

ABERDEENSHIRE COUNCIL

MARR AREA COMMITTEE

ONLINE MEETING, 6 DECEMBER 2022

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

Apologies: Councillor L Knight.

Officers: J Clark, Area Manager (Marr); N Mair, Senior Planner; R Goldring, Team Leader (Learning Estates); I Birnie, Team Leader (Historic Environment); C Loney, Waste Team Manager (Processing and Disposal); R Terris, Project Manager; S Martin, Project Manager; A Reid, Team Manager (Business and Industry); N Henderson, Senior Solicitor; T Stephen, Service Manager (Operations); J Gahagan, Estates Manager; 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.

Councillor Turvey stated that she had a connection to Item 10 by virtue of the company carrying out the track works being based next to her home; however, having applied the objective test she concluded she had no interest to declare.

Councillor Petrie declared an interest in Item 6 by virtue of living within the Huntly Conservation Area and having advised the Community Council on the matter. 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 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.	Paragraph No. of Schedule 7A
12	8
13	8
14	8
15	8
16	9

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 15 NOVEMBER 2022

The Committee had before them, and **agreed** as a correct record, the Minute of Meeting of the Committee of 15 November 2022.

4. STATEMENT OF OUTSTANDING BUSINESS

The Committee had before them, and **agreed** to note, the statement of outstanding business from previous meetings of Marr Area Committee as at 6 December 2022.

5. 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/2022/1730 APP/2022/1731	Full Planning Permission for (1) Erection of 8 Flats (Change of Flat Type and Plot Layout to Planning Permission Reference APP/2019/0953) at Plots 20-27 and (2) Erection of 7 Dwellinghouses (Change of House Types and Plot Layout to Planning Reference APP/2019/0953) at Plot 28-34, Land Adjacent to Tesco Supermarket, Deveron Way, Huntly

6. PETITION – HUNTLY CONSERVATION AREA

There had been circulated a report dated 24 November 2022, by the Director of Environment and Infrastructure Services, which informed the Committee of a petition which had been received, requesting that the Council review the Huntly Conservation Area within the next twelve months, with a view to a reduction in the area covered. The Committee could determine to note the terms of the petition or to

instruct the relevant officer to provide a report for a subsequent meeting of the Committee.

During discussion, Members queried the usual frequency of reviews and the possibility of interim measures during any review. It was advised that these matters could be addressed within a report from the Service.

The Committee **agreed:**

- (1) to note the petition received by the Director of Business Services as described at paragraph 3.1 of the report; and
- (2) to instruct a report from the Head of Planning and Economy on the subject matter of the petition, to be provided to the next meeting of the Committee on 24 January 2023 if possible.

7. 2022 BASED SCHOOL ROLL FORECASTS

There had been circulated a report dated 21 November 2022, by the Director of Education and Children's Services, which presented school roll forecasts which were published on an annual basis. The report invited the Committee to consider the schools in their wards and highlight any areas of concern.

The Learning Estates Team Leader introduced the report and provided further context on schools within the Marr Area which were forecast to go over 100% capacity (Craigievar and Monymusk) or below 25% capacity (Lumsden, Logie Coldstone and Strathdon). The Team Leader responded to Members' questions on the inclusion of potential new housing developments in the figures and capacity/school rolls at various schools within the Marr Area.

The Committee agreed:

- (1) to note the school roll projections for schools within Marr; and
- (2) to provide the following comments on the report for consideration by Education and Children's Services Committee:
 - (a) Requested the monitoring of future developments in Banchory and their impact on Banchory Academy and need for a new Academy.
 - (b) Highlighted the importance of Logie Coldstone School to the community.
 - (c) Queried whether Alford Academy had been designed to be extended if additional capacity were required.
 - (d) In relation to out of zone placing requests to Banchory Academy, requested consideration of families who lived slightly outwith the boundary but attended feeder primaries.

