

## ABERDEENSHIRE COUNCIL

### MARR AREA COMMITTEE

STEWART'S HALL, HUNTLY, 5 MAY 2015

- Present:** Councillors M F Ingleby (Chair), P J Argyle, G Blackett, K L Clark, L Clark, K A Farquhar, J J Latham and Provost J Webster.
- Apology:** Councillors D A Ross and J J Strathdee (Vice Chair),
- Officers:** J Clark, Area Manager (Marr), J Joss, Senior Solicitor, N Mair, Senior Planner, R Kennedy, Principal Engineer, M Stewart, Planning Manager, J Craig, Senior Technician, P Finch, Principal Engineer and A Riddell, Area Committee Officer (Marr).

#### 1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of Councillors' Code of Conduct and the following declarations were intimated –

- (a) Councillor Argyle on Item 10 as a Director of Mid Deeside Ltd and left the meeting and on Item 12 as a Board member of the Cairngorms National Park Authority and continued to participate in the meeting,
- (b) Provost Webster on Item 11C as she knew the agent employed by the objector and left the meeting,
- (c) Councillor Farquhar on Item 12 as a Director of Ballater RD Ltd and as a member of the Cairngorms National Park Authority and continued to participate in the meeting, and
- (d) Councillor Latham on Item 12 as a member of the Cairngorms National Park Authority and continued to participate in the meeting.

#### 2. RESOLUTIONS

**(A) 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.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

**(B) Exempt Information** - The Committee **agreed** in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of item 12 so as to avoid disclosure of exempt information of the class described in paragraph 9 of Part 1 of Schedule 7A of the Act.

### 3. MINUTE

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 31 March, 2015.

### 4. PROPOSED EXTENSION TO FAIRGROUND HOURS – ABOYNE HIGHLAND GAMES

The Committee had before them a report dated 21 April 2015 by the Director of Business Services on an application for a temporary public entertainment license and an extension of operating hours for a funfair at Aboyne Green on Friday 31 July 2015 from 1800 hours to 2330 hours and on Saturday 1 August 2015 from 0800 to 2330 hours (kiosks only) and all other equipment from 1130 hours to 2330 hours.

Having heard from the Senior Solicitor that the application was currently out to consultation with Police Scotland, Scottish Fire and Rescue Service, Building Standards and Outdoor Services and the closing date for responses was 14 May 2015, the Committee **agreed** to grant the application for hours of operation as sought on the basis that no objections were received by the deadline identified, failing which a further report be submitted to the Area Committee for determination.

### 5. EDUCATION & CHILDREN'S SERVICES – QUARTER 3 PERFORMANCE MONITORING

There had been circulated a report dated 27 March 2015 by the Director of Education & Children's Services on performance achieved over the period October to December 2014 (Quarter 3) against key performance measures and associated targets as set out in the Education, Learning and Leisure Service Plan.

The Committee **agreed** –

- (1) to acknowledge the positive performance achieved from October to December 2014,
- (2) to note those measures where performance was below expectations from October to December 2014
- (3) to note the publication of the complete October to December 2014 performance report on Ward pages,
- (4) to seek further clarification and report back on –
  - (i) PM2.8M in terms of the number of users of sports facilities (indoor sports and leisure) being below target and PM2.7M where the number of users of Marr swimming pools had increased and whether these figures essentially cancel each other out,
  - (ii) PM3.5AM and PM3.6M in terms of whether temporary accommodation units had been included within the calculations,
  - (iii) PM2.5AM, percentage ½ day truancy/unexplained absences of looked after children, action being taken,
  - (iv) PM3.6M, percentage of secondary schools on which roll as a percentage of official capacity exceeds 100%, action being taken in respect of Aboyne Academy, and
  - (v) Long trend column, why this doesn't remain constant as it goes up and down each quarter.
- (5) that the Director of Education & Children's Services continue to report, by exception, to Committee quarterly on performance measures against service objectives and 6

monthly on progress and delivering all aspects of the service plan and service improvement.

## **6. INFRASTRUCTURE SERVICES QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER TO DECEMBER 2014 (QUARTER 3)**

There was circulated a reported dated 15 April 2015 by the Director of Infrastructure Services on performance achieved over the period October to December 2014 (quarter 3) against key performance measures and associated targets as set out in the Infrastructure Service Plan 2014 – 2017.

The Committee **agreed** –

- (1) to acknowledge the positive performance achieved from October to December 2014 (Quarter 3),
- (2) to note those measures where performance was below expectations from October to December 2014,
- (3) to note the publication of the complete October to December 2014 performance report for the Marr Area on Ward Pages and on the Council's website,
- (4) to seek further clarification and report back on –
  - (i) PM6.7M, percentage of risk assessments of type B private water supplies completed within 6 weeks of contact being made, next steps following risk assessment completion,
  - (ii) PM4.4M, street lighting faults, action being taken to review process/target timescale to address issues identified,
  - (iii) PM5.7M, percentage of Building Warrant applications approved within 6 working days following receipt of technical information, action being taken to address performance below expectation,
- (5) that the Director of Infrastructure Services continue to report, by exception, to Committee quarterly on performance measures against service objectives and 6 monthly on progress and delivering all aspects of the service plan.

