

MARR AREA COMMITTEE

16 APRIL 2024

Present: Councillors G Blackett (Chair), J Goodhall (Vice-Chair), S Brown, Y Chou Turvey, E Durno, A Kloppert, L Knight (Items 1-10), G Petrie, A Ross and R Withey (Items 1-10).

Officers: Janelle Clark (Area Manager (Marr)), Neil Mair (Senior Planner), Barbara Alexander (Solicitor), Aimi Blueman (Community Resilience Project Officer), Annette Johnston (Tackling Poverty and Inequalities Co-ordinator), Ian Peacock (Senior Roads Engineer), Emma Donaldson (Principal Energy Management Engineer), Peter Fowler (Senior Environmental Health Officer) and Kirsty Macleod (Area Committee Officer (Marr)).

In attendance: Kenny Collie, Station Commander, Scottish Fire and Rescue Service.

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 Brown stated that she had a connection to Item 8 by virtue of having been contacted by the applicant but had indicated she would not form an opinion until all information was to hand and had been duly considered. Having applied the objective test, she concluded she had no interest to declare.

Councillor Brown declared an interest in Item 9 by virtue of being previously employed by the South West Aberdeenshire Citizens Advice Bureau prior to becoming an Elected Member and advised that she would leave the meeting and take no part in the item.

Councillor Chou Turvey