective test she concluded that she had no interest to declare and she would remain and participate in the item.

Councillor Withey declared an interest in Item 10 by virtue of having been heavily involved in the Alford Valley Railway project and advised that he would leave the meeting and take no part in 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 the following items 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.	Paragraph No. of Schedule 7A
12	4
13	9
14	8

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 28 MAY, 2019

The Committee had before them, and approved as a correct record, the Minute of Meeting of the Committee of 28 May, 2019 subject to the amendment of the sederunt to record Councillor Withey's apologies.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF SECOND HAND CAR DEALER'S LICENCE

Item withdrawn.

5. POLICE SCOTLAND - LOCAL AREA UPDATE

There had been circulated a joint report by the Local Area Commander (Aberdeenshire South), Police Scotland and the Director of Business Services which provided monitoring information from Police Scotland relating to the Marr area for the period from April 2018 to March 2019.

The Chief Inspector provided further information to contextualise the statistics and responded to Members' questions in relation to shoplifting; domestic abuse and recording incidents of coercive control; speeding; wildlife crime; and dealing with vandalism and malicious mischief including proposals for street football in Banchory. Members also highlighted an Aberdeenshire Youth Forum survey which had identified drugs as a key issue; welcomed convictions in association with the Torphins ATM raid; and thanked the Chief Inspector and local community policing teams for their work.

The Committee **agreed**:-

- (1) to note the monitoring information relating to the three Multi Member Wards which collectively formed the Marr component of the Aberdeenshire South Local Command Area and an integral part of North East Division; and
- (2) to request that data on wildlife crime be provided to Members.

6. INSPECTION OF TOWIE SCHOOL AND NURSERY CLASS

There had been circulated a report dated 7 June, 2019, by the Director of Education and Children's Services, which provided information on an inspection of Towie School and Nursery Class in February 2019.

The Head Teacher spoke on the strengths of the school identified by the inspectors, together with the areas identified for improvement and actions being taken to address these. During

discussion, Members praised the school's friendly environment and response to the inspection and asked questions in relation to differentiation, composite classes, and the curriculum.

The Committee **agreed**:-

- (1) to note the contents of the report on the inspection of Towie Primary School and Nursery Class;
- (2) to endorse the Service's continuing efforts in support of Towie School and Nursery Class in the Education Scotland inspection process and in the raising of standards of attainment and achievement in all aspects of school life; and
- (3) to receive a further report following the next Education Scotland inspection.

7. RECYCLING CENTRE POLICY AND PROCEDURES

There had been circulated a report dated 23 May, 2019, by the Director of Infrastructure Services, which sought comments, for consideration by the Infrastructure Services Committee, on a proposed recycling policy and procedures.

The Strategic Development Officer provided background information on issues in relation to business waste and highlighted the key points of the policy and procedures which included proposals to accept business waste at three waste transfer stations on three days a week and to introduce a ban from recycling centres on larger commercial vehicles and a permit system for certain types of vehicles used by householders.

During a full discussion, the Committee **agreed** to provide the following comments on the draft recycling centre policy and procedures to the Infrastructure Services Committee:-

- (1) Acknowledged the principle and rationale of the proposals, and the costs to the Council and taxpayers of incorrect disposal of business waste.
- (2) Some concerns were raised that, in practice, a permit system could cause confusion, more congestion, potential confrontation at recycling centres, and fly-tipping.
- (3) Classification of vehicles requiring permits needed further consideration. Many pick-ups and trailers were used by private individuals.
- (4) Only accepting trade waste at Banchory, Ellon and Macduff would mean long distances to travel and pressure on those sites.
- (5) The proposed times for accepting trade waste of 8-10am on weekdays should be looked at again as (a) tradesmen often needed to work at these times and (b) it was a peak time for traffic in Banchory, with commuting and children going to school, exacerbating road capacity issues in the area of the Banchory Household Waste and Recycling Centre.
- (6) A strong business case was needed with more information including the costs of administering the arrangements so that this could be assessed against savings.
- (7) Further details were needed within the procedures at Appendix 3, for example in respect of use of hired trailers; what would happen if someone changed vehicle; and whether permits would have an expiry date/be transferable at the end of the year.
- (8) Raising the number of permits to 20 per year could make people feel less restricted, while the full allocation of permits would not necessarily be used.
- (9) Effective communication would be key.