## **7. SCOTTISH GOVERNMENT APPEAL DECISION – CORNABO, MONYMUSK**

There have been circulated letter dated 23 March 2015 from the Scottish Government Directorate for Planning and Environmental Appeals advising of a decision to allow an appeal and grant planning permission for the construction and operation of 3 wind turbine generators and other associated infrastructure at Cornabo, Monymusk subject to conditions detailed in the correspondence.

Following discussion on the impact of the development on valued views in an iconic part of Aberdeenshire, the Committee **agreed** that the Area Manager write to the Scottish Government Directorate for Planning & Environmental Appeals expressing the Committee's disappointment with regard to the decision.

## **8. HUNTLY FLOOD PROTECTION SCHEME**

With reference to the minute of meeting of the Infrastructure Services Committee of 15 May 2014 (Item 3, page 1876), when it had been agreed that the proposed Huntly Flood Alleviation Scheme be progressed without modification and to notify Scottish Ministers of the decision, the Committee had before them a report by the Director of Infrastructure Services indicating that Scottish Ministers had decided that the Scheme should be evaluated at a hearing which had been held on 18 February 2015 in Huntly following which the Reporter had recommended

that the Scheme be confirmed without modification. The report advised that the Infrastructure Services Committee would make the final decision on the Scheme and it was recommended that the Area Committee support a recommendation to the Infrastructure Services Committee that the Huntly Flood Protection Scheme be confirmed without modification.

Having heard from the Principal Engineer, the Committee **agreed** to support the recommendation to Infrastructure Services Committee that the Huntly Flood Protection Scheme be confirmed without modification under the terms of the Flood Risk Management (Scotland) 2009 and the Flood Risk Management (Flood Protection Schemes, potentially vulnerable areas and local plan districts) (Scotland) Regulations 2010.

## **9. ABOYNE ACADEMY TOILET UPGRADE - CONTRACT 17909**

There had been circulated a report by the Director of Infrastructure Services seeking approval of project costs and acceptance of a tender in respect of toilet upgrade works at Aboyne Academy.

Following discussion on budget allocation, supervision of work to be undertaken and similar works proposed at the Gordons Schools, Huntly, the Committee **agreed** –

- (1) to approve the project cost of £220,349.34 inclusive of property costs as detailed within the report,
- (2) to authorise acceptance of the lowest tender submitted by Bancon Construction in the confirmed tender amount of £204,976.13,
- (3) following concerns expressed with regard to the standard of work carried out by the successful contractor in other locations, to seek reassurance from the Property Service that the work would be regularly supervised,
- (4) that the budget to be used to fund the project be confirmed given the reference to the primary education budget in paragraph 3.9 in the report, and
- (5) to seek further feedback on proposed toilet upgrade work at the Gordons Schools, Huntly.

## **10. AREA COMMITTEE BUDGET APPLICATION – MID DEESIDE LIMITED**

Having previously declared an interest in this item, Councillor Argyle left the meeting during consideration and determination thereof.

A report dated 20 April 2015 by the Director of Communities had been circulated seeking consideration of an application from Mid Deeside Ltd for Area Committee budget funding for the purchase, housing, delivery and on ongoing maintenance of a Public Access Defibrillator (PADS) at Aboyne Community Centre as part of a wider project to provide PADS in the Mid Deeside area from Kincardine O'Neill to Dinnet. The report indicated that some of the funds requested related to maintenance and running costs over a 5 year period which the applicant would be unlikely to spend in the current financial year and it was proposed that any award be limited to the cost of purchasing equipment, delivery and installation.

Having been advised that funding had now been secured to deliver 4 of the 8 units proposed and that the Tarland First Responders had agreed to undertake maintenance work required, the Committee **agreed** to approve an award of up to £2074 towards the cost of purchasing equipment, delivery and installation of one unit proposed to be sited at Aboyne Community Centre.

## 11. PLANNING APPLICATIONS

The following planning applications were considered along with any objections and representations received in each case and were dealt with as recorded in the **Appendix** to this minute.

<b>Reference Number</b>	<b>Address</b>
(A) APP/2014/1973	Planning Permission in Principle for Mixed Use Development (Comprising of 390 Dwellinghouses and Commercial and Business Development) at Land to North of Hill Of Banchory, Upper Lochton, Banchory
(B) APP/2015/0225	Planning Permission in Principle for Residential Development of 400 No. Dwellinghouses (Including 300 Private Rented, 75 Affordable and 25 Assisted Living Units), Health Centre, Employment Uses, Formation of Deeside Way Hub, Extension to Deeside Way, Realignment and Improvement to the B974, Cycle Paths, Landscaping, Open Space and Ancillary Works at Land at Braehead, Auchattie, Banchory
(C) APP/2015/0416	Full Planning Permission for Erection of Dwellinghouse (Amendment to Previously Approved APP/2010/3543) at Plot 2, 1 Aboyne Grange, Old Town Road, Aboyne

## 12. FORMER OUTDOOR CENTRE, BALLATER - PROPOSED ACTIONS

With reference to Minute of Meeting of the Committee of 19 August 2014 (Item 13) when it had been agreed to allow the group concerned until the end of February 2015 to formulate a detailed bid, the Committee had before them a report by the Director of Infrastructure Services confirming that a response had been received from the Group concerned and recommending that further investigations take place into planning matters and community aspirations and that a further report be submitted to a future meeting for consideration.

