

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

ONLINE MEETING, 14 DECEMBER 2021

Present: Councillors J Latham (Chair), R Withey (Vice Chair), P Argyle, G Blackett (Items 1-10), R Bruce (Items 1 – 13B), E Durno, P Gibb, M Ingleby, G Petrie (Items 1 – 13D) , and A Ross (Items 1 – 13B).

Officers: J Clark, Area Manager (Marr); M Booth; Quality Improvement Manager; R Goldring, Learning Estates Team Leader; J Martin, Early Years Service Manager; D Armitage, Policy Manager; J Wheeler, Senior Planner; M Stewart, Planning Service Manager; N Mair, Senior Planner; A Reid, Team Manager (Business and Industry); I Wylie, Project Manager; N Henderson, Senior Solicitor; L Kimmitt, 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.

Councillors Bruce and Argyle declared interests in Item 13D by virtue of being good friends with the applicants and having employed them as a childminder and builder. They advised that they would leave the meeting and take no part in the item.

Councillor Withey declared an interest in Item 13B by virtue of having previously commented on the development. He advised that he would leave the meeting and take no part in the item.

During Item 13B, Councillor Ingleby declared an interest in that item by virtue of knowing two of the people that had requested to speak. She advised that she 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 Integrated 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.	Paragraph No. of Schedule 7A
14	8

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 23 NOVEMBER 2021

The Committee had before them, and approved as a correct record, the Minute of Meeting of the Committee of 23 November 2021.

4. ABERDEENSHIRE LICENSING BOARD REVIEW OF STATEMENT OF LICENSING PRINCIPLES 2022-2025

There had been circulated a report dated 22 November 2021, by the Clerk to the Aberdeenshire Licensing Board, which informed the Committee of the Aberdeenshire Licensing Board's review of their Statement of Licensing Principles under the Gambling Act 2005, which required to be reviewed every three years, and invited the Committee to provide comments.

The Committee **agreed**:-

- (1) to acknowledge that a review of the Aberdeenshire Licensing Board's Statement of Licensing Principles ("Statement") under the Gambling Act 2005 required to be completed every three years and that a public consultation was taking place between 24 November 2021 and 19 January 2022; and
- (2) to provide the following comment on the Statement to be fed back to the Licensing Board at their meeting on 9 February 2022:

to suggest that the statement that Board Members could be contacted in writing c/o Woodhill House be reviewed taking into account remote working.

5. CLOSURE OF GARTLY SCHOOL STATUTORY CONSULTATION

With reference to the Minute of Meeting of the Education and Children's Services Committee of 2 December 2021 (Item 9), when the statutory consultation on the

closure of Gartly School had been authorised, there had been circulated a report dated 26 November 2021, by the Director of Education and Children's Services, which provided the proposal document regarding the closure of Gartly School and advised that this would be the subject of consultation between 7 December 2021 and 24 February 2022.

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

- (1) to note the Proposal Document (Appendix A to the report) regarding the Closure of Gartly School, in particular the statutory consultation from 7 December 2021 to 24 February 2022;
- (2) to note Members' concerns regarding the consultation timescale and that officers would discuss this further with Ward Members; and
- (3) to note that the Committee would receive a follow up report in August 2022 on the outcome of the statutory consultation regarding the above proposal for their consideration and comments to the Education and Children's Services Committee.

6. ABERDEENSHIRE COUNCIL EARLY LEARNING AND CHILDCARE ADMISSIONS POLICY

There had been circulated a report dated 5 November 2021, by the Director of Education and Children's Services, which sought comments on the new Early Learning and Childcare (ELC) Admissions Policy which took account of Early Learning and Childcare Expansion and Aberdeenshire Council's commitment to support the best start in life for all those residing in Aberdeenshire.

The Committee **agreed** to provide the following comments on the proposed new Early Learning and Childcare Admissions Policy, at Appendix 1 to the report, to Education and Children's Services Committee on 27 January 2022:-

- (1) to welcome the proposed revised admission priorities, introduction of a fourth term to allow children to access ELC funded hours earlier; and removal of the requirement to re-apply for a second year at the same setting; and
- (2) to query whether there were any impacts arising from the eligibility date for starting school being birthdays from 1 March but for ELC being birthdays from the start date of the April term.

