

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

ONLINE MEETING, 30 AUGUST 2022

Present: Councillors R Withey (Chair), G Blackett (Vice Chair), S Brown, Y Chou Turvey, J Goodhall, A Kloppert, L Knight, G Petrie, and A Ross.

Apologies: Councillor E Durno.

Officers: J Clark, Area Manager (Marr); F Reid, Senior Policy Planner; P Blaxter, Team Leader (Planning Policy); N Wood, Principal Engineer (Quality and Resources); I Daniels, Principal Roads Engineer; R Anderson, Senior Roads Engineer; C Cowie, Team Leader (Sustainability and Climate Change); R Baxter, Waste Manager; F Campbell, Business Asset Manager; N Mair, Senior Planner; D Niven, Senior Planner; 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. No interests were declared.

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 Item 13 of the business on the grounds that it involved

the likely disclosure of exempt information of the class described in Paragraph 8 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 21 JUNE 2022

The Vice-Chair presided during Item 3 due to the Chair temporarily losing connection.

The Committee had before them, and **agreed** as a correct record, the Minute of Meeting of the Committee of 21 June 2022.

4. STATEMENT OF OUTSTANDING BUSINESS

There had been circulated a statement of outstanding business from previous meetings of the Marr Area Committee.

The Committee **agreed**:

- (1) to request confirmation of timescales for reporting to Committee on Items 1 and 2; and
- (2) to note the outstanding business as at 30 August 2022.

5. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2022

There had been circulated a report dated 5 August 2022, by the Head of Planning and Economy, which presented for scrutiny the Draft Aberdeenshire Local Development Plan (LDP) 2022 that incorporated the findings of the Scottish Government Reporter following the public examination on representations to the Proposed LDP 2020.

The Senior Policy Planner introduced the report and explained that Reporter's recommendations were binding except for the reasons outlined in 3.1 of the report. Officers had not found grounds to dismiss any recommendations.

The Committee heard that many of the recommendations were minor. Elements of note related to extending the scope of the town centre first principle to all identified town centres; housing land supply in the Aberdeen Housing Market Area; and production of supplementary guidance on developer obligations and affordable housing. In terms of the Marr settlement statements, the most significant change was the addition of a new site for 42 homes at land at Upper Arbeadie Road to resolve a deficit of homes in the Aberdeen Housing Market Area due to removal of sites elsewhere.

The Committee **agreed** to note the Reporter's Report and the proposed non-notifiable modifications.

6. ROADS CAPITAL WORKS 2022-23

There had been circulated a report dated 26 July 2022, by the Director of Environment and Infrastructure Services, which asked the Committee (1) to note a proposal agreed by Infrastructure Services Committee on 8 June 2022 for the Service to develop a method for identifying and prioritising roads related capital works schemes, and (2) to note the roads related capital works programmes for 2022-23.

The Principal Engineer (Quality and Resources) introduced the report and outlined the proposed approach for prioritising roads capital work schemes.

Members discussed the proposed approach; the draft questionnaire for capturing local input on road importance; and the capital works programme for the Marr Area for 2022-23.

The Committee **agreed**:

- (1) to note that data driven processes would be developed for producing and prioritising roads related capital works programmes;
- (2) to note that the Service would move to a live and transparent method of scheme identification and prioritisation to replace annual roads maintenance works programmes reporting;
- (3) to note that road asset maintenance would be considered across Aberdeenshire as a whole;
- (4) to provide the following comments on the draft questionnaire at Appendix 1 of the report which would allow Members to inform the Service of factors that should be considered when assigning a roads maintenance hierarchy designation to a section of road or footway;
 - (a) Community councils, business associations and the public should also be consulted.
 - (b) Concern that remote rural roads would slip down the list of priorities.
 - (c) Suggested the addition of timescale awaiting repair as a factor.
- (5) to note the agreed programmes of roads related capital works for 2022-23 as per Appendix 2 of the report and to comment/request further information from the Service as follows:-
 - (a) Would the A93 Keiloch to Lion's face drainage works be affected by footpath works being carried out by the Outdoor Access Trust for Scotland.
 - (b) Balnellan Road footway in Braemar was in a poor state of repair;

- (c) Crathes community wanted to retain heritage streetlights;
- (d) Requested Alexander Drive, Huntly be moved up list for resurfacing; and
- (e) Requested that Huntly Square streetlight works be done as soon as possible.