The Committee **agreed** that Officers make further investigations into planning matters and community aspirations and provide a further report to a future meeting.

## APPENDIX

### PLANNING APPLICATIONS

- (A) **Reference No: APP/2014/1973 – Planning Permission in Principle for Mixed Use Development (Comprising of 390 Dwellinghouses and Commercial and Business Development) at Land to North of Hill Of Banchory, Upper Lochton, Banchory**

**Applicant: North Banchory Company, Per Agent**

**Agent: Archial Norr, 3 Bon Accord Crescent, Aberdeen, AB11 6XH**

The Chair advised that a request to address the Committee had been received from Mr M Tasker and, having confirmed that Mr Tasker was not present at the meeting, the Committee **agreed** to proceed to determine the application.

The Committee heard from the Senior Planner on the detail of the application for planning permission in principle for a major development to which there had been valid objections from more than 5 separate households and was a departure from Local Development Plan policy and required to be determined by the Area Committee. Reference was made to the approved Masterplan previously considered by the Committee which set out the general layout and approach for subsequent applications on Sites M2 and H2. He reported on the proposed layout of the application site, other developments in the location, access arrangements, safer routes to school, flood risk, phasing and completion of the distributor road, delivery of a roundabout, emergency access to the north and letters of representation received. He advised that a minor adjustment would be required to proposed condition number 6 to incorporate details of the phasing of the development and the reason for the decision would require to be adjusted to include the departure from policy in relation to the delivery of affordable housing. The application was recommended for approval subject to the amendments proposed.

Following a full discussion on the phasing of road improvements including the timescale for delivery of the roundabout on Raemoir Road, landscaping requirements, ground clearance, delivery of a football pitch, design standards required, impact on the nature reserve, arrangements for discharge of surface water, delivery of housing for people with learning disabilities and whether the consideration and approval of matters specified in conditions should be reported back to the Committee, the Committee **agreed** –

- (1) that authority to grant planning permission in principle be delegated to the Head of Planning and Building Standards subject to -
  - (a) formation of a Section 75 Agreement,
  - (b) condition 4 being reviewed with a view to more actively addressing the phasing of landscaping provision alongside housing development,
  - (c) condition 6 being amended to include further detail on the phasing of the development,
  - (d) agreement with the applicant on design standards and delivery of a football pitch,
  - (e) when matters specified in conditions considered, if Planning Service unable to negotiate successfully with the developer to achieve exemplary design standards and use of appropriate materials, to report back to committee for consideration/determination,
  - (f) the reason for the decision being amended to reflect that the application was a departure from Local Plan policy in terms of the affordable housing provision
  - (g) the following conditions -

- (i) Notwithstanding the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, and unless otherwise agreed in writing by the Planning Authority, an application for approval of all Matters Specified in Conditions (MSC) for any part of the development shall be made to the Planning Authority within 6 years of the date of this planning permission. Thereafter, further MSC applications shall be submitted in accordance with the phasing plan agreed under Condition 6, and each subsequent MSC application shall be submitted within 2 years of the date of the preceding MSC approval.

Reason: Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 to allow for a reasonable period of time to implement the permission.

- (ii) That the development hereby granted shall be begun before the expiration of two years from the final approval of the matters specified in conditions or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997.

- (iii) No development in connection with each respective phase of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details. Depending on the phase, the MSC/FPP shall include:

- (a) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant phase of development;
- (b) A detailed Drainage Plan for the relevant phase of development, including full details of the proposed means of disposal of surface water from the relevant phase of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with the agreed flood risk assessment and drainage proposals Rev B;
- (c) Full details of the connection to the existing Scottish Water foul water drainage network for the relevant phase of development;
- (d) Full details of existing groundwater abstractions for private drinking water supplies within or within 100m of the site;
- (e) A detailed water features survey identifying any impacts and proposed mitigation measures to groundwater within the relevant phase of development;
- (f) Details of all cut and fill operations in the relevant phase of the development;
- (g) Full details of all roads, footpaths and cycleways throughout the relevant phase of the development including a Street Engineering Review (SER), Stage 2 quality audit and Roads SUDS;

- (h) Details of any screen walls/fencing to be provided within the relevant phase of the development;
- (i) Details of all landscaping, planting and screening associated with the relevant phase of the development;
- (j) Full details of the layout, siting, design and finish of all residential properties throughout the relevant phase of development;
- (k) Full details of the layout, siting, design and finish of all non-residential properties throughout the relevant phase of development. This shall include retail facilities and commercial premises;
- (l) Full details of all waste/recycling collection points, for residential and non-residential properties.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997.

