

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

SKYPE MEETING, 31 MARCH 2020

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), J Joss, Senior Solicitor; N Mair, Senior Planner; P Cruickshank, Quality Improvement Manager; C Clement, Head of Resources & Improvement; V Docherty, Head of Education; A Funk, Principal Roads Engineer; L Watson, Principal Engineer; K Regan, Principal Officer; G Cunningham, Principal Engineer; P Whalley, Early Years Estate Manager; and A McLeod, Area Committee Officer (Marr)

At the commencement of the meeting the Chair welcomed all to the first skype meeting of Marr Area Committee. She recorded the Committee's thanks and appreciation to the team, headed by the Area Manager, for working tirelessly in recent weeks to ensure the Marr area and wider Aberdeenshire stays safe and is able to function effectively. She reminded Members that the public part of the meeting would be recorded and published online for public viewing after the meeting.

1. DECLARATION OF MEMBERS' INTERESTS

Councillor Durno declared an interest in item 9B by virtue of knowing the applicant, and confirmed that she would not participate in the item and she would leave the meeting.

Councillor Blackett declared an interest in item 7, as her husband was the Chair of Marr Area Partnership, and having applied the objective test concluded that the interest was so remote and insignificant that she would remain and participate.

Councillor Argyle declared an interest in item 7, as he is a director of Mid Deeside Community Trust, and having applied the objective test concluded that the interest was so remote and insignificant that he would remain and participate.

2A. STATEMENT OF 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 follow 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 Section 7A
11	4
12	8

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 10 MARCH 2020

The Committee had before them, and approved as a correct record, the Minute of Meeting of the Marr Area Committee of 10 March, 2020.

4. PROMOTING INCLUSION AND REDUCING EXCLUSIONS IN ABERDEENSHIRE SCHOOLS

There had been circulated a report dated 12 March, 2020 by the Director of Education and Children’s Services which highlighted the review of the Education and Recreation Service Policy on School Discipline and the Use of Exclusion.

The Quality Improvement Manager introduced the report and gave an overview of the background to the revised policy which aims to define a clear and consistent protocol for schools to follow when considering, initiating and managing all aspects of the exclusion process. The Education and Children’s Services Committee had considered the draft policy and approved the commencement of the review process. He confirmed that the current ongoing situation associated with Covid-19 would have an impact on the timing of the consultation period, which would be recommenced once the current restrictions were lifted.

After consideration, the Committee **agreed** to provide the following comments on the revised and updated draft policy:

1. To welcome the review of the policy to promote inclusion and reduce exclusions in Aberdeenshire’s schools;
2. To note the challenge for schools to support young people with additional support needs, where an exclusion was being considered;

3. To note the need, where a young person had been excluded, for those affected to be made aware of the restorative process, and appropriate support put in place for those affected; and
4. To note there would be new timescales agreed for the consultation period on the updated draft policy.

5. GARTLY PRIMARY SCHOOL UPDATE

With reference to the Minute of Meeting of the Committee of 17 December, 2019 (Item 14), there had been circulated a report dated March 2020 by the Director of Education and Children's Services, providing an update on the position in relation to the Gartly Primary School oil spill, providing information following an engagement exercise and seeking comments from the Committee for the Education and Children's Services Committee on the next steps.

The Head of Resources and Improvement introduced the report, along with the Head of Education, and gave an update on the position, including details of a summary of a public meeting held in February 2020 when initial options were outlined, and details of community options feedback which had been collated following the meeting.

Officers responded to questions raised by Members in relation to the contamination of the site and the future ongoing monitoring of the site, and the likelihood that the current issues associated with Covid-19 would be likely to impact on the ability to commence with stakeholder engagement.

Having noted the present exceptional circumstances in relation to Covid-19, the Committee **agreed:**

1. To acknowledge the responses received following the engagement exercise;
2. To recommend to the Education and Children's Services Committee that:
 - (a) a decision on the future of Gartly School should be deferred until the current restrictions in relation to Covid19 are lifted;
 - (b) that the current arrangements in place at Rhynie should continue in the meantime;
 - (c) That officers should continue to work on the issue and to report further to the Marr Area Committee and Education and Children's Services Committee in due course, and to keep Ward Members informed of developments.