(10) Consideration was needed of how horse boxes would be classified.

8. ABERDEENSHIRE COUNCIL TREE PRESERVATION ORDER NO 108 (2019) UPPER ARBEADIE, BANCHORY

There had been circulated a report dated 15 May, 2019, by the Director of Infrastructure Services, which sought confirmation of a Tree Preservation Order (TPO) at Upper Arbeadie, Banchory which was the subject of an outstanding objection. Appended to the report were the map of the Order, the outstanding objection, and officer comments on issues raised.

Having heard that a request to speak had been received, the Committee **agreed** to hear from Sarah Graham, Halliday Fraser Munro as agent for MacTaggart and Mickel Homes who were the interested party on whom the TPO had been served.

The Environment Planner provided background information on the TPO and outlined the justification for making the Order based on the high amenity value of the site and the level of risk in terms of the potential for piecemeal removal of the woodland. She explained that the TPO would not mean that trees couldn't be removed. An application could be made, and permission would not be unreasonably withheld.

Sarah Graham then addressed the Committee and referred to proposed tree removal works and concerns about the reactionary nature of the TPO. She contended that the Order did not meet the tests in terms of amenity or cultural and historical value, highlighting the condition of the trees and the site not being ancient or historical woodland. The Committee were asked to consider a site visit and dismiss the TPO. Ms Graham then confirmed that she felt she had been given a fair hearing.

During discussion, Members commented on the importance of the woodland to the people of Banchory as an area for recreation and health and wellbeing activity. It was considered that the TPO would allow for management of the site while protecting the quality of the woodland for the benefit of the community.

Therefore, the Committee **agreed** to confirm the Tree Preservation Order with modifications as detailed in Appendix 1 to the report.

9. PLANNING APPLICATIONS

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

Reference Number	Address
(A) APP/2019/0693	Planning Permission in Principle for Mixed Use Development (Comprising 390 Dwellinghouses and Commercial and Business Development) Without Compliance with Condition 16 (Roundabout on the A980 Raemoir Road) of Planning Permission APP/2018/2796 at Site at Banchory North, Hill of Banchory South, Banchory

The Committee were advised that Item 9B: APP/2019/0720 - Planning Permission in Principle for Change of Use from Class 6 (Storage and Distribution) to Class 9 (Dwellinghouse) at Land to North of Upper Tillylair, Lumphanan had been withdrawn.

10. AREA COMMITTEE BUDGET - LARGE GRANT APPLICATIONS

With reference to the Minute of Meeting of the Committee of 16 April, 2019 (Item 6), when £40,000 had been identified to deliver a large project grant scheme whereby community groups in the Marr area could apply for a grant of up to £5,000 for projects which aimed to

help improve local communities, there had been circulated a report dated 31 May, 2019, by the Director of Infrastructure Services, which provided information on applications received and sought agreement for the allocation of funding through the scheme.

Having considered the applications, the Committee **agreed** the allocation of funding through the Marr Area Committee Large Project Grant Scheme 2019/20 as follows:-

- (1) up to £4,445 to Mid Deeside Community Council for a community information hub;
- (2) up to £4,432 to Huntly and District Development Trust for design works associated with 30 The Square, Huntly;
- (3) up to £4,445 to Alford and District Men's Shed for toilet provision;
- (4) up to £4,445 to Donside Community Council for the Alford Valley Railway Feasibility Study;
- (5) up to £4,445 to Torphins Paths Group for pre application works for path developments;
- (6) up to £4,445 to Huntly Community Sports Trust for 3G astro turf pitches;
- (7) up to £4,445 to Strachan Village Hall for hall renovations;
- (8) up to £4,445 to Banchory and District Men's Shed for a workshop conversion;
- (9) up to £4,445 to Banchory Paths Association for the Corsee Woods Accessibility Project; and
- (10) the unallocated amount of £8 to be reallocated to the Small Grants Scheme.