- (iv) The landscaping details to be submitted pursuant to Condition 3 above shall include:
  - (a) Existing and proposed finished ground levels relative to a fixed datum point;
  - (b) Existing landscape features and vegetation to be retained;
  - (c) Existing and proposed services including cables and pipelines;
  - (d) The location of new trees, shrubs, hedges, grassed areas and water features;
  - (e) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
  - (f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
  - (g) An indication of existing trees, shrubs and hedges to be removed;
  - (h) A Biodiversity Action Plan;
  - (i) Full details of proposed watercourse and wetland buffer strips;
  - (j) A Management Plan detailing appropriate management measures for all watercourse buffer strips;
  - (k) A programme for the completion and subsequent maintenance of the proposed landscaping, including details of ground preparation. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase 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;
  - (l) Full details of path provision including micro- routing, specifications and phasing of implementation.

Reason: To ensure the implementation 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.

(v) The details to be submitted pursuant to Condition 3 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as:

- (a) Inspection regime relating to matters such as offlets/inlets;
  - (b) Frequency and method of cleaning of filter trenches, removal of silt etc.;
  - (c) Grass cutting (and weeding) regime for SUDS basins and trenches;
  - (d) Means of access for future maintenance;
  - (e) How to ensure that planting will not be undertaken over perforated pipes;
  - (f) Details of the contact parties for future factoring/maintenance of the scheme;
- More information is available within the publication Drainage Impact Assessment at <http://www.aberdeenshire.gov.uk/flooding/report/sepadia.pdf>

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

(vi) The phasing of development shall be delivered in accordance with the phasing identified within the approved Hill of Banchory Masterplan April 2015 unless otherwise agreed in writing by the Planning Authority

Reason: To ensure the timeous provision of and to retain control over the development.

(vii) New paths and improved links shall be delivered in accordance with the phasing identified within the approved Hill of Banchory Masterplan April 2015 unless otherwise agreed by the Planning Authority.

Reason: In the interests of sustainability and to encourage a reduction in the level of private car trips generated by the development.

(viii) The development shall be carried out in accordance with the infrastructure phasing detailed within the approved Hill of Banchory Masterplan April 2015.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

(ix) A woodland survey shall be submitted for approval as part of any MSC/FPP application for phase 2b, identifying woodland corridors and individual trees which are suitable for retention within the proposed

development. The survey shall identify appropriate mitigation measures for tree loss.

Reason: To ensure the retention of important landscape features and retain the existing amenities of the site.

- (x) Further supplementary ecological surveys for protected species shall be undertaken and submitted to the Planning Authority for approval with each relevant phase of the development. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

- (xi) Prior to the commencement of any phase of development, for each respective phase a phase 1 survey shall be submitted to and approved by the Planning Authority in consultation with SEPA. The survey shall identify those areas which require to be protected from development, including any groundwater dependent terrestrial ecosystems. Protected areas shall be incorporated into appropriate undeveloped and/or landscaped areas on site.

Reason: In the interests of ensuring adequate protection of groundwater systems.

- (xii) Notwithstanding the Flood Risk Assessment dated October 2014 and its supplementary guidance "Hill of Banchory" dated 16th January 2015, detailed designs and capacity calculations for all diverted and altered water courses, proposed bridges and culverts, as indicated on Ramsay and Chalmers drawing B6765-138, including buffer strips, together with adjacent development levels shall be submitted to and approved by the Planning Authority in consultation with the Council's Flood Prevention Unit prior to commencement of development.

Reason: To ensure that watercourses, bridges and culverts are designed to an appropriate standard, in the interests of protecting the natural and water environment.

- (xiii) Prior to the commencement of development full details of the maintenance and monitoring regime for all diverted and altered water courses shall be submitted to and approved by the Planning Authority in consultation with the Council's Flood Prevention Unit.

Reason: To ensure that all watercourses are maintained to an appropriate standard, in the interests of amenity of the area.

- (xiv) Prior to the commencement of development in each phase full drainage network calculations for the 1 in 10, 1 in 30 and 1 in 200 plus climate change events shall be submitted to and approved by the Planning Authority in consultation with the Council's Flood Prevention Unit. The design should give consideration to the capacity of any existing watercourse and the effects on any downstream properties. Overland flow routes for the 1 in 200 year event should be clearly demonstrated.

Greenfield run off rates for Phase 2b should be calculated excluding the large landscape area within the site.

Reason: To ensure an adequate drainage provision

- (xv) Prior to the commencement of development in Phase 1A, a management plan for the Loch of Leys Local Nature Conservation Site (LNCS) shall be submitted to and approved by the Planning Authority. The plan should detail how the LNCS will be managed in the long term.

Reason: In order to ensure adequate future protection of the Loch of Leys Local Nature Conservation Site.

- (xvi) Prior to the commencement of any phase of development, for each respective phase full details of the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with Roads Development. Prior to the submission of these details, discussions should be held with Roads Development to ensure the details provided meet with the current Aberdeenshire Council standards. Once approved the development shall then be implemented in full accordance with the approved details.