7. COMMUNITY COUNCIL BOUNDARY CHANGE

There had been circulated a report dated 23 November 2021, by the Director of Education and Children's Services, on a proposed boundary change between Echt and Skene Community Council and Cluny, Midmar and Monymusk Community

Council. The proposal affected land within the Garioch Area but as Cluny, Midmar and Monymusk Community Council covered both the Marr and Garioch Areas, the change required agreement of both Area Committees.

The Committee **agreed**:-

- (1) to acknowledge the request for a boundary change from Echt and Skene Community Council; and
- (2) to the proposed change as detailed within Appendix 1 to the report.

8. ROADS POLICY REVIEW UPDATE

There had been circulated a report dated 18 November 2021, by the Director of Environment and Infrastructure Services, which sought comments on initial proposals for four new policies: Street Naming and Numbering, Signing of Tourist Facilities and Attractions, Enforcement of Roads and Traffic Authority Powers, and Electric Vehicle Charging.

The Committee **agreed** to provide the following comments to Infrastructure Services Committee on the draft policies appended to the report:-

- (1) Street Naming and Numbering - to support the proposed changes and using only one version of a street name on signage.
- (2) Street Naming and Numbering - to note that the section on inappropriate alliteration would be reworded for clarity.
- (3) Signing of Tourist Facilities and Attractions – to request that business associations be consulted on the policy.
- (4) Signing of Tourist Facilities and Attractions – to suggest representations to the relevant Roads Authority in support of tourist signage on the AWPR.
- (5) Electric Vehicle Charging – to support the policy and note the wider issues surrounding electric vehicles, particularly around private on street charging, that would need to be addressed in future.

9. AREA PERFORMANCE CALENDAR

There had been circulated a report dated 23 November 2021, by the Director of Environment and Infrastructure Services, which updated the Committee on the planned area performance reporting schedule and provided information on the scope of performance reporting that Committee could expect to see in the coming year.

The Committee **agreed**:-

- (1) to acknowledge the reporting schedule and scope of performance reporting; and
- (2) to receive mid-year performance reports (April 2021-September 2021) relevant to the Marr area between January and March 2022.

10. AREA COMMITTEE BUDGET - SMALL GRANT APPLICATIONS

There had been circulated a report dated 25 November 2021, by the Director of Environment and Infrastructure Services, which sought consideration of an application for Area Committee Budget funding (Small Grant Scheme) from Ballater (RD) Limited.

The Committee **agreed** to approve an award of up to £2,000 from the Area Committee Budget (Small Grant Scheme) to Ballater (RD) Limited towards the cost of paths hub signage at Station Square, Ballater.

11. LUMPHANAN COMMUNITY COUNCIL REINSTATEMENT

There had been circulated a report dated 25 November 2021, by the Director of Environment and Infrastructure Services, which informed the Committee of the outcome of a call for nominations to Lumphanan Community Council and advised that the Community Council had been reinstated to full community council status.

The Committee **agreed** to note that Lumphanan Community Council has been reinstated to full community council status following a period of supported status.

12. REVIEW OF PLANNING DELEGATIONS – LOCAL MEMBER NOTIFICATION PROCESS AND REPRESENTATIONS

There had been circulated a report dated 2 December 2021, by the Director of Environment and Infrastructure Services, which sought views from the Area Committee on specific aspects of the Review of Planning Delegations under Part 2C of the Scheme of Governance in relation to proposed changes to the Local Member Notification process and associated direct committee referral criteria and proposed changes to the operation of the Local Member Notification process relating to conflicts of interest, non-responses to notifications, and the counting of multiple representations.

The Planning Service Manager presented on the background to the review and the proposed changes.

The Committee **agreed** to comment on the proposed changes to the Local Member Notification criteria and operation of the Local Member Notification procedure as follows:-

- (1) Local Member Notification Criteria – to comment on the importance of Local Member involvement and to indicate a preference for retaining the status quo.
- (2) Local Member Notification Criteria - to express reservations about the impact on smaller rural communities of increasing the number of representations required for referral to Area Committee.
- (3) Local Members Notification Procedure – to suggest that where a majority view could not be established due to conflicts of interest, absence, or maternity leave, the application should be referred to Area Committee.
- (4) Local Members Notification Procedure – to highlight that making a declaration of interest was not the same as a non-response.
- (5) That multiple representations from the same household should not be counted individually.
- (6) To query whether there had been any cost mitigation for Local Authorities in relation to the Planning (Scotland) Act 2019.