11. AREA COMMITTEE BUDGET - SMALL GRANT APPLICATIONS

There had been circulated a report dated 28 May, 2019, by the Director of Infrastructure Services, which sought consideration of seven applications to the Marr Area Committee Small Project Grant Scheme. The report also advised of two awards made in 2018/19 which required to be paid from the 2019/20 budget as the projects had not been completed by the end of the financial year.

The Area Manager introduced the report and responded to Members' questions. It was further recommended that the Committee delegate authority to the Area Manager to approve small grant applications received during the summer recess, following consultation with the Chair/Vice Chair and Ward Members. It was proposed that Members would have a 48 hour period to respond to any consultation.

The Committee **agreed**:-

- (1) that £2,734 be allocated from the 2019/20 Area Committee Budget to cover grant awards made in 2018/19 as detailed in paragraph 2.4 of the report;
- (2) to refuse the application from Huntly Funky Monkeys as this related to staffing costs;
- (3) to approve awards as follows:-
 - (a) up to £2,000 to Active Schools Huntly and Alford (Aberdeenshire Council) towards the cost of upskilling pupil and parent volunteers;
 - (b) up to £1,000 to Finzean Community Association (Portrait of Our Time) towards the cost of the 'Bee Kind' community play;

- (c) up to £800 to Glenbuchat Hall Community Association towards the cost of improving the hall's kitchen facilities;
 - (d) up to £2,000 to Rhynie Charitable Trust towards the cost of footpath improvements at Tap o' Noth;
 - (e) up to £2,000 to Aboyne Juvenile Football Club towards the cost of club development; and
 - (f) up to £1,500 to Braemar Men's Shed towards the cost of making the workshop weatherproof, safety equipment, and tools; and
- (3) to delegate authority to the Area Manager (Marr), following consultation with the Chair or Vice Chair of the Area Committee and Ward Members, to approve awards from the Area Committee Budget up to £2,000 until the next meeting of the Committee on 20 August, 2019.

12. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATION

There had been circulated a report dated 27 May, 2019, by the Director of Infrastructure Services, which sought consideration of an application for funding from the Aberdeenshire Charities Trust (ACT2).

The Committee **agreed** to approve an award of £2,000 of ACT2 funding (Ward 14: The prevention or relief of poverty) to the applicant.

13. SALE OF 7 & 7A CASTLE STREET, HUNTLY

On a circulated report by the Director of Business Services, the Committee **agreed** to instruct the Head of Property and Facilities Management to conclude the sale of 7 and 7A Castle Street, Huntly as set out in the report.

14. SUPPLEMENTARY WORK PLAN 2019/20 FOR BUSINESS SERVICES DIRECTORATE – PROCUREMENT APPROVAL

There had been circulated a report dated 4 June, 2019, by the Director of Business Services, which asked the Committee to approve an item on the Business Services Directorate Supplementary Work Plan which fell within the remit of the Committee.

The Committee **agreed**:-

- (1) to note the Business Services Directorate Supplementary Work Plan as provided in Appendix 1; and
- (2) to approve the item on the Supplementary Work Plan identified as falling within the remit of the Committee and to note that the Directorate Work Plan approved by Business Services Committee on 18 April 2019 would be updated as detailed in the Supplementary Work Plan.

Councillor presiding over meeting

Print Name

Signature

Date

Draft

APPENDIX A

PLANNING APPLICATIONS

- (A) **Reference No: APP/2019/0693 – Planning Permission in Principle for Mixed Use Development (Comprising 390 Dwellinghouses and Commercial and Business Development) Without Compliance with Condition 16 (Roundabout on the A980 Raemoir Road) of Planning Permission APP/2018/2796 at Site at Banchory North, Hill of Banchory South, Banchory, Aberdeenshire**

Applicant: North Banchory Company, Banchory Business Centre, Burn O'Bennie Road, Banchory, AB31 5ZU

Agent: Bancon Homes, Burnett House, Banchory Business Centre, Burn O'Bennie Road, Banchory, AB31 5ZU

There had been circulated a report dated 5 June, 2019, by the Director of Infrastructure Services, which sought consideration of an application for planning permission in principle for a mixed use development without compliance with condition 16 of the previously approved planning permission APP/2018/2796. The condition required that prior to commencement of any development in phase 2B or 2C, a roundabout on the A980 would be constructed and operational. The application was being reported to the Committee as there was an unresolved objection from Banchory Community Council.