Reason: To demonstrate compliance with Designing Streets, in the interests of road safety.

- (xvii) Prior to the commencement of development of each phase, a full site specific construction environmental management plan (CEMP) must be submitted for the written approval of the Planning Authority, in consultation with SEPA and any other relevant agency, and all work shall be carried out in accordance with the approved plan. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local Planning Authority.
- i) a timetabled schedule of development incorporating each phase of development, updated as development progresses.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

- (xviii) Prior to the commencement of any works in each phase a detailed site-specific construction method statement and related site plan shall be submitted to and approved in writing by the Planning Authority. The construction method statement shall include site specific measures necessary to minimise the risk of sediment entering adjacent watercourses during construction, and minimise the risk of impact on Loch of Leys Local Nature Conservation Site. The construction method statement shall also include details of the proposed routing of construction traffic. Once agreed, all construction works on the site shall be carried out in accordance with the approved construction method statement unless otherwise agreed by the Planning Authority.

Reason: In the interests of protecting the qualifying interests of the River Dee SAC and Loch of Leys Local Nature Conservation Site, and protecting the environmental sensitivity of the site and its surroundings and to control the pollution of air, land and water.

- (xix) Prior to the commencement of any works in any phase of development, a site waste management plan shall be submitted for the written approval of the Planning Authority and all work shall be carried out in accordance with the approved plan.

Reason: To ensure waste on the site is managed in a sustainable manner.

- (xx) Prior to the development of the employment land a comprehensive Travel Plan framework shall be submitted to and approved in writing by the Planning Authority in consultation with the Council's Transportation team. Subsequent travel plans shall be submitted for approval prior to the occupation of individual employment units. Each Travel Plan shall set out proposals for reducing dependency on the private car, identifying measures to be implemented, the system of management, monitoring, review and reporting, as well as the duration of the plan.

Reason: To encourage a mode shift away from private car use to active and sustainable travel alternatives.

- (xxi) Notwithstanding the pedestrian and cycle links within the approved masterplan, and crossing points on Raemoir Road, Hill of Banchory West and Hill of Banchory East full details of these shall be submitted to and agreed with the Planning Authority in consultation with the Council's Transportation team prior to commencement of development of each phase.

Reason: To ensure active travel infrastructure is provided to support a mode shift from the private car and to ensure that any road safety concerns are adequately addressed.

- (xxii) Prior to any development taking place mitigation, as detailed within the Transport Assessment, to upgrade the Raemoir Road (A980)/Station Road (A93) traffic signals and the Dee Street (B974)/High Street (A93)

traffic signals shall be submitted to and approved by Planning Authority in consultation with the Council's Transportation team.

Reason: To ensure the traffic signals at the High Street (A93)/ Dee Street and Station Road (A93)/Raemoir Road (A980) continue to operate effectively.

- (xxiii) Prior to the construction of any buildings within a defined phase of the development hereby approved, a finalised Energy Statement shall be submitted to and approved in writing by the Planning Authority, including the following items:
- (a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the phase of 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 the Council's Supplementary Planning Guidance, unless otherwise agreed in writing. (In this case a reduction in the predicted carbon dioxide emissions by 30% beyond the 2007 Building Regulations Carbon Dioxide Emissions Standard). The respective phase of the development shall not be occupied unless it has been carried out in 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 the Council's Supplementary Planning Guidance.

- (xxiv) Prior to the occupation of the first dwellinghouse a residential travel plan, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy shall be submitted. No dwellinghouse shall then be occupied until the details submitted have been approved by the Planning Authority, in consultation with Transportation.

Reason: To encourage a mode shift towards more sustainable forms of travel and inform residents on the benefits of active and sustainable travel.

- (xxv) Prior to the occupation of either the 46th house of Phase 2a and 2b or occupation of the 65th house of the overall Phase 2, as detailed in the approved Hill of Banchory masterplan, a northern distributor road is required to be constructed and opened between Hill of Banchory East and the A980 Raemoir Road. This distributor road should be as shown within the approved Hill of Banchory masterplan with design detail to be agreed with the Planning Authority in consultation with the Roads Development Service.

Reason: To mitigate the adverse impact of the development on the safe and efficient operation of the existing road network in Banchory.

- (xxvi) Roundabout on Raemoir Road, as detailed within the approved masterplan to be provided prior to the development of Phase 2b or Phase 2c and the design to be agreed with the Planning Authority in consultation with the Council's Roads Development Team prior to construction.

Reason: As detailed in the approved masterplan this junction is required to provide a suitable access to the Phase 2b and Phase 2c developments.

- (xxvii) Prior to the occupation of any commercial/business units, details of any plant and equipment to be installed shall be submitted and approved in writing by the Planning Authority, in consultation with Environmental Health. Details are to include an assessment of noise impact on the nearest residential property. Where required by the Planning Authority details shall also be provided of mitigation measures proposed to reduce the potential for noise disturbance to adjoining residential properties arising from the operation of non-residential units. Units are to be operated in accordance with these measures.