13. 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/2021/0883	Full Planning Permission for Change of Use from Class 2 (Financial, Professional and Other Services) to Sui Generis (Hot Food Takeaway) and Erection of Flue at Former Lloyds TSB Scotland, Ballater Road, Aboyne
(B) APP/2021/1709	Full Planning Permission for Erection of 55 Dwellinghouses and Associated Infrastructure at Land at Castle Road and Correen Road, Alford
(C) APP/2021/1899	Full Planning Permission for Alterations and Extension to Dwellinghouse and Erection of Replacement Garage at 7 Riverside, Blackhall, Banchory
(D) APP/2021/2435	Full Planning Permission for Erection of Garden Room (Retrospective) (Amendment to Planning Permission APP/2020/2267) at Belton, Edingight Wynd, Torphins

14. SUPPLEMENTARY DIRECTORATE PROCUREMENT PLAN - REPLACEMENT OF PUBLIC TOILETS AT GLENSHEE SKI CENTRE

There had been circulated an exempt report dated 26 November 2021, by the Directors of Business Services and Environment and Infrastructure Services, which sought approval for the replacement of the public toilets located at Glenshee Ski Centre as part of a wider programme of works at the Centre.

The Committee **agreed**:-

- (1) to approve the proposals for replacing the Aberdeenshire Council owned toilets at Glenshee Ski Centre;
- (2) to note the Directorate Supplementary Procurement Plan as detailed in Appendix 1 to the report;
- (3) to approve the item on the Supplementary Procurement Plan and note that this item would be added to the Directorate Procurement Plan that was approved by Business Services Committee on 25 February 2021; and
- (4) not to reserve approval of the Procurement Approval Form for the item on the Procurement Plan.

Councillor presiding over meeting

Print Name

Signature

Date

APPENDIX A

PLANNING APPLICATIONS

(A) Reference No: APP/2021/0883

Full Planning Permission for Change of Use from Class 2 (Financial, Professional and Other Services) to Sui Generis (Hot Food Takeaway) and Erection of Flue at Former Lloyds TSB Scotland, Ballater Road, Aboyne, Aberdeenshire, AB34 5HT

Applicant: Sava Estates, Former Lloyds TSB Scotland, Ballater Road, Aboyne, Aberdeenshire, AB34 5HT
Agent: Bennett Developments and Consulting, 10 Park Court, Glasgow, G1 1LU

There had been circulated a report dated 25 November 2021, by the Director of Environment and Infrastructure Services, which sought consideration of an application for Full Planning Permission for change of use from a vacant bank (Class 2) to a Hot Food Takeaway (Sui Generis) and the erection of a flue. The application was being reported to the Committee due to an objection from Mid Deeside Community Council.

The Senior Planner outlined the proposals and addressed issues raised in objections, highlighting revisions made so that the flue was more discreet, and confirming that the flue was the only physical alteration; any proposed signage would require separate consent. The proposal was for a viable use for a vacant town centre unit that was not considered to detract from the character of the Conservation Area or pose any amenity impacts or impacts on parking or water infrastructure; therefore, the application was recommended for approval. The Senior Planner then responded to a question on internal signage/lighting which it was advised could not be controlled through Planning.

The Committee **agreed:-**

- (1) to grant Full Planning Permission subject to the following conditions:-
 01. The proposed development shall not be brought into use unless details of the odour control system (incorporating treatment and extraction of fume) to be installed have been submitted to and approved in writing by the planning authority. The design of the proposed system shall have regard to:
 - (1) The Odour Impact Assessment, dated September 2021 (reference P8439.02); and
 - (2) The "Acoustic report and noise control advice", dated 2 June 2021 & Addendum, dated 27th August 2021, all documents comprising part of the planning application.

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

02. Sound resulting from the operation of the proposals shall not exceed Noise Rating Curve 25, when measured within a habitable room of any noise sensitive premises.

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

03. Where a distinguishable tonal component is established, the sound resulting from the operation of the proposals shall not exceed Noise Rating Curve 20, when measured within a habitable room of any noise sensitive premises.