Having heard that requests to speak had been received, the Committee **agreed** to hear from Mary Lennox, on behalf of Banchory Community Council, and Jayne Christie, an objector.

It was clarified that the application was for planning permission in principle and not full planning permission as stated in the report. The Senior Planner reported on the details of the application and made reference to the applicant wishing to amend the phasing due to market conditions and infrastructure delivery issues with phases 2A and 2B; condition 16 as it existed; and the proposed amended condition which would require the roundabout to be constructed prior to completion of the 30th house in phase 2C. Both conditions would mean that no more than 30 houses could be completed until the roundabout was built. The resultant change would be to locate the housing on the western side of Raemoir Road within phase 2C, rather than phase 2A on the eastern side. Roads Development and Transportation had no concerns and the variation was recommended for approval.

The Senior Planner then responded to Members' questions in relation to the roundabout; assessment of road safety at Upper Lochton; the trigger number of houses for the roundabout to be built; and what had previously been agreed in terms of phasing and provision of the roundabout.

Mary Lennox addressed the Committee on behalf of Banchory Community Council and contended that building the houses on the other side of Raemoir Road would make a considerable difference in terms of safety. She made reference to the roundabout being required before phases 2B and 2C in order to provide suitable access; the junction at Upper Lochton being dangerous with poor visibility, especially when turning right; more houses increasing the danger and adding to the volume of traffic; and market conditions not being a reason to overturn the condition when weighed against the safety of vehicles and pedestrians. She asked the Committee to refuse to vary the condition and ensure the roundabout was built first. Ms Lennox then responded to questions on the impact of building the houses on the other side of Raemoir Road.

The Committee then heard from Jayne Christie who explained that she was a resident of Upper Lochton and made reference to poor visibility and safety issues at the Upper Lochton junction; additional traffic escalating the dangers; conditions being chipped away by the developer; local people's fears being dismissed; and better visibility emerging from the other

side of Raemoir Road. Ms Christie then responded to a question on visibility at the junction and thereafter indicated that she felt she had been given a fair hearing.

The Senior Solicitor highlighted issues raised which were not material planning considerations and confirmed the statutory test for determining the application.

Councillor Ross, seconded by Councillor Durno, moved to defer for a site visit.

As an amendment, Councillor Ingleby, seconded by Councillor Withey, moved not to go on a site visit.

Members of the Committee voted:-

for the motion (4) Councillors Latham, Bruce, Durno and Ross.

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

Therefore, the amendment was carried and the Committee **agreed** not to go on a site visit.

During discussion, Members commented on the issues raised by the Community Council and objectors; concerns about road safety; impacts on residents and road users; and there being a change as a result of the houses being built on the other side of road because of differences in road safety and visibility. An alternative view was expressed, highlighting that roads assessments had to be fact based and that the roundabout would still be built after the completion of 30 houses.

Councillor Withey, seconded by Councillor Petrie, moved to grant the application in accordance with the report recommendation.

As an amendment, Councillor Gibb, seconded by Councillor Bruce, moved that the application be refused on the grounds that there was not sufficient justification to vary condition 16 as progression of phase 2C prior to the completion of a roundabout on Raemoir Road would have an unacceptable impact in terms of road safety with particular reference to the Upper Lochton junction with Raemoir Road.

Members of the Committee voted:-

for the motion (2) Councillors Petrie and Withey

for the amendment (7) Councillors Ingleby, Latham, Argyle, Bruce, Durno, Gibb and Ross.

Therefore, the amendment was carried and the Committee **agreed** to refuse the application on the grounds that there was not sufficient justification to vary condition 16 as progression of phase 2C prior to the completion of a roundabout on Raemoir Road would have an unacceptable impact in terms of road safety with particular reference to the Upper Lochton junction with Raemoir Road.