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

- (xxviii) That no residential unit in any phase of this development shall be occupied unless all roads, footpaths, parking and turning areas within and serving that phase of the development have been completed to the level of bottoming and bitmac base course, to the current Aberdeenshire Council road construction standards. Once provided, all parking and turning areas 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.

- (xxix) That within 6 months of the occupation of the penultimate residential unit in this development, all roads, footpaths, parking and turning areas within and serving the development shall be completed to their final specification to the adoptable standards of Aberdeenshire Council. Once provided, all parking and turning areas 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.

- (xxx) For the avoidance of doubt the proposed replacement footbridge should be designed to be able to convey the 1 in 200 year plus climate change flow, including an appropriate freeboard, without increasing flood risk elsewhere.

Reason: To ensure that that all footbridges are designed to an appropriate standard, to ensure safe access for pedestrians

- (xxxi) No development should take place on land between Upper Lochton and Area 3 which is within the predicted flood extent as shown in Figure 4.2 of the FRA by EnviroCentre (October 2014)

Reason: In order to mitigate against the risk of potential flooding at the application site.

(xxxii) No watercourse (or ditch) on site shall be created or modified without the agreement of the Planning Authority in consultation with SEPA and that further details are required to be submitted, agreed and implemented in full for all proposed watercourses.

Reason: To ensure that all watercourses are designed to an appropriate standard, in the interests of the amenity of the area

(xxxiii) For the avoidance of doubt all proposed new culverts should be designed to be able to convey the relevant 1 in 200 year plus climate change flows and maintained as such.

Reason: In order to ensure that adequate culverts are provided, and maintained, in the interests of the amenity of the area.

(xxxiv) Notwithstanding the provisions of Schedule 1, Parts 1 and 1ZA, Classes 1, 2, 3, 4, 6, 6A, 7, 8 and 9 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, the proposed dwellinghouses within the development shall not be altered in any way nor any building and/or means of enclosure erected within the curtilage of each dwellinghouse without an express grant of planning permission from the Planning Authority.

Reason: In the interests of maintaining the character and appearance of the development.

(xxxv) Finished floor levels should be set to incorporate a minimum 0.6m freeboard above the relevant 1 in 200 year plus climate change water level, as based on the appropriate model cross section.

Reason: In order to mitigate against the risk of potential flooding at the application site.

(xxxvi) For the avoidance of doubt connecting woodland strips shall be a minimum of 15m to allow the movement of red squirrel between woodland areas.

Reason: To ensure the adequate landscape features are created, in the interest of safeguarding the habitat of protected species.

(xxxvii) Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

Reason: In the interests of the residential amenities of the occupiers of the surrounding properties.

(2) the reason for the decision as follows -

The application meets all the relevant policies within the Aberdeenshire Local Development Plan 2012. The site is allocated within the Aberdeenshire Local Development Plan for a mixed use development of 395 houses and 2ha of employment

land. The proposal is considered to be acceptable in terms of flooding and is considered to be able to be appropriate in landscape terms. The proposal will result in a satisfactory mixed use development in Aberdeenshire.

**(B) Reference No: APP/2015/0225 - Planning Permission in Principle for Residential Development of 400 No. Dwellinghouses (Including 300 Private Rented, 75 Affordable and 25 Assisted Living Units), Health Centre, Employment Uses, Formation of Deeside Way Hub, Extension to Deeside Way, Realignment and Improvement to the B974, Cycle Paths, Landscaping, Open Space and Ancillary Works at Land at Braehead, Auchattie, Banchory**

**Applicant: Sandlaw Farming Co. Ltd, Muirden Farm, Turriff, AB53 4NH**  
**Agent: Ryden LLP, 25 Albyn Place, Aberdeen, AB10 1YL**

The Chair advised that a Pre-determination hearing had been held on 20 April 2015 and that further requests to address the Committee had been received from the applicant's agent, M Lorimer, and I Adams, objector.

Councillor L Clark moved, seconded by Councillor K Clark that the Committee hear from speakers prior to reaching a view on the application.

As an amendment, Councillor Argyle moved, seconded by Councillor Ingleby that the request to speak be declined.

Members of the Committee voted –

for the motion (6) Councillors Blackett, K Clark, L Clark, Farquhar, Latham and Provost Webster

for the amendment (2) Councillors Argyle and Ingleby.

The motion was carried and the Committee **agreed** to hear from speakers prior to reaching a view on the application.

The Committee then heard from the Senior Planner who reported on the detail of the proposal, confirmed that a site visit and Pre-Determination hearing had taken place on 20 April 2015 and that the officer's report circulated contained a recommendation to the Full Council that the application be refused. He provided an update on matters raised at the Pre-Determination hearing relating to tourism and economic impact, education in terms of school capacity, impact of the proposed traffic lights on a listed structure, density of development, Scottish Environment Protection Agency objection which had now been withdrawn, rental cost and Section 75 Agreement to retain the rented accommodation for that purpose. Reference was also made to planning policy considerations and the proposed reasons for refusal, one of which required to be expanded to include reference to development on unallocated land out with the settlement. In terms of reasons for refusal based on impact on tourism, this would be difficult to identify in terms of planning policy and, in relation to education, this could be identified as a material consideration.

