

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

SKYPE MEETING, 16 FEBRUARY 2021

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

Apologies: Councillor A Ross.

Officers: J Clark, Area Manager (Marr); P Robertson, Senior Solicitor; A Johnston, Tackling Poverty and Inequalities Co-ordinator; N Mair, Senior Planner; and A McLeod, Area Committee Officer.

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillor's Code of Conduct and there were no declarations intimated.

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 following items of the business on the grounds that they involved the likely disclosure of exempt information of the class described in the relevant paragraphs of Part 1 of Schedule 7A of the Act.

Item No.
8

Paragraph No. of Schedule 7A
4

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 26 JANUARY 2021

The Committee had before them, and approved as a correct record, the Minute of Meeting of the Committee of 26 January, 2021.

4. TACKLING POVERTY AND INEQUALITIES PROGRESS REPORT 2021

There had been submitted a report dated 1 February, 2021 by the Director of Business Services sought to update the Committee on progress made covering the work of the Tackling Poverty & Inequalities Strategic Partnership Group, including the actions within the Child Poverty Action Plan and the delivery plan supporting the Local Outcomes Improvement Plan priority 'Reducing Poverty'.

The Tackling Poverty and Inequalities Co-ordinator introduced the report and advised that work was ongoing to streamline the report; confirmed that the ongoing pandemic had resulted in a delay in the report being published; referred to national data and trends, and provided data on child poverty figures within Marr, noting that the figures did not reflect the impact of Covid which had still to be fully understood. She advised that the delivery of information and advice services had changed significantly over the past year, and an increase in personal debt had been noted, with clients making contact for help at an earlier stage. She advised that there had been an increase in partnership working and highlighted areas of good practice within Marr, including projects that were ongoing to support families with epilepsy, the development of online support and free phone helplines by Citizens Advice Bureau, new advice posts which had been allocated to GP surgeries and employability projects being provided by Barnardo's in Huntly and area.

During discussion, Members noted the increasing needs of many families due to the effects of Covid and changes in employment; noted the challenges of engagement with young people during lockdown; noted an increased uptake in free school meals over the last year due to change in circumstances; commended the development of community kitchen initiatives; noted the increased demand for specialist support to help people in rent arrears and other financial difficulties to ensure they are able to access an appropriate range of support.

Following discussion and consideration of the information provided, the Committee **agreed** to:

1. Acknowledge and support the progress made in tackling the Agenda on the Child Poverty Action Plan and the Tackling Poverty & Inequalities annual report, which would be reported to the Communities Committee and would inform the final Local Child Poverty Action Report; and
2. To provide the following comments for consideration as part of the development of future plans:

- a) Welcome the increase in partnership working in Marr to provide support for residents and a new Information and Advice Framework provided by CAB, which included the development of online support;
- b) Welcomed the work by Barnardo's targeting 16 to 25 year olds to build employability capacity;
- c) Noted there had been an increased uptake in free school meals in Marr since the start of lockdown; and
- d) Highlighted a need to ensure that information on access to a range of support was made widely available to residents who find themselves with reduced incomes and increased need for support services.

5. MARR AREA COMMITTEE BUDGET – SMALL GRANT APPLICATIONS

There had been submitted a report dated 29 January, 2021 by the Marr Area Manager, which sought consideration of applications for Area Committee Budget funding from Aboyne Highland Games and Gordon Rural Action.

The Area Manager introduced the report and summarised the details of the applications, and responded to questions from Members.

The Committee, after consideration, **agreed**:

1. to award up to £1,500 towards the cost of a display cabinet to house the Aboyne Highland Games trophies; and
2. to delegate to the Area Manager the grant of an award of up to £2,000 to Gordon Rural Action for the development of a Baby and Young Child Resource Hub (Baby Bank), subject to appropriate conditions.

6. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATION

There had been submitted a report dated 2 February 2021 by the Marr Area Manager, which sought consideration of an application for funding from the Aberdeenshire Charities Trust (ACT2).

The Area Manager introduced the report and advised that the funding sought would assist the applicant to deliver a project in line with the Trust purposes for Ward 16. She responded to questions from Members in relation to the project.

Thereafter, the Committee **agreed** to approve an award of £700 of ACT2 funding (Ward 16: the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage) to the Sunrise Partnership.