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

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

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposed change of use respects the scale, density, character and amenity of the surrounding area and poses no impact on the character or appearance of the Aboyne Conservation Area. Furthermore, it would not have an unacceptable impact upon adjacent land uses and residential properties by means of noise or odour and there is safe and convenient access for parking, storage and collection of waste for this commercial venture. The proposal is therefore in accordance with Policy P1 Layout siting and design, Policy P3 Infill and householder developments within settlements (including work proposals), Policy P4: Hazardous and potentially polluting developments and contaminated land, Policy B2 Town centres and office development, Policy HE2 Protecting historic and cultural Areas and Policy RD1 Providing suitable resources of the Aberdeenshire Local Development Plan 2017.

- (B) Reference No: APP/2021/1709**

Full Planning Permission for Erection of 55 Dwellinghouses and Associated Infrastructure at Land at Castle Road and Correen Road, Alford, Aberdeenshire

**Applicant: Kirkwood Homes Ltd, Kirkwood Business Park,
Sauchen, Inverurie, Aberdeenshire, AB51 7LE**
Agent: No Agent

With reference to Item 1 of the Minute, Councillor Withey declared an interest and left the meeting for the duration of the item. Councillor Ingleby also declared an interest and left the meeting during the item.

There had been circulated a report dated 26 November 2021, by the Director of Environment and Infrastructure Services, which sought consideration of an application for Full Planning Permission for 55 houses. The site was allocated as site OP5 in the Aberdeenshire Local Development Plan (2017) and was the subject of an agreed Masterplan.

Having heard that requests to speak had been received, the Committee **agreed** to hear from speakers.

The Senior Planner outlined the proposals and addressed issues raised within representations including the impact on the setting of Balfluig Castle. The proposal was for 55 houses on a site allocated for 60; layout and landscaping fully accorded with the agreed Masterplan; all technical matters were resolved to the satisfaction of consultees; and the proposal fully complied with the settlement statement and policies of the Local Development Plan. The application was recommended for approval as a delegated grant subject to a Section 75 agreement to secure affordable housing provision and developer obligations.

Anne Miller, Chair of Donside Community Council, spoke on the Community Council's objections which related to the effect of more houses on Alford's amenities and natural and built heritage. She referred to much having changed since the site was designated for development; community concerns about health and education provision, childcare, public transport, road safety, and petty crime which would be negatively impacted by further housing; and the need to preserve open spaces. She asked the Committee to reflect on what people valued locally and the additional pressures the development would cause.

The Committee then heard from Allan Rae, Kirkwood Homes Ltd., the applicant, who referred to working with consultees to ensure proposals were technically compliant; compliance with the approved Masterplan and LDP designation; the need for quality affordable housing; 13 affordable units for social rent to be delivered in partnership with Osprey Housing with expected handover by Autumn 2022; developer obligations including financial contributions for healthcare and waste; sufficient capacity at the school as the development was already factored in; the flood risk assessment having been accepted; and a further landscape assessment and scheme to address concerns about the impact on Balfluig Castle.

Lysander Tennant advised that he was the owner of Balfluig Castle and spoke on why permission should be refused due to the impact on the Castle's setting, making reference to the Castle being a Category A listed building of national importance; the requirement to give setting of the listed building highest priority in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; Historic Environment Scotland (HES) guidance on the assessment of setting; a report commissioned from CFA Archaeology which identified the wider rural landscape to be an important factor to the Castle's setting; the suburbanising impact of the development; and the applicant's visual assessment containing inaccuracies and not according with HES guidance. He further commented on the development eroding the character of Alford and the importance of the site for wildlife and as an amenity space.

Sophia Tennant addressed the Committee on her objections including the development not providing an appropriate entrance to Alford and being too suburban; further development to the east adversely affecting tourists' perception of entering a historic town; impacts on the Buckie Burn wildlife corridor and the absence of an ecological assessment; and impacts on the rural setting of Balfluig Castle and the statutory requirement to consider this.

The Committee then heard from Robert Bogdan, an objector, who outlined his concerns in relation to the development being inappropriate for Alford; impacts on Balfluig Castle; and environmental issues including the distance from facilities and no safe access to the centre of Alford without using a car.

During a full debate, Members discussed community concerns about pressure on services, school capacity, allocation of the site within the Local Development Plan, provision of affordable housing, and impacts on Balfluig Castle.

Councillor Ross, seconded by Councillor Gibb, moved to refuse on the grounds that the application was contrary to Policy HE1: Protecting historic buildings, sites and monuments due to the negative effects on Balfluig Castle and Policy RD2: Developer obligations as Alford Academy's capacity had been exceeded and developer obligations to ensure the Academy could accommodate additional pupils had not been provided.