8. HISTORIC ASSET MANAGEMENT PROJECT UPDATE

There had been circulated a report dated October 2022, by the Director of Environment and Infrastructure Services, which detailed projects planned to be undertaken by the Historic Asset Management Project (HAMP) in 2023 and provided a summary of progress made over the past two years.

The Team Leader (Historic Environment) provided background information on the Historic Asset Management Project, highlighted projects in the Marr area, and responded to Members' questions.

The Committee **agreed:**

- (1) to acknowledge the annual update on the Historic Asset Management Project and to comment and request further information as follows:-
 - (a) Requested an update in relation to Galton Churchyard;
 - (b) Welcomed repairs to the Banchory Churchyard walls;
 - (c) Requested the heritage Fountain at Fountain Lodge, Banchory be added to the items to be maintained; and
 - (d) Requested further information on Elphinstone Aisle, Kildrummy and potential as a visitor site.
- (2) to endorse the approach taken by the Historic Asset Management Project in respect of Council owned historic assets.

9. MARR AREA PLAN 2021-23 PROGRESS ON PROJECTS/ ACTIONS (APRIL - SEPTEMBER 2022)

There had been circulated a report dated 21 November 2022, by the Director of Environment and Infrastructure Services, which provided an update on progress made in relation to projects/actions within the Marr Area Plan 2021-23.

The Committee **agreed:**

- (1) to acknowledge progress made in relation to the projects/actions contained within the Marr Area Plan (April to September 2022) which supported the Council Plan;
- (2) to request further information in relation to the following projects/actions:
 - (a) 2.393 Area Rural Challenge Fund
 - (b) 2.395 Energy Challenge Fund
 - (c) 2.36 Cosy Bosie Project – numbers attending sessions

- (d) 1.11 Refurbish the Home Economics department at Banchory Academy – confirmation of whether this had been completed
 - (e) 2.015 Delivery of affordable housing at Hill of Banchory – expected delivery date
 - (f) 2.10 Convert an existing small pitch facility into a football facility in Banchory – clarification on whether this related to the primary school or community pitch.
- (3) to instruct the Area Manager (Marr) to continue to present progress reports to the Committee on a six-monthly basis, in line with the Performance Management Framework; and
 - (4) to note that the next Area Plan performance and progress report was scheduled for June 2023.

10. ASSET TRANSFER REQUEST - HAUGHTON PARK (PART)

There had been circulated a report dated 21 November 2022, by the Director of Environment and Infrastructure Services, which sought consideration of an Asset Transfer Request from Friends of Haughton Park to build an all-abilities cycle trail and pump track in Haughton Park.

The Area Manager (Marr) outlined the details of the application and matters considered by the Marr Asset Transfer Group as detailed within the report. The Area Manager then responded to questions in relation to project funding, lease end, and site access.

During discussion, Members welcomed the project and highlighted that it formed part of a wider regeneration of Haughton Park, providing a good example of partnership between the Council and community groups to deliver what was best for the area.

The Committee **agreed:**

- (1) to note the Asset Transfer application at Appendix 1 to the report;
- (2) to approve the Asset Transfer request from Friends of Haughton Park for a lease of Haughton Park, and instruct the Area Manager to issue a Decision Notice;
- (3) to delegate authority to the Area Manager to instruct Legal and People to conclude the lease of Haughton Park to Friends of Haughton Park subject to the conditions referred to in section 3.4.1 of the report for a period of 25 years; and
- (4) that the lease would be subject to a nominal rent of £1 per annum being paid by the Friends of Haughton Park which took into account the benefits that the community group could provide.

11. LOCAL REVIEW BODY DECISION NOTICE 560 – WHITESIDE FARM, TULLYNESSLE, ALFORD (APP/2021/2905)

The Committee had before them, and **agreed** to note, Local Review Body Decision Notice 560, dated 23 November 2022, which advised that the Local Review Body had agreed with the determination reviewed by it and refused Full Planning Permission for Change of Use of Agricultural Land to Class 6 (Storage and Distribution) and Erection of 2.4m Boundary Fence at Whiteside Farm, Tullynessle, in accordance with the Appointed Officer's decision.