The Senior Planner then responded to questions from Members and confirmed that the cost of the delivery of the high level of infrastructure required was not a material consideration, that the application site was a green field site but not prime quality agricultural land, the proposed level of affordable housing to be delivered and the reliability of Section 75 Agreements in that connection.

The Committee then heard from Mr K Ross of Ross Developments and Renewables Limited on behalf the applicant. He made reference to challenges faced by the Authority in terms of cuts to council funding, lack of affordable housing and funds to build houses. He advised that the applicant had funding in place to undertake the development now, that the affordable housing could be ready for tenants in 2016, that the applicant was happy to enter into a Section 75 Agreement to retain the properties in perpetuity for rent, that private rented accommodation was required to provide housing for those who could not afford to buy, that the development would create approximately 200 construction jobs during development and up to 200 permanent jobs, that a contribution would be made towards education requirements and that land would be gifted for the provision of health care facilities. In conclusion he urged the Committee to recognise that the development would help to meet the needs of local families who could not afford to purchase a property in the Banchory area and would provide housing for key workers and urged the Committee to support the application.

Mr Ross then responded to questions from Members on mitigation measures proposed to address the impact of the development on the River Dee Special Area of Conservation, the proposed landlord and allocation arrangements for the affordable housing and on the degree of affordability in terms of the private rented accommodation.

Mr Ross then confirmed that he was satisfied with the way in which the hearing had been conducted.

At this point in the proceedings the Committee **agreed** to suspend Standing Orders to allow the meeting to continue beyond 12:45pm.

Mr Adams then addressed the Committee and outlined his objections to the application. He stated that he did not dispute the need for affordable housing in the area. The issue for him in this case was the proposed location of the development. He referred to the previous application on the Committee agenda which he considered demonstrated a willingness for the growth of Banchory. His particular objections related to the need for the development given that sufficient land for housing development had already been allocated in the Local Development Plan for Banchory, the proposed density of 40 homes per hectare which he equated to the density in Banchory town centre and the highest density in the Blairs development and considered unsuitable for the application site, the impact of the development on tourism and the economy and road safety issues, specifically acceptable walking distances to school. In conclusion he urged the Committee to support the recommendation for refusal.

There were no questions for Mr Adams and he confirmed that he was satisfied with the way in which the hearing had been conducted.

Following a full discussion on the need for private rented accommodation, the acceptable level of market rental, non-compliance with the Local Development Plan and Strategic Development Plan, impact on infrastructure, impact on tourism and local economy, impact on education, increase in carbon emissions, safer routes to school and road safety, the Committee **agreed** –

***(1) to recommend to the Council that the application for planning permission in principle be refused for the undernoted reasons subject to reason (iv) being amended to include reference to the development of unallocated land outwith the settlement boundary and additional reasons based on the impact of the development on tourism and the local economy particularly in relation to Scolty Hill, Falls of Feugh Salmon Leap, fishing and other recreational uses in the area; education given that the development would add pressure to primary provision and the academy was already***

***at capacity and sustainability and increase in carbon emissions in that the development would not reduce reliance on private car use due to the distance from facilities including schools -***

- (i) The proposed development is contrary to the strategic aims of the Aberdeen City and Shire Strategic Development Plan (2014) and approval would prejudice the ability of sites allocated within the Aberdeenshire Local Development Plan to be delivered. As such the proposal is contrary to the aims of Policy 5 Housing land supply and the associated SG Housing1: Housing land allocations 2007-2016 of the Aberdeenshire Local Development Plan (2012)
- (ii) The proposed development does not meet any of the policy requirements and significantly exceeds the definition of small scale development as set out in Policy 3 Development in the Countryside and SG Rural Development1: Housing and business development in the countryside of the Aberdeenshire Local Development Plan (2012). No exceptional circumstances exist to permit development of this scale in this location
- (iii) This site is not allocated for business development, and constitutes agricultural/wood land and therefore cannot be considered to be derelict, unused or underused. The proposed business/commercial part of this proposal is therefore contrary to Policy 1 Business development and the associated SG Bus2: Office development of the Aberdeenshire Local Development Plan (2012).
- (iv) Due to its scale and location on the south bank of the River Dee the proposal will have a detrimental impact on the existing landscape character and setting of Banchory. The proposal is therefore contrary to Policy 12 Landscape conservation and SG Landscape1: Landscape character of the Aberdeenshire Local Development Plan (2012).
- (v) The proposed location of the medical centre, on an unallocated site which would not be in an accessible location within the settlement, does not comply with Policy 8: Layout, siting and design of new development or SGLSD7: Community Facilities of the Aberdeenshire Local Development Plan (2012).
- (vi) The site requires new accesses which currently cannot show that they will be safe, convenient for pedestrians, cyclists and public transport or cause minimal impact on the character of the site and the surrounding area. As such the proposal would be contrary to Policy 9: Developer contributions and SG Developer obligations2: Access to new development of the Aberdeenshire Local Development Plan (2012).
- (vii) The proposal would require traffic signals at the Bridge of Feugh which, subject to their location, have the potential to result in a detrimental effect on the character, integrity and setting of the category B listed Tollhouse and Bridge of Feugh contrary to Policy 13: Protecting, improving and conserving the historic environment and SG Historic Environment1: Listed Buildings of the Aberdeenshire Local Development Plan (2012)