6. ROADS, BRIDGES, FLOODING AND LANDSCAPE SERVICES WORKS PROGRAMME 2020-21

There had been circulated a report dated 2 March, 2020 by the Director of Infrastructure Services which outlined the available funding and the proposed programmes of works for Roads, Bridges, Landscape, Harbours and Flooding. The Principal Roads Engineer, Roads, Landscape and Waste, introduced the report and gave an overview of the proposed programme of works for 2020/21, and confirmed that a further report would be presented to the Committee in the summer with an update on the planned programmes once all the available budgets and 2019-20 year end positions had been finalised.

Officers responded to issues raised by Members in relation to proposed works at various locations in Marr, and Members noted that an earlier informal session with officers to discuss proposed works on a Ward basis had been a very useful exercise, in advance of bringing the proposed works programmes to the Committee.

The Committee **agreed**:

1. To approve the Works Programmes as detailed in Appendices A to F, and
2. That a further report be presented with updated Works Programmes once the final budget and funding positions were determined.

7. AREA COMMITTEE BUDGET 2019/20 AND 2020/21

There had been circulated a report dated 27 February, 2020 by the Director of Infrastructure Services, which provided details of the use of the Marr Area Committee Budget in 2019/20, advised that an allocation of £80,000 was available to the Marr Area Committee in 2020/21 to respond to local needs; and sought consideration of proposals for the use for the Area Committee Budget.

The Area Manager introduced the report and outlined details of the 2019/20 Marr Area Committee Budget spend, and proposals for the 2020/21 allocation of funds. She responded to Members questions in relation to allocations to rural partnerships, and highlighted that other funding for community resilience support would be available soon to offer financial support to community groups, who were providing community support at this time.

The Committee **agreed**:-

1. to allocate £7,500 to Marr Area Partnership to run the Initiative Grants Scheme;
2. to allocate £6,000 to rural partnerships, as detailed in paragraph 5.8 of the report (£4,500 to Royal Deeside Partnership and £1,500 to Banchory and District Initiative);

3. that £40,000 be identified to deliver a large project grant scheme whereby community groups could apply for a grant up to £5,000 per project;
4. that the remaining £26,500 provide an alternative grant scheme for community projects up to £2,000 per project; and
5. 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.

8. AREA COMMITTEE BUDGET – SMALL GRANT APPLICATION

There had been circulated a report dated 13 March, 2020 by the Director of Infrastructure Services which asked the Committee to note the use of delegated powers by the Area Manager to award up to £114 to Torphins Community Council towards the cost of printing a Welcome Leaflet for new residents to the village, following consultation with the Chair and Ward Members.

The Committee **agreed** to note the use of delegated powers by the Area Manager to award up to £114 to Torphins Community Council from the Small Grant Scheme.

9. PLANNING APPLICATIONS FOR DETERMINATION

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

Reference No	Address
(A) APP/2019/2344	Full Planning Permission for Erection of 2 Dwellinghouses and Detached Garages at Riverstone House, Banchory
(B) APP/2020/0138	Full Planning Permission for Change of Use from Shop (Class 1) to Hot Food Takeaway (Sui Generis) at 16A Bridge Street, Banchory
(C) APP/2020/0177	Full Planning Permission for Erection of Dwellinghouse at The Neuk, Ordie, Aboyne

10. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATIONS

There had been circulated a report dated 2 March, 2020 by the Director of Infrastructure Services, which sought consideration of a number of applications for Aberdeenshire Charities Trust (ACT2) funding.

The Area Manager introduced the report and outlined that the funding sought would assist the applicants to deliver projects in line with the various trust Wards and purposes.

The Committee **agreed** to approve the following awards:

1. £1,000 of ACT2 funding (Ward 15: the relief of those in need by reason of age ill-health, disability, financial hardship or other disadvantage) to Aboyne After School Club;
2. £1,000 of ACT2 funding (Ward 16: the advancement of the arts, heritage, culture or science) to Mesolithic Deeside;
3. £1,000 of ACT2 funding (Ward 16: the advancement of the arts, heritage, culture or science) to Inchmarlo Village Hall; and
4. £1,000 of ACT2 funding (Ward 16: the relief of those in need by reason of age ill-health, disability, financial hardship or other disadvantage) to Banchory Trampoline and DMT Club (SCIO).

11. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATION

There had been circulated a report dated 2 March, 2020 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 £500 of ACT2 funding (Ward 15: the prevention or relief of poverty, and the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage) to the applicant.

12. EDUCATION AND CHILDREN'S SERVICES DIRECTORATE ANNUAL PROCUREMENT PLAN 2020-21

There had been circulated a report dated 2 March, 2020 by the Director of Education and Children's Services, which sought consideration of items on the Education and Children's Services Directorate Work Plan 2020/21 identified as falling within the remit of the Committee.

The Early Years Estate Manager introduced the report and responded to Members' questions in relation to the proposed works within the annual procurement plan. The Committee **agreed** to:

1. approve the item on the Procurement Plan identified as falling within the remit of the Committee;
2. approve the Procurement Approval Form (Business Case) in Appendix 3; and
3. acknowledge that the Head of Resources and Performance has the delegated authority to award the final contract.

Councillor presiding over meeting

Councillor Moira Ingleby

Print Name

Signature

5 May 2020

Date

**APPENDIX A
PLANNING APPLICATIONS**

(A) Reference No: APP/2019/2344 - Full Planning Permission for Erection of 2 Dwellinghouses at Riverstone House, Banchory, Aberdeenshire, AB31 5HU

**Applicant: Deedream Ltd
Agent: Lippe Architects + Planners, 4 St Janes Place, Inverurie,
AB51 3UB**

There had been circulated a report dated 13 March, 2020 by the Director of Infrastructure Services which sought consideration of an application for full planning for the erection of two dwellinghouses at Riverstone House, Banchory, Aberdeenshire, AB31 5HU.

The Senior Planner introduced the report which had been referred to the Committee as there was an unresolved objection from Feughdee West Community Council. He outlined the planning history of the site and the current proposal to erect two dwellings on the site of the former Riverstone House. He confirmed that the Community Council were concerned regarding the principle of development, and since their initial comments were provided the proposal had been reduced from three to two units under the application. However the Community Council had not revised their response and therefore their initial comments remained. He concluded by confirming that the proposal was considered to comply with policy and was recommended for approval subject to the conditions contained within the report.

Following discussion, the Committee **agreed** to GRANT Full Planning Permission subject to the following conditions:-

1. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

2. The vehicular access, driveway and parking area hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed to the full width of revised site access. The access shall be formed in accordance with drawing 5264/061 REV A and off-street parking for 6 cars, surfaced in hard standing materials must be provided within the site. The access/driveway/parking area 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, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

3. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The areas shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store 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.

4. 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 120 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

5. Prior to commencement of development a buffer strip is required adjacent to the River Dee and Waters of Feugh. The buffer strip should be proportionate to the width of the watercourse and is influenced by the Flood Risk Assessment and trees/foliage on site. No development should take place within this buffer as identified on the approved site plan 5264/063 A. Measures must be taken to avoid any disturbance on the land within the buffer strip during the development phase and details of protective fencing to be put in place shall be provided to the Planning Service for formal agreement in writing.

Reason: To protect and preserve the River Dee conservation site.

6. No works in connection with the development hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the planning authority. The construction method statement shall include details of measures that will be in place to prevent pollution entering the River Dee SAC during construction. All construction works on the site shall be carried out in strict accordance with the approved construction method statement.

Reason: In the interests of protecting the biodiversity of the environment and River Dee SAC.

7. No dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with drawing 101576/2000 G and information provided by Fairhurst dated December 2016. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

8. 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.

9. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure between plots and bounding the garden grounds, site have been submitted to and approved in writing by the planning authority. The dwellings hereby approved shall not be brought into use unless the means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the occupants of the approved development and the visual amenities of the area.

10. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
 - b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
 - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
 - d) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
 - e) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

11. **Reason for Decision**

01. The site has previously been developed, with the principle of development on the site established under the previous 2017 approval. The proposal is considered appropriate in terms of layout, siting and design and is not considered to impact on the character of the area. Therefore, compliant with Policy R2 Housing and employment development elsewhere in the countryside and Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.

(B) Reference No: APP/2020/0138 - Full Planning Permission for Change of Use from Shop (Class 1) to Hot Food Takeaway (Sui Generis) at 16A Bridge Street, Banchory, AB31 5SX

**Applicant: Mr Grzegorz Kowalski, 22B Bridge Street, Banchory
Aberdeenshire, AB31 5SX**
Agent: No agent

As indicated under item 1, Councillor Durno declared an interest in this item and left the skype meeting whilst the application was considered.

There had been circulated a report dated 11 March, 2020 by the Director of Infrastructure Services which sought consideration of an application for full planning permission for the change of use from a shop (Class 1) to a hot food takeaway (Sui Generis) at 16A Bridge Street, Banchory, AB31 5SX. The application was being reported to the Committee as there had been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Senior Planner reported on the detail of the application and made reference to the change of use from vacant shop to a hot food takeaway; the site was located within the designated town centre and surrounding land uses include a mix of residential and commercial units; addressed the issues raised within the objections; confirmed that the application complied with all relevant policies and was recommended for approval, subject to the condition contained within the report.

Members questioned the proposed opening hours of the operation and the option to impose a condition to ensure that the development would not result in undue loss of amenity for surrounding properties.

After consideration, the Committee **agreed** to delegate the grant of consent to the Head of Planning and Environment Service to agree a suitable condition in relation to the proposed opening hours for the operation, in order to ensure that the development would not result in undue loss of amenity for surrounding properties, in discussion with the applicant and in consultation with the Environmental Health service;

Subject to the following condition:-

Any ventilation system provided to remove the steam/fumes from any cooking appliance shall terminate at the rear southern gable wall.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

Reason for Decision

The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. This development will make use of a vacant shop building within the town centre and will

not have an impact on the amenity of surrounding properties. This proposal complies with Policy P3 Infill and householder developments within settlements and Policy B2 Town Centres of the Aberdeenshire Local Development Plan 2017.

(C) Reference No: APP/2020/0177 - Full Planning Permission for Erection of Dwellinghouse at The Neuk, Ordie, Aboyne, Aberdeenshire, AB34 5LS

Applicant: Mr David Barron & Miss Ailsa Anderson, 4 Neil Burn Drive, Kincardine O'Neil, Aboyne, AB34 5AB

Agent: No agent

There had been circulated a report dated 13 March, 2020 by the Director of Infrastructure Services which sought consideration of an application for full planning permission for the erection of a dwellinghouse at The Neuk, Ordie, Aboyne. The application was being reported to the Committee as it had been submitted by a member of staff in the Planning and Building Standards Service and there had been a valid objection.

The Senior Planner reported on the detail of the application, confirmed that the application proposed a new dwelling where the remains of a farmhouse were, and the applicant intended to utilise part of the steading for agricultural storage. The application was recommended for approval as the proposed erection of a dwellinghouse on the brownfield site was considered acceptable in line with policy and the proposal complied with all other relevant policies contained within the Cairngorms National Park Local Development Plan 2015.

After consideration, the Committee **agreed to GRANT** Full Planning Permission subject to the following conditions:-

1. The dwellinghouse hereby approved shall not be occupied unless a turning area measuring at least 7.6m by 7.6m has been formed and 3 off-street parking spaces have been provided in accordance with the Council's Car Parking Standards. Furthermore, prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved. Once provided, the access, turning and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

2. The dwellinghouse hereby approved shall not be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

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

3. No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the

extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

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

4. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the John Wink Design, December 2019 report. 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.

Reason for Decision

The planning authority considers that the application is for a development that is in accordance with the Cairngorms National Park Local Development Plan 2015. As a brownfield site, the proposal satisfies Policy 1: New Housing Development, Part 3 Other housing in the countryside. The proposed design and layout respects the setting and existing property to the west of the site and therefore complies with Policy 3: Sustainable Design.