12. PROCUREMENT APPROVAL - REPAIRS TO FLOOR AND WALLS AT CROWS NEST BANCHORY WASTE TRANSFER STATION

With reference to the Minute of Meeting of the Committee of 15 November 2022, (Item 15), when the Committee had approved a Supplementary Procurement Plan in relation to works at Crows Nest Banchory Waste Transfer Station and reserved approval of the Procurement Approval Form, there had been circulated an exempt report dated 21 November 2022, by the Director of Environment and Infrastructure Services, which presented the Procurement Approval Form for approval.

The Committee **agreed**:

- (1) to note that the Committee had considered and approved the Directorate Supplementary Procurement Plan and the item on the Supplementary Procurement Plan at its meeting on 15 November 2022 (Item 15); and
- (2) to approve the Procurement Approval Form as detailed in Appendix 1 to the report.

13. SUPPLEMENTARY DIRECTORATE PROCUREMENT PLAN - REPLACEMENT AND NEW PUSH WALLS AT CROWS NEST BANCHORY WASTE TRANSFER STATION

There had been circulated an exempt report dated 15 November 2022, by the Director of Business Services, which sought approval of a Supplementary Procurement Plan in relation to works at Crows Nest Banchory Waste Transfer Station.

The Committee **agreed**:

- (1) to note the Directorate Supplementary Procurement Plan as detailed in Appendix 1 to the report;
- (2) to approve the item on the Supplementary Procurement Plan as detailed in Appendix 1 to the report and note that the item would be added to the Directorate Procurement Plan approved by Business Services Committee on 24 February 2022;

- (3) not to reserve approval of the Procurement Approval Form (PAF) for any item on the Procurement Plan where the value of the matter was between £50,000 and £1,000,000; and
- (4) to acknowledge that the Head of Property and Facilities Management had delegated authority to award the final contract of the items with a value up to £1,000,000 where the Committee had not reserved the right to award the final contract.

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

There had been circulated an exempt report dated 18 November 2022, by the Directors of Environment and Infrastructure and Business Services, which sought consideration of a Supplementary Procurement Plan in relation to works at Glenshee Ski Centre.

The Project Manager and Team Manager (Business and Industry) provided background information and responded to Members' questions.

Following discussion, the Committee **agreed:**

- (1) to note the Directorate Supplementary Procurement Plan as detailed in Appendix 1 to the report;
- (2) to approve the items on the Supplementary Procurement Plan and note that these items would be added to the Directorate Procurement Plan that was approved by the Committee on 24 February 2022;
- (3) not to reserve approval of the Procurement Approval Form for any item on the Procurement Plan where the value of the matter was between £50,000 and £1,000,000; and
- (4) to request a briefing note on consideration of funding options other than borrowing.

15. SUPPLEMENTARY DIRECTORATE PROCUREMENT PLAN – LIVE LIFE ABERDEENSHIRE

There had been circulated an exempt report dated 11 November 2022, by the Director of Education and Children's Services, which sought consideration of a Supplementary Procurement Plan and Procurement Approval Form in relation to works at the Sir Arthur Grant Centre.

The Service Manager (Operations) provided background information and responded to Members' questions.

The Committee **agreed:**

- (1) to note the Directorate Supplementary Procurement Plan as detailed in Appendix 1 to the report;
- (2) to approve the items on the Supplementary Procurement Plan and note that these items would be added to the Directorate Procurement Plan that was approved by the Committee on March 8, 2022;
- (3) to approve the Procurement Approval Form at Appendix 3 to the report;
- (4) not to reserve the award of the final contract; and
- (5) to note that the Chief Officer of Live Life Aberdeenshire would have the delegated power to award the final contract.

16. SALE OF THE SITE OF THE FORMER ALFORD ACADEMY

There had been circulated an exempt report dated 22 November 2022, by the Director of Business Services, which sought approval for the sale of the site of the former Alford Academy.

As an update, the Estate Manager advised that the required confirmation had been received and the missives had been adjusted as detailed within the report.