7. PLANNING APPLICATIONS FOR DETERMINATION

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

Reference No	Address
(A) APP/2020/1849	Full Planning Permission for Alterations and Extension to Hotel at Haughton Arms Hotel, Main Street, Alford
(B) APP/2020/2133	Planning Permission in Principle for Erection of 3 Dwellinghouses and Garages at Taigh Sa Choille, Dess, Aboyne
(C) APP/2020/2257	Full Planning Permission for Installation of 16m High Telecommunications Mast and Associated Equipment Housing at Layby on A93 Opposite Inver Croft, Crathie, Ballater
(D) APP/2020/2294	Full Planning Permission for Erection of 30m Telecommunications Mast at Site to East of Brig O' Dee Cottage, Braemar
(E) APP/2020/2475	Full Planning Permission for Formation of Paved Terrace and Erection of Pergola and Dining Pods to Form Outside Dining Area at Banchory Lodge Hotel, Dee Street, Banchory

8. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATION

There had been circulated a report dated 2 February, 2021 by the Marr Area Manager, 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 14: the advancement of education; the advancement of the arts, heritage, culture or science) to the applicant.

Councillor presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATIONS

- (A) **Reference No: APP/2020/2059 - Full Planning Permission for Alterations and Extension to Hotel at Houghton Arms Hotel, Main Street, Alford, Aberdeenshire, AB33 8WA**

Applicant:	Houghton Arms Hotel, Main Street, Alford, AB33 8WA
Agent:	57 North Architecture, Signal House, Station Road South, Peterculter, AB14 0LL

There had been circulated a report dated 29 January, 2021 by the Head of Planning and Environment Service, which sought consideration of an application for Full Planning Permission for alterations and extension to the Houghton Arms Hotel, Main Street, Alford, which had been referred to the Committee as there was an unresolved objection from a consultee.

The Chair intimated that a request to speak had been received and the Committee **agreed** to hear from the applicant's agent and the agent was brought in to join the meeting at this point.

The Senior Planner reported on the application, which was recommended for approval, and advised that the proposal was for a modest extension to the front of the hotel, which would provide an additional 45 square metres of bar and lounge area. He outlined proposed car parking arrangements, which would ensure that the level of parking available would meet the Council's Parking Standards.

The Committee then heard from Mr C Allison, Agent, who responded to the objections which had been raised, and confirmed that the car parking arrangements would meet the required standards and access for emergency vehicles would be acceptable and no changes were proposed to the access. He asked the Committee to support the application.

Mr Allison confirmed that he felt he had been given a fair hearing.

During discussions, Members sought clarification with regard to aspects relating to car parking, the proposed location of bin storage, potential for increased noise, and noted that the proposal was to provide more indoor space.

Thereafter, the Committee **agreed** to GRANT Full Planning Permission subject to the following condition:-

01. The extension hereby approved shall not be brought into use unless parking areas, providing a total of 20 off-street car parking spaces dedicated to the hotel, have been provided and surfaced in accordance with the details shown on the approved plans. Once provided, the 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.

11.2 Reason for Decision

01. The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The extension is considered to be of an appropriate design and scale for the property and is not considered to result in any amenity impacts, and is considered to be appropriately serviced in compliance with Policy P3: Infill and Householder Developments within Settlements (including home and work proposals) and Policy RD1: Providing Suitable Services, of the Aberdeenshire Local Development Plan (2017).

(B) Reference No: APP/2020/2133 - Planning Permission in Principle for Erection of 3 Dwellinghouses and Garages at Taigh Sa Choille, Dess, Aboyne, Aberdeenshire, AB34 5BH

Applicant:	Mr Gordon Anderson, C/o Agent
Agent:	Ronald Hay, Auchintarf, Bridgeview Road, Aboyne, AB34 5HB

There had been circulated a report dated 11 December, 2020 by the Head of Planning and Environment Service, which sought consideration of an application for Planning Permission in Principle for the erection of three dwelling houses and garages at Taigh Sa Choille, Dess, Aboyne, which had been referred to the Committee as the application was recommended for refusal, and at least two Local Ward Members in the Ward in which the development was proposed, had requested that the application be referred to the Area Committee.