7. ABERDEENSHIRE COUNCIL ROUTE MAP 2030 AND BEYOND

There had been circulated a report dated 11 August 2022, by the Director of Environment and Infrastructure Services, which presented for comment the draft of Aberdeenshire Council's Route Map 2030 and Beyond which had been developed by consultants with the support of Aberdeenshire Council officers. The project looked at what the requirement would be across the Council to reach its own 75% reduction in emissions by 2030 target and Net Zero by 2045.

The Team Leader (Climate Change and Sustainability) introduced the report. During discussion, Members commented on issues with reliance on electricity; environmental issues with battery production and disposal; and feeding back to the Scottish Government concerns around affordability.

The Committee **agreed**:

- (1) to note the Aberdeenshire Council Route Map 2030 and Beyond Sustainability Committee report (Appendix 1 to the report); and
- (2) to note the amendments to the estimated Capital investment which had been made since the 15 June 2022 Sustainability Committee (Appendix 2 to the report).

8. HOUSEHOLD RECYCLING CENTRE HYBRID BOOKING SYSTEM PROPOSAL

There had been circulated a report dated 18 August 2022, by the Director of Environment and Infrastructure Services, which outlined a proposal for a hybrid booking system for Household Recycling Centres for comment and consideration.

The Waste Manager introduced the report and provided background information on the booking system and limit system for restricting access to vans and trailers; review undertaken including a public survey; operational benefits of the system as outlined in Appendix 1 of the report; and the proposal to trial a hybrid system.

The Committee **agreed** to provide the following comments to the Waste Service and Infrastructure Services Committee on the proposed trial of a hybrid booking system for a 12-month period from 1 December 2022 at Macduff and Stonehaven Household Recycling Centres (HRCs) to allow data to be gathered with a view to implementing where practicable in other sites:

- (1) Highlighted local public feeling against the booking system.

- (2) Expressed concern that the proposed hybrid system was an overcomplication.
- (3) Requested the provision of further data on fly-tipping. Need to look carefully at cost implications and if waste was being reduced through the HWRC system where it was going.
- (4) Concerns expressed that 54% of respondents to the 2022 staff survey reported that the booking system had led to more confrontation.
- (5) Suggested hybrid trial period was too long.
- (6) Some Members stated the booking system should be removed.
- (7) Expressed support for looking at ways to encourage re-use.
- (8) Requested review of charging in relation to Inchmarlo Community Workshop who provided a repair and reuse service.

9. ANNUAL SCRUTINY AND IMPROVEMENT REPORT – 2022/23

There had been circulated a report dated 20 July 2022, by the Director of Environment and Infrastructure Services, which explained that the Scrutiny and Improvement at Aberdeenshire Guidance required each Committee to consider an Annual Scrutiny and Improvement Report. The report included highlights of key scrutiny activity undertaken by the Committee over the past year and outlined areas for inclusion in the scrutiny programme for the coming year.

During discussion, Members requested updates on several matters which has been considered during 2021/22; commented that they would like to see SMART timelines included; welcomed the forthcoming review of the Local Transport Strategy; indicated development of policy on traffic calming measures would be welcomed; and noted examples of Area Committee recommendations which had not been supported when the matter went to Policy Committee.

The Committee **agreed:**

- (1) to note the activities detailed in the report;
- (2) to request updates on a number of items that had been considered during 2021/22:
 - (a) Ballater Flood Risk and Options for Minor Improvement Study and stakeholder engagement
 - (b) Torphins cemetery wall repairs
 - (c) Banchory headstone maintenance
 - (d) Landscaping at Gordon Highlanders Memorial, Banchory
 - (e) Alford bus service
 - (f) Gartly School and future use of site
- (3) to agree the proposed programme of scrutiny activity for 2022/23.

10. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATIONS

There had been circulated a report dated 11 August 2022, by the Director of Environment and Infrastructure Services, which sought consideration of applications for Aberdeenshire Charities Trust (ACT2) funding from (1) Wee Toots towards temporary premises for pre-school education and (2) Scottish Sculpture Workshop towards training in anti-racism and non-violent communication.

The Committee **agreed**:

- (1) to approve an award of £2,000 from ACT2 (Ward 14: any of the purposes of ACT2) to Wee Toots; and
- (2) to approve an award of £2,000 from ACT2 (Ward 14: any of the purposes of ACT2) to Scottish Sculpture Workshop.