The Committee **agreed** to approve the sale of the site of the Former Alford Academy on the terms set out in the report.

APPENDIX A

PLANNING APPLICATIONS

(A) Reference No: APP/2022/1730

Full Planning Permission for Erection of 8 Flats (Change of Flat Type and Plot Layout to Planning Permission Reference APP/2019/0953) at Plots 20 - 27, Land Adjacent to Tesco Stores Ltd, Deveron Way, Huntly.

Reference No: APP/2022/1731

Full Planning Permission for Erection of 7 Dwellinghouses (Change of House Types and Plot Layout to Planning Reference APP/2019/0953) at Plots 28 - 34, Land Adjacent to Tesco Supermarket, Deveron Way, Huntly.

Applicant: Morrison Construction - North East, Kingseat Business Park, Newmachar
Agent: THE Architecture + Planning, 24 North Silver Street Aberdeen

There had been circulated a report by the Director of Environment and Infrastructure Services which sought consideration of two separate applications which covered adjacent plots within a wider consented and ongoing house development.

The Senior Planner reported on the details of the applications and advised that the overall site had been approved as a departure from the Local Development Plan (LDP). The development was underway but difficulties had been encountered due to proximity to services. The applications sought to reorient and reposition some of the plots. Due to delays with the next LDP, in which the site was allocated for housing, the proposals remained a departure and were recommended for approval on the same grounds as previously and due to the planning history.

The Committee **agreed:**

(1) to grant APP/2022/1730 subject to the following conditions:

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The building hereby approved shall not be erected unless an Energy Statement applicable to the building 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 2022.

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 2022.

03. The development shall not be occupied unless the swift nesting spaces has been provided in accordance with the details on drawing DEV-THE-ZZ-DR-A-90100 Rev P06 . Once provided, the nesting spaces shall thereafter be permanently retained.

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

04. The development hereby approved shall not be brought into use unless the proposed bedrooms within the site have been insulated in accordance with the approved plans and details specified in the supporting letter from EnviroCentre dated 5 August 2022, to ensure that the noise level due to external sources when measured in these rooms does not exceed 35dB(A) at night.

Reason: In the interests of the residential amenities of the occupiers of the proposed development.

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

The potential for an alternative use to that designated in the Plan has been justified through the evidenced marketing of the site yielding no interest in delivering development for the purposes identified in the Plan, however the principle of housing on the allocated BUS1 site does not comply with Policy B1 Employment and business land. The proposed affordable housing development is considered to be of a high standard, providing much needed affordable housing and enhancing the western entrance to Huntly through good design and active frontage onto the A920 and merits support as a departure from the Aberdeenshire Local Development Plan (2017).

- (3) to grant APP/2022/1731 subject to the following conditions:

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The dwellings hereby approved shall not be erected unless an Energy Statement applicable to the dwellings 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 2022.

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 2022.

03. The development hereby approved shall not be brought into use unless the proposed bedrooms and garden amenity space within the site have been insulated (including the construction of an external acoustic noise barrier) in accordance with the approved plans and details specified in the supporting letter from EnviroCentre dated 5 August 2022, to ensure that the noise level due to external sources;

- (a) does not exceed a night time noise limit of 35dB(A) when measured within any living room, and
- (b) does not exceed a day time noise limit of 55dB(A) when measured within the garden amenity space.

Reason: In the interests of the residential amenities of the occupiers of the proposed development.

- (4) the reason for departing from the Aberdeenshire Local Development Plan 2017 as follows:

The potential for an alternative use to that designated in the Plan has been justified through the evidenced marketing of the site yielding no interest in delivering development for the purposes identified in the Plan, however the principle of housing on the allocated BUS1 site does not comply with Policy B1 Employment and business land. The proposed affordable housing development is considered to be of a high standard, providing much needed affordable housing and enhancing the western entrance to Huntly through good design and active frontage onto the A920 and merits support as a departure from the Aberdeenshire Local Development Plan (2017).

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