**(C) Reference No: APP/2015/0416 - Full Planning Permission for Erection of Dwellinghouse (Amendment to Previously Approved APP/2010/3543) at Plot 2, 1 Aboyne Grange, Old Town Road, Aboyne, Aberdeenshire, AB34 5QH**

**Applicant: Mr and Mrs Ross Wood, Per Agent**  
**Agent: Michael Rasmussen Associates, The Studio, Station Square, Aboyne, AB34 5HX**

Having previously declared an interest in the item, Provost Webster left the meeting during consideration and determination thereof.

With reference to the Minute of Meeting of the Committee of 31 March 2015 (Item 18F) when it had been agreed to defer consideration of the application pending a site visit, there had been circulated a further report by the Director of Infrastructure Services indicating that the site visit had taken place on 21 April 2015 and recommending that the application be approved subject to the conditions detailed in the report.

The Senior Planner reported on the detail of the application which sought permission for an amended design and siting from the previous approval. He made reference to the distance between properties, shared surface approach to the combined footpath, impact on neighbouring properties, height of the proposed boundary fence, finished floor level and ridge height, consultee responses and valid representations received. The proposal, on balance, was recommended for approval subject to the conditions detailed in the report.

There then followed discussion on the amended siting and its impact on neighbouring properties, the use of dormer windows and obscure glazing, the proposed height of the boundary fence and removal of permitted development rights and the Committee **agreed** –

- (1) to delegate authority to the Head of Planning and Building Standards to grant the application subject to –
  - (a) confirmation that the dimensions of the dormer would fall under permitted development rights failing which condition (vii) be amended requiring the dormer to be removed and replaced with a velux window within 6 months of the date of the permission,
  - (b) the maximum height of the boundary fence being 1.2 metres, and
  - (c) the following conditions -
    - (i) The development shall be served in accordance with the approved drawings and the following details:
      - a) Prior to occupancy of development, 3 Parking spaces, surfaced in hard standing materials shall be provided within the site.
      - b) Prior to commencement of development, visibility splays measuring 2m x 25m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
      - c) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

- (ii) That no further works in connection with this permission hereby approved shall take place unless a tree management scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall provide details of appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting. The tree management proposals shall conform to BS5837:2012 Trees in Relation to Design, Demolition and Construction, and shall be carried out in complete accordance with the approved scheme.

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

- (iii) All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme as detailed in the Tree Report dated 16th December by Astell Associates and shall be completed during the planting season from the date of this consent or such other date as may be agreed in writing with the Planning Authority. 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. In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape I the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

- (iv) Prior to the occupancy of the dwellinghouse an Energy Statement applicable to that dwellinghouse must be submitted to and approved in writing by the Planning Authority, including the following items:
  - (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
  - (ii) 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out 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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

- (v) That the proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans and the dwellinghouse shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

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

- (vi) Prior to the occupancy of development hereby approved details of the footpath/driveway construction, including details of surfacing, width, safety barriers and signage, shall be submitted to the Planning Authority for further written approval. Once agreed the provision of the footway and driveway shall be completed in accordance with these details prior to the occupancy of the dwellinghouse.

Reason: In order to ensure the replacement footpath is appropriate for safe public use and delivered in a timely fashion.

- (vii) For the avoidance of doubt, the dormer window on the north elevation shall be obscured glass and retained in perpetuity.

Reason: In the interest of public amenity and privacy.

- (viii) That no further development in connection with the permission hereby approved shall take place unless a detailed plan of Plot 2 showing the area of woodland to the east of the site as non-domestic garden ground. The plan should detail appropriate fencing to separate this area from the rest of the plot. The woodland area should not form part of the domestic curtilage, no trees shall be removed and no domestic use of that area to occur in perpetuity. Evidence of inclusion of this provision within the respective title deeds of Plot 2 shall be submitted to the Planning Authority on conclusion of the title.

Reason: In the interests of the natural heritage and biodiversity of the site, to ensure the trees on site remain as private amenity woodland and are afforded adequate protection.

- (ix) Notwithstanding the details shown on the drawings hereby approved, the public right of way/path along the northern edge of this site shall at no time be permanently obstructed or blocked. Users of the path shall continue to have full access across it at all times.

Reason: In the interests of public access

- (2) the reason for the decision -

On balance and subject to the conditions set out in the report the development would not have an unacceptable impact on residential amenity and in all other respects complies with Policy SG LSD4: Infill Development and SG LSD2: Layout Siting and Design of New Development of the Aberdeenshire Local Development Plan 2012.