11. MARR AREA COMMITTEE BUDGET – SMALL GRANT APPLICATIONS

There had been circulated a report dated 11 August 2022, by the Director of Environment and Infrastructure Services, which sought consideration of applications for Marr Area Committee Budget funding (Small Grant Scheme) from Tap O Noth Community Council and Active Schools Huntly.

The Committee **agreed**:-

- (1) to approve awards of Area Committee Budget funding (Small Grant Scheme) as follows:-
 - (a) Tap O Noth Community Council - up to £1,440 towards the cost of benches for Mosswood Picnic Area; and
 - (b) Active Schools Huntly - up to £2,000 towards the cost of creating a 'Sports Academy'; and
- (2) to request a briefing on Active Schools.

12. 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/2020/2534	Full Planning Permission for Conversion of Steading to Form 3 Dwellinghouses and Demolition of Redundant Farm Buildings at Steadings Adjacent to Huntly Lodge Farm, Huntly

- (B) APP/2021/0283 Full Planning Permission for Conversion and Extension of Doocot to Form Dwellinghouse at Site at Huntly Lodge Farm, Huntly
- (C) APP/2021/0623 Full Planning Permission for Erection of 3 Dwellinghouses at Site Adjacent to Huntly Lodge Farm, Huntly
- (D) APP/2022/0622 Full Planning Permission for Demolition of 3 Dwellinghouses and Erection of 4 Dwellinghouses at 13-17 Raemoir Road, Banchory
- (E) APP/2022/0635 Application under Section 42 for Erection of External Covered Seating Area Without Compliance with Condition 1 (Time) of Full Planning Permission Reference APP/2021/0456 at Clachan Grill, 5 Bridge Square, Ballater
- (F) APP/2022/1186 Full Planning Permission for Change of Use from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis) at Craigard House, 3 Abergeldie Road, Ballater

13. APPROVAL TO PROCURE MINOR WORKS – 56 BREDERO DRIVE, BANCHORY

There had been circulated an exempt report, dated 18 August 2022, by the Chief Finance and Business Officer, Aberdeenshire Health and Social Care Partnership, which provided information regarding a decision taken under special urgency powers.

The Business Asset Manager introduced the report and responded to Members' questions.

The Committee **agreed** to note the approval to procure improvement works to 56 Bredero Drive, Banchory.

APPENDIX A

PLANNING APPLICATIONS

(A) Reference No: APP/2020/2534

Full Planning Permission for Conversion of Steading to Form 3 Dwellinghouses and Demolition of Redundant Farm Buildings at Steadings Adjacent to Huntly Lodge Farm, Huntly

Applicant: Mr G.A Lawson, c/o Agent
Agent: Lippe Architects & Planners Ltd, 4 St James Place,
Inverurie, AB51 3UB

There had been circulated a report by the Director of Environment and Infrastructure Services which sought consideration of an application for Full Planning Permission for the conversion of a steading to form three dwellinghouses, and the demolition of redundant farm buildings.

The Senior Planner advised that Items 12A-C were related. Roads Development had objected to the three applications due to lack of a safe route to school. The Senior Planner outlined the details of the application and advised that the Planning Service did not share Roads Development's concern as the development was well related to the settlement of Huntly through the existing core path. Reference was also made to conditioning upgrades to the private access road to bring it to a rural adoptable standard.

The Senior Planner then responded to Members' question on the objection from Roads Development and policy on houses taking access from a private road.

Thereafter, the Committee **agreed** that authority to grant Full Planning Permission be delegated to the Head of Planning and Economy subject to:

(a) Provision of any additional/amended conditions from Roads Development;

(b) Payment or conclusion of Developer Obligations

(c) The following conditions:

01. No works shall commence related to this development until such time as the details of the upgrade to the condition and layout of Marquis Drive has been agreed with Aberdeenshire Council's Environment and Infrastructure Services (Roads Development). Once agreed, no dwelling shall be occupied until the works are completed in accordance with the agreed detail. Once provided, all improvements shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

02. No works in connection with the development hereby approved shall commence unless a detailed check of the site for active barn owl nests has been undertaken by a surveyor holding a NatureScot Schedule 1 Bird Survey Licence and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting barn owls on the site. The check shall be undertaken not less than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation has been submitted to and approved in writing by the planning authority.

Reason: In the interest of safeguarding the habitat of the species and securing its long-term protection.

03. No works in connection with the development hereby approved shall commence unless details of a permanent accessible nesting space for barn owls have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the barn owl nesting space has been provided in accordance with the approved details. Once provided, the nesting space shall thereafter be permanently retained.