As an amendment, Councillor Petrie, seconded by Councillor Bruce, moved to delegate authority to grant Full Planning Permission to the Head of Planning and Economy in accordance with the report recommendations.

Members of the Committee voted as follows:-

for the motion	(2)	Councillors Gibb and Ross
for the amendment	(5)	Councillors Latham, Argyle, Bruce, Durno and Petrie.

Therefore, the amendment was carried, and the Committee **agreed**:-

- (1) that authority to grant Full Planning Permission be delegated to the Head of Planning and Economy subject to:-
 - (a) a Section 75 agreement; and
 - (b) the following conditions:-
 01. Development shall not commence until the 6m continuously vegetated buffer (i.e. to be left un-cleared & protected from machine traffic) to the watercourse to the east of the development site has been enclosed by protective fencing, and shall thereafter be retained in perpetuity.

Reason: In the interest of preserving biodiversity and habitat.

02. The development shall be carried out in accordance with the submitted Extended Phase 1 Habitat Survey by EnviroCentre, dated September 2021. Development shall not commence until the preworks surveys for badger, otter, hedgehog and breeding birds have been provided and accepted in writing by the Planning Service, and any mitigation measures identified shall be implemented in complete accordance with the agreed detail.

Reason: In the interests of preserving biodiversity and habitats.

03. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- (a) The specific location of new trees, shrubs, hedges, grassed areas and water features.
- (b) A schedule of planting to comprise species, plant sizes and proposed numbers and density - with particular regard for the function of each area of landscaping to avoid future pressure for felling - i.e. strategic landscaping must not pose future problems to domestic curtilages through maturity height posing overshadowing impacts/species that lose leaves/needles excessively to the detriment of neighbouring dwelling
- (c) Full details of the surfacing and detailing of the peripheral footpath;
- (d) Clarification over the grass planting in relation to meadow grass and wet meadow mix, details of locations and specific species to be planted is required.
- (e) A programme for the implementation, completion and subsequent management of the proposed landscaping and peripheral footpath.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate

the proposed development into the local landscape in the interests of the visual amenity of the area.

04. Prior to the commencement of any development, details of locations and design of proposed biodiversity enhancement, as suggested within the submitted Extended Phase 1 Habitat Survey by EnviroCentre, dated September 2021, shall be provided for further written approval by the Planning Authority. Details should include measures such as hedgehog friendly fencing, an amphibian hibernacula near the SUDS pond, bat and bird boxes (both on trees but also built into properties such as for bat bricks/slates and Swift bricks) and nocturnal friendly wildlife lighting. Once agreed the development shall be delivered in complete accordance with the agreed enhancements, with all measures to be in place prior to the occupation of the final dwelling.

Reason: In the interest of biodiversity enhancement.

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

The application is considered by the Planning Authority to comply with the Aberdeenshire Local Development Plan (2021), the residential development adheres to the allocation within the settlement statement and agreed Masterplan, and proposes housing of an appropriate density, mix of property, using suitable materials and in a layout that can be suitably serviced and accessed whilst posing no impact on the wider landscape or nearby built heritage, all in compliance with Policies H1 Housing land, P1 Layout, siting and design, E2 Landscape, HE1 Protecting historic buildings, sites and monuments and RD1 Providing suitable services.

Councillors Bruce and Ross left the meeting after consideration of Item 13B.

- (C) Reference No: APP/2021/1899**

Full Planning Permission for Alterations and Extension to Dwellinghouse and Erection of Replacement Garage at 7 Riverside, Blackhall, Banchory, Aberdeenshire, AB31 6PS

Applicant: Mr and Mrs S Carter, 7 Riverside, Blackhall, Banchory, Aberdeenshire, AB31 6PS

Agent: Matthew W Merchant, Unit 12, Silverbank, North Deeside Road, Banchory, Aberdeenshire, AB31 5YR

There had been circulated a report dated 23 November 2021, by the Director of Environment and Infrastructure Services, which sought consideration of an application for Full Planning Permission for alterations and extension to a dwellinghouse and the erection of a replacement garage. The application was being reported to the Committee due to the level of representations and an objection from Feughside Community Council.

The Senior Planner outlined the proposals and addressed issues raised in objections. The Committee heard that overall, the scale, design and materials were acceptable; there would be little impact on drainage, access or amenity, and the application complied with all relevant Local Development Plan policies; therefore, it was recommended for approval.