The Senior Planner reported on the application, which was a re-submission on application APP/2019/1349 which had received permission for one dwelling house in 2019, with that submission having been originally proposing 3 houses but through the application process this was reduced down to an acceptable level of one house on the site of the stables. He outlined the assessment of the proposal against Policy R2, and confirmed that the principle of the erection of three dwellinghouses and garages did not satisfy the criteria set out in Policy R2 of the Aberdeenshire Local Development Plan 2017, specifically only a small part of the site contained a disused building and therefore development of the whole site would not comply with policy due to the paddock/fields still being in use, and the very nature of that use being excluded from the definition of a brownfield site. An acceptable level of development being a single dwelling on the site of the stables, on the site had already been consented under the previous application, and the current application was therefore recommended for refusal.

During discussions, Members sought clarification on issues, including the definition of brownfield ground, the process to allow an extant approval to be terminated and the definition of agricultural land.

Thereafter, Councillor Argyle, seconded by Councillor Withey moved that the Committee REFUSE Planning Permission in Principle as per the recommendations set out in the report.

As an amendment, Councillor Gibb, seconded by Councillor Blackett, moved that the Committee delegate the GRANT of Planning Permission in Principle to the Head of Planning and Environment Service on the basis that the entire site can be considered to comply with Policy R2 and on the basis there would be a revocation of the extant planning permission.

Members of the Committee voted:

For the motion (7) Councillors Argyle, Bruce, Durno, Ingleby, Latham, Petrie and Withey.

For the amendment (2) Councillors Blackett and Gibb.

Thereafter, the motion was carried and the Committee **agreed:**

To REFUSE Planning Permission in Principle for the following reason: -

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The principle of the erection of three dwellinghouses and garages at the proposed site does not satisfy the criteria set out in Policy R2 Housing and employment development elsewhere in the countryside, due to only a small part of the site containing a disused building with the land to the south of the stables not considered brownfield land due to still being in use, and that use being excluded from the definition of brownfield land within the Local Development Plan Glossary, in turn limiting the resultant development opportunity to that approved within a previous application. The development of the whole site as proposed, does not comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017).

(C) Reference No: APP/2020/2257 - Full Planning Permission for Installation of 16m High Telecommunications Mast and Associated Equipment Housing at Layby on A93 Opposite Inver Croft, Crathie, Ballater, Aberdeenshire

Applicant:	EE Limited, Trident Place, Mosquito Way, Hatfield, AL10 9BW
Agent:	WHP Telecoms Ltd, The Bonds (Suite 31), 2 Anderson Place, Edinburgh, EH6 5NP

There had been circulated a report dated 28 January, 2021 by the Head of Planning and Environment Service, which sought consideration of an application for Full Planning Permission for the installation of a 16 metre high telecommunications mast and associated equipment housing at a layby on the A93, opposite Inver Croft, Crathie, Ballater, which had been referred to the Committee as there had been valid objections from five or fewer individuals or bodies with separate postal addresses or premises, and at least two of the total number of Local Ward Members in the Ward in which the development was proposed had requested that the application be referred to the Area Committee.

The Chair intimated that a request to speak had been received and the Committee **agreed** to hear from an objector, who was brought in to join the meeting at this point.

The Senior Planner reported on the application, and outlined the main planning considerations in the assessment of the application which were layout, siting and design, landscape character impact, whether the proposed development was hazardous and the suitability of the proposed access and servicing arrangements. He confirmed that the site was required to provide enhanced 'blue light' Emergency Services Network (ESN) telecommunications coverage across the A93 road network, that alternative sites had been considered and the reasons they had been discounted had been provided within the supporting documentation, and the Planning Service was satisfied that the applicant had demonstrated the operational need for the proposal, and it was recommended for approval.

The Committee then heard from Mr S Shamash, on behalf of Invercauld Estate, who advised that the Estate appreciated the need for an emergency services network, but was anxious to ensure that the mast was erected in an appropriate location, which was especially important as the proposed location was within the Cairngorms National Park. The proposed mast was much higher than the existing telegraph poles and was proposed to provide 4G network coverage, while 5G was already being provided, which may well lead to pressure to increase the size and scale of the mast in time. He suggested that a more appropriate site could be found in the trees to the north of the site. He urged the Committee to refuse the application to allow for consultation with the Estate on alternative sites and asked if the application were to be approved that a condition be imposed to withdraw permitted development rights.

Mr Shamash confirmed that he felt he had been given a fair hearing.

During discussions, Members raised issues in relation to permitted development rights, the need to ensure the removal of redundant masts which are no longer in use and the potential to control this by way of conditions.

Thereafter, Councillor Blackett, seconded by Councillor Gibb moved that the Committee REFUSE Full Planning Permission on the grounds that the requirements of Policy 6 have not been fully met.

As an amendment, Councillor Argyle, seconded by Councillor Withey, moved that the Committee Delegate the GRANT of Full Planning Permission, to the Head of Planning and Environment Service, subject to a condition to withdraw permitted development rights; and to discuss with the applicant, and condition, a suitable period for the consent to be temporary in order that the mast is removed when it becomes redundant.

Members of the Committee voted:

For the motion	(2)	Councillors Blackett and Gibb.
For the amendment	(7)	Councillors Argyle, Bruce, Durno, Ingleby, Latham, Petrie and Withey.

The amendment was carried and the Committee **agreed:**

that the Committee Delegate the GRANT of Full Planning Permission, to the Head of Planning and Environment Service, subject to a condition to withdraw permitted development rights; and to discuss with the applicant, and condition, a suitable period for the consent to be temporary in order that the mast is removed when it becomes redundant.

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. The layout, siting and design of the proposal is considered acceptable and will not have a significant impact on the character or amenity of the surrounding area. The proposal complies with Policy 5 Landscape and Policy 6 The Siting and Design of Digital Communications Equipment of the Cairngorm National Park Local Development Plan (2015).

(D) Reference No: APP/2020/2294 - Full Planning Permission for Erection of 30m Telecommunications Mast at Site to East of Brig O Dee Cottage, Braemar

Applicant:	EE Limited, Trident Place, Mosquito Way, Hatfield, AL10 9BW
Agent:	WHP Telecoms Ltd, The Bonds (Suite 31), 2 Anderson Place, Edinburgh, EH6 5NP

There had been circulated a report dated 1 February, 2021 by the Head of Planning and Environment Service, which sought consideration of an application for Full Planning Permission for the installation of a telecommunications mast and ancillary infrastructure on a site located approximately 210 metres to the north of the A93, to the east of the Invercauld Bridge, around 4.2km east of Braemar, which had been referred to the Committee as there was an unresolved objection from a consultee.

The Senior Planner introduced the report and confirmed that the main planning issues for consideration were the principle and justification for the development; and compliance with the criteria set within Policy 6 of the CNPA LDP (2015). Having confirmed that the planning authority considered that the application was in accordance with the relevant policies of the CNPA LDP (2015) he advised that it was recommended for approval.

During discussions, the Committee noted concerns relating to the height of the mast, issues relating to the removal of masts which were redundant/no longer in use and general concerns that local landowners should be consulted more fully in the identification of potential sites for telecommunications masts.

At this point, the Committee **agreed** to suspend Standing Order 2.1.3 to allow the meeting to continue after 1.00pm.

After further consideration, the Committee **agreed** to Delegate the GRANT of Full Planning Permission to the Head of Planning and Environment Service, subject to the following conditions:-

01. No works in connection with the development hereby approved shall commence unless details of the finish and colour of the mast and all externally visible components of the associated ancillary aspects of the proposal have been submitted to and approved in writing to by the planning authority. The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the visual amenity of the area;

02. A condition to withdraw permitted development rights;
03. And to discuss with the applicant, and condition, a suitable period for the consent to be temporary in order that the mast is removed when it becomes redundant.

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. The scale, location and design of the proposed development adjacent to existing telecommunications masts, and amidst woodland and varying topography does not create a detrimental visual impact within the wider landscape nor any other associated safety issues. The proposal is considered compliant with Policies 4 Natural Heritage, 5 Landscape and Policy 6: The siting and design of digital communications equipment of the Cairngorms National Park Local Development Plan 2015.

- (E) **Reference No: APP/2020/2475 - Full Planning Permission for Formation of Paved Terrace and Erection of Pergola and Dining Pods to Form Outside Dining Area at Banchory Lodge Hotel, Dee Street, Banchory, Aberdeenshire, AB31 5HS**

Applicant:	Banchory Lodge Hotel, Dee Street, Banchory, AB31 5HS
Agent:	Matthew W Merchant, Silverbank, North Deeside Road, Banchory, AB31 5YR

There had been circulated a report dated 29 January, 2021 by the Head of Planning and Environment Service, which sought consideration of an application for Full Planning Permission for the formation of a paved terrace and erection of a pergola and dining pods to form an outside dining area at Banchory Lodge Hotel, Dee Street, Banchory, which had been referred to the Committee as there was an unresolved objection from a consultee.

The Chair intimated that a request to speak had been received and the Committee **agreed** to hear from the applicants, who were brought in to join the meeting at this point.

The Senior Planner introduced the report, and provided the background to the application, advising that four mature trees which were covered by a Tree Preservation Order (TPO) had been felled, without consent, prior to the submission of the application, and that the matter of this unlawful felling was under investigation by the Environment Team within the Planning and Environment Service. In order to compensate for the unauthorised loss of the mature trees, compensatory planting was proposed to be secured by condition, and agreed with the Environment Team to seek heavy, established trees to be planted. He addressed the terms of representations that had been received to the proposal, and advised that the main issues to be addressed in the determination of the application were regarding the principle of the outdoor dining space, potential impact on the amenity of neighbours, category B listed Banchory Lodge Hotel and consideration of the loss of the protected woodland. He advised that whilst the unauthorised felling of protected trees was a very severe issue, these actions should not prejudice the determination of the application. He concluded by advising that on balance, it was considered that the economic benefits and suitable compensatory planting proposed would allow the proposal to be acceptable, and would allow for the continued function, growth and economic sustainability of the business, and through appropriate replacement planting and a temporary permission, which would allow the restoration to the site's former state, this was considered sufficient for the Planning Service to accept the proposal on this basis. The proposal was considered in accordance with Policy B3 Tourist facilities, Policy P3 Infil and householder development within settlements and all other relevant policies within the Aberdeenshire Local Development Plan and was recommended for approval.

The Committee then heard from Mr Burgess, accompanied by Ms Fowler, on behalf of Banchory Lodge, who confirmed that they were very aware of the infringement which had occurred, which they regretted. Following a tree survey they had been made aware of some infection in some of the trees and a recommendation was made to excavate the site to eradicate the infection, and this had led to the removal of the trees. They accepted that they had made an error of judgement and now undertook to make good the site with replanting as part of the proposal for the new terrace, pergola and dining pods. They asked the Committee to support the project which was proposed in an effort to allow the business to survive, in very difficult times.

The applicants confirmed that they felt they had been given a fair hearing.

During discussions, the Committee expressed their concerns at the removal of the

protected trees, clarified whether any other areas within the hotel site had been considered for the new outdoor dining area, welcomed the proposed improvements to introduce a new outdoor dining experience when restrictions would allow and noted the temporary nature of the application due to recent trends in the hospitality sector.

Thereafter, after a full debate of the information provided, the Committee **agreed** to GRANT Full Planning Permission subject to the following conditions:-

01. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 16th February 2023 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with the agreed restoration scheme submitted to and approved in writing by the planning authority under the terms of condition 2 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration of the site.

02. Within three months of the date of this planning permission full details of a scheme for the restoration of the application site shall be submitted to and approved in writing by the planning authority. The restoration scheme shall include replacement trees on the development site. Details regarding the species, density and scale shall be provided as part of the restoration scheme. Upon the cessation date of this permission, specified in condition 1, the site shall be restored in accordance with the approved restoration scheme.

Reason: To ensure the timeous and appropriate restoration of the site following the expiry of this temporary permission in the interests of the visual amenity of the area.

03. No works in connection with this permission hereby approved shall commence unless a tree management and maintenance scheme has been submitted to and approved in writing by the planning authority. The scheme shall provide details of appropriate proposals for the care and management of any new areas of planting. The compensatory planting as identified on drawing number 1656-SIT-004 Rev E, shall be planted at a 'standard' or 'heavy-standard' tree size.

Reason: In order to preserve the character and visual amenity of the area and the establishment and strong growth of the compensatory planting.

04. The tree protection proposals shall be carried out in complete accordance with the scheme identified in the Tree Survey carried out by Struan Dalgleish Arboriculture dated January 2021.

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

05. No works in connection with the development hereby approved shall commence unless details and colour and type of timber proposed and finish, profile and colour of the metal sheeting 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 order to safeguard the special architectural character and historic interest of this listed building

Reason for Decision

01. The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposal is considered to provide a suitable comprise for the loss of the mature protected trees, and proposed an economically beneficial ancillary development appropriate to its setting that is of appropriate scale and design, in line with Policy B3 Tourist facilities, Policy P3 Infill and householder developments within settlements (including home and work proposals), Policy HE1 Protecting historic buildings, sites and monuments and Policy PR1 Protecting important resources.