Reason: To secure the long-term protection of the species.

04. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

05. No works in connection with the development hereby approved shall commence unless a Level 1 as specified by Archaeology (see associated informative that defines level of detail for each type) 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.

06. No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- (a) The location of the historic environment features to be protected during construction works; and
- (b) The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.

Reason: In the interests of protecting known features of the historic environment.

07. The development hereby approved shall not be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the details shown on the approved plan. 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.

08. No dwelling shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the drainage report detailed in Ferguson Geotechnical, dated 9 February 2021. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved 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 Aberdeenshire Local Development Plan 2017. The proposal is for the refurbishment of a disused building, has an appropriate layout, siting, and design, uses appropriate materials, would not have a negative impact on the Deveron Valley Special Landscape Area nor the Listed Building to the north, and provides adequate services for the site in compliance with Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design, Policy P4: Hazardous and potentially polluting developments and contaminated land Policy E1: Natural Heritage, Policy E2: Landscape, Policy HE1: Protecting historic buildings, sites, and monuments, Policy RD1: Providing suitable services, Policy RD2: Developers' obligations and all applicable policies of the Aberdeenshire Local Development Plan (2017).

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

(B) Reference No: APP/2021/0283

Full Planning Permission for Conversion and Extension of Doocot to form Dwellinghouse at Site at Huntly Lodge Farm, Huntly, AB54 4SH

Applicant: Mr G A Lawson c/o Agent
Agent: Debbie Anderson (Lippe Architects & Planners Ltd),
4 St James Place, Inverurie, AB51 3UB

There had been circulated a report by the Director of Environment and Infrastructure Services which sought consideration of an application for Full Planning Permission for the conversion and extension of an existing 'B' Listed doocot to form a dwellinghouse.

The Senior Planner reported on details of the application, with the issue being the objection from Roads Development as outlined at Item 12A.

The Committee **agreed** that authority to grant Full Planning Permission be delegated to the Head of Planning and Economy subject to:

- (a) Provision of any additional/amended conditions from Roads Development;

(b) Payment or conclusion of Developer Obligations

(c) The following conditions:

01. No works shall commence related to this development until such time as the details of the upgrade to the condition and layout of Marquis Drive has been agreed with Aberdeenshire Council's Environment and Infrastructure Services (Roads Development). Once agreed, the dwelling shall not be occupied until the works are completed in accordance with the agreed detail. Once provided, all improvements shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

02. No works in connection with the development and extension hereby approved shall commence unless a detailed analysis of the existing lime mortar used on the existing building has been submitted to and approved in writing by the planning authority. The analysis shall provide sufficient details so that it can be used to provide advice on a match for any new lime mortar specification to be used in the proposal and should include lime strength, lime/aggregate mix ratio and aggregate grading and characterisation.

Reason: In order to safeguard the special architectural character and historic interest of this listed building

03. No works in connection with the development hereby approved shall commence unless details of junction of the glazed walkway and the existing structure have been submitted to and approved in writing by the planning authority. The extension shall not be occupied unless the works have been completed in accordance with the approved details.

Reason: In order to safeguard the special architectural character and historic interest of this listed building

04. The dwelling shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the drainage report detailed in Ferguson Geotechnical, dated 9 February 2021. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved scheme.

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

05. The development hereby approved shall not be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the details shown on the approved plan. 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.

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. The proposal is for the refurbishment of a disused Listed building that is at risk, proposing an appropriate layout, siting, and design, using appropriate materials, would not have a negative impact on the Deveron Valley Special Landscape Area nor the Listed Building, and provides adequate services for the site in compliance with Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design, Policy HE1: Protecting historic buildings, sites, and monuments, Policy RD1: Providing suitable services, Policy RD2: Developers' obligations and all other applicable policies of the Aberdeenshire Local Development Plan (2017).

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

(C) Reference No: APP/2021/0623

Full Planning Permission for Erection of 3 Dwellinghouses at Site Adjacent to Huntly Lodge Farm, Huntly

Applicant: Mr G A Lawson, c/o Agent
Agent: Lippe Architects & Planners Ltd, 4 St James Place,
Inverurie, AB51 3UB

There had been circulated a report by the Director of Environment and Infrastructure Services which sought consideration of an application for Full Planning Permission for the erection of three dwellinghouses.

The Senior Planner outlined the details of the application. In addition to the objection from Roads Development, as considered at Items 12 A and B, the application was a departure from the Local Development Plan. Policy RD2 supported brownfield redevelopment of up to three dwellings on the same site but the proposed houses

were not on the same site as the brownfield remains. The justification for not developing on the same site and alternative options considered were outlined. The proposed site was capable of accommodating three houses and the layout, siting and design worked well. Looking at the package of applications holistically, the application was recommended for approval as a departure from the Local Development Plan.

The Committee **agreed:**

- (1) that authority to grant Full Planning Permission be delegated to the Head of Planning and Economy subject to:
 - (a) Provision of any additional conditions from Roads Development;
 - (b) Payment or conclusion of Developer Obligations
 - (c) The following conditions:
 01. No works shall commence related to this development until such time as the details of the upgrade to the condition and layout of Marquis Drive has been agreed with Aberdeenshire Council's Environment and Infrastructure Services (Roads Development). Once agreed, no dwelling shall be occupied until the works are completed in accordance with the agreed detail. Once provided, all improvements shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.
 02. 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.

03. No dwelling shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the drainage report detailed in Ferguson Geotechnical, dated 9 February 2021. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved scheme.

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

04. The development hereby approved shall not be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the details shown on the approved plan. 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.

- (2) the reason for departing from the Aberdeenshire Local Development Plan (2017):

The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The proposal can be supported as a departure from Policy Housing and employment developments elsewhere in the countryside as the proposal, in the context of the tandem applications, presents a holistic development that restores an at risk listed building and improves the character and setting of the site whilst making a valued contribution to the local housing market. The design, siting, and layout of the development are appropriate for the setting and uses appropriate materials. Adequate parking and turning areas, water and drainage would be provided and no negative impact on protected species is expected to result from this proposal, nor is there a negative impact expected on the character of the Deveron Valley SLA or 'B' Listed doocot, compliant with Policy P1: Layout, siting and design, Policy E1: Natural Heritage, Policy E2: Landscape, Policy HE1: Protecting historic buildings, sites, and monuments, Policy RD1: Providing suitable services, Policy RD2: Developers' obligations and all other relevant policies of the Aberdeenshire Local Development Plan (2017).

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

(D) Reference No: APP/2022/0622

Full Planning Permission for Demolition of 3 Dwellinghouses and Erection of 4 Dwellinghouses at 13-17 Raemoir Road, Banchory, Aberdeenshire, AB31 5UJ

Applicant: Mr & Mrs Garioch, Drumhead, Finzean, AB31 6PB
Agent: Gerry Robb Architectural Design Services, Bridgend, Bridgeview Road, Aboyne, AB34 5HB

There had been circulated a report by the Director of Environment and Infrastructure Services which sought consideration of an application for Full Planning Permission for the demolition of three dwellinghouses and the erection of four dwellinghouses.

The Committee agreed a request to speak from an objector, but as the speaker was unable to connect to the call, the meeting proceeded.

The Senior Planner reported on the details of the application and referred to pre-application discussions leading to reductions in the scale and massing of the buildings; overshadowing information provided; amenity, overshadowing and privacy not being worsened through the development; and the design fitting successfully on site. The application was recommended for approval.

The Senior Planner then responded to questions on the render colour and overshadowing.

Councillor Ross, seconded by Councillor Blackett, moved to refuse the application on the grounds that it was contrary to Policy P1: Layout, siting and design due to overshadowing impacts and Policy P3: Infill and householder developments within settlements due to the number of houses to be accommodated on site.

As an amendment, Councillor Kloppert, seconded by Councillor Chou Turvey, moved to grant Full Planning Permission in line with the report recommendations.

Members of the Committee voted:

for the motion (2) Councillors Blackett and Ross

for the amendment (7) Councillors Withey, Brown, Chou Turvey, Goodhall, Kloppert, Knight, and Petrie.

Therefore, the amendment was carried and the Committee **agreed** to grant Full Planning Permission subject to the following conditions:

01. 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.

02. 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.

03. Prior to the occupancy of each property, off-street parking for 2 cars, surfaced in hard standing materials must be provided within each site. The maximum gradient of the first 5m of the new access must not exceed in 1 in 20.

Reason: In the interest of road safety.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, the garages shall be permanently retained and shall not be altered in any way under the terms of Class 3A of Schedule 1 of the above Order without an express grant of planning permission from the planning authority.

Reason: In the interests of ensuring sufficient parking provision in perpetuity.

05. Prior to commencement of development, full details of the proposed surface water drainage systems shall be submitted to the Planning Service for approval, including details of the ground conditions and the infiltration rates,

prepared by a suitably qualified person. The surface water drainage system shall be carried out in accordance with the agreed details.

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 Aberdeenshire Local Development Plan 2017 and Scottish Planning Policy. The layout, siting and design is considered acceptable, without impacting on the character of the area or amenity of neighbours in line with Policy P3 Infill and householder developments within settlements (Including home and work proposals).

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

(E) Reference No: APP/2022/0635

Application under Section 42 For Erection of External Covered Seating Area Without Compliance with Condition 1 (Time) of Full Planning Permission Reference APP/2021/0456 at Clachan Grill, 5 Bridge Square, Ballater, Aberdeenshire, AB35 5QJ

Applicant: Clachan Grill, 5 Bridge Square, Ballater, AB35 5QL
Agent: Gerry Robb Architectural Design Services, Bridgend, Bridgeview Road, Aboyne, AB34 5HB

There had been circulated a report by the Director of Environment and Infrastructure Services which sought consideration of an application for Full Planning Permission for the formation of a covered seating area, without complying with condition 1 of the previous grant of consent for the same development which limited the consent to April 2023.

The Senior Planner reported on the details of the application and advised that consent had been granted for a covered seating area in 2021 in response to covid. The applicant considered erecting the canopy as unviable if it could only be up until 2023 and was looking to extend the temporary permission. The main concern related to parking. Reference was made to findings that there were parking issues in the

area but not directly linked to the restaurant. The Committee heard that the parking issues couldn't be solved through the application and there were not strong planning reasons to refuse a canopy over the dining area for a further temporary period.

The Senior Planner then responded to Members' questions in relation to parking.

The Committee **agreed** to grant the application under Section 42 subject to the following conditions:-

01. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 2nd September 2027. 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 to be an area of hardstanding for use as car parking spaces to serve the restaurant on site.

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.

Reason for Decision

The proposal is considered by the Planning Authority to comply with the Cairngorms National Park Authority Local Development Plan 2021. The temporary consent for an ancillary outdoor covered seating area, of appropriate design and minimal impact on the amenity of the surrounding area, complies with Policies 2 Supporting economic growth, 3 Design and placemaking, and 9 Cultural heritage.

(F) Reference No: APP/2022/1186

Full Planning Permission for Change of Use from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis) at Craigard House, 3 Abergeldie Road, Ballater, Aberdeenshire, AB35 5PR

Applicant: Artfarm Ltd, Stockwell House, 13 High Street, Bruton, Somerset, BA100AB

Agent: Moxon Architects Ltd, Quarry Studios, Crathie, Ballater, AB35 5UL

There had been circulated a report by the Director of Environment and Infrastructure Services which sought consideration of an application for Full Planning Permission for proposed change of use from Residential Institution (Class 8) to House of Multiple Occupation (Sui Generis).

The Committee agreed a request to speak from Ben Addy, Moxon Architects, the agent.

The Senior Planner reported on the details of the application and explained that all alterations were internal with no external alterations current proposed; Roads were satisfied that the proposed car parking was viable and provided sufficient spaces; and the building would be used by Fife Arms for staff accommodation. He then responded to Members' questions related to the internal proposals and the requirement for an HMO licence.

The Committee then heard from Mr Addy, who outlined why the use of Craigard House as a care home was unviable with reference to the care home closing due to the cost of a requirement for all bathrooms to be replaced with en-suite wetrooms and the cost of reopening as a care home to meet current standards being prohibitively expensive. Staff accommodation would not require the same level of expenditure. Reference was made to the proposal meeting Local Development Plan policies, particularly Policy 3 by converting existing building stock and Policy 2: Supporting Economic Growth by providing quality accommodation to an expanding work age population, benefitting Ballater as well as Upper Deeside.

The Committee **agreed** to grant Full Planning Permission for the following reason:

The Planning Authority considers that the application is for a development that is in accordance with the Cairngorms National Park Local Development Plan 2021. The proposed development shall bring back into use a vacant and redundant building and help support the vitality of what is a crucial tourism and economic business in the local area, whilst resulting in limited impact upon neighbouring amenity and cultural heritage, in line with Policy 2 Supporting Economic Growth, Policy 3 Design and placemaking and Policy 9 Cultural Heritage.