The Committee **agreed:-**

(1) to grant Full Planning Permission subject to the following conditions:-

01. The residential annex/extension hereby approved shall be used only for purposes incidental to the enjoyment of 7 Riverside. No separate curtilage shall be formed and the residential annex shall at no time be used as an independent dwellinghouse without the express grant of planning permission from the planning authority.

Reason: The relationship between the residential annex and the main dwellinghouse within the site is such that the residential amenities of the occupants of both would be adversely affected by the creation of an independent residential unit in addition to the main dwellinghouse.

02. The extension hereby approved shall not be brought into use unless the proposed surface water drainage system has been provided in accordance with the approved plans and SuDs Recommendation Report carried out by S.A.McGregor dated 6th October 2021. The surface water drainage system 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.

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

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 acceptable in terms of layout, siting and design without creating a detrimental impact on amenity, compliant with Policy R1 Special rural areas and Policy R2 Housing and employment development elsewhere in the countryside and Policy P1 Layout, siting and design.

(D) Reference No: APP/2021/2435

**Full Planning Permission for Erection of Garden Room (Retrospective)
(Amendment to Planning Permission APP/2020/2267) at Belton,
Edingight Wynd, Torphins, Aberdeenshire, AB31 4JH**

**Applicant: Mr Cyril Bell, Belton, Edingight Wynd, Torphins,
Aberdeenshire, AB31 4JH**

Agent: No Agent

With reference to Item 1 of the Minute, Councillor Argyle declared an interest and left the meeting during this item.

There had been circulated a report dated 26 November 2021, by the Director of Environment and Infrastructure Services, which sought consideration of an application for Full Planning Permission for the erection of a garden room. The application was being reported to the Committee due to an objection from Torphins Community Council.

Having heard that requests to speak had been received, the Committee **agreed** to hear from speakers.

The Senior Planner outlined the history, advising that planning approval for the structure had been granted but velux rooflights and an overhang which differed from the consented detail had been included. The application related to the garden room as a whole as the applicant was using the “free go” available under fee legislation. The Senior Planner outlined the proposals and material issues raised in representations. The Committee heard that the garden room already had approval, the roof lights caused no concern, and the overhang was not considered prominent or in a position to overshadow or dominate any substantial area of amenity space for neighbouring properties, particularly with the additional fencing. The application was recommended for approval. The Senior Planner then responded to a question in relation to the application process.

The Committee heard from Lesley Tierney, Lippe Architects, on behalf of her clients Professor Argo and Mr Young, who objected to the development. She requested deferral for a site visit and further information, and refusal of the application. Reference was made to the application being for the whole development; concerns about process; issues with the accuracy of plans; openness and proximity to the boundary of the glazed patio doors and windows being downplayed; overbearing impacts of fencing; and concerns there was not a continued requirement for opaque glazing. It was contended that the application did not comply with Place Policy or Policies P1 and P3 of the Local Development Plan. Proximity to the boundary, height, and the elevated nature of the site cumulatively resulted in detrimental effects on neighbours’ amenity and it was felt the material points raised by them had not been fully considered.

Graeme Young, an objector, addressed the Committee and referred to the site having been noted as small when the house was built and subsequent extensions and outbuildings overlooking his property; loss of privacy with the garden room having a direct line of sight from an elevated position into his property and garden; the as-built distance from the boundary being 86cm rather than 1 metre; and the conditioning of a boundary fence adding further negative impact. He indicated that incomplete and inaccurate information had been supplied and felt there had been insufficient consideration of issues raised by neighbours. He requested a site visit and refusal of the application.

Thereafter, the Committee **agreed**:-

- (1) to grant Full Planning Permission subject to the following condition:-

Prior to the garden room coming into use, full details of the location, length along the boundary, and style and design of boundary treatment to deliver an increase in height, to a minimum of 1.8m, on the southern boundary of the site, shall be provided for further written approval by the Planning Authority. The garden room shall not come into use until the agreed boundary treatment has been put in place, and once erected shall be retained in perpetuity unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

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

This application is considered by the Planning Authority to comply with the Aberdeenshire Local Development Plan (2017). The garden room is of an appropriate siting, scale and design to not significantly impact on neighbouring amenity or the amenity of the application property, fully compliant with Policies P1 Layout siting and design and P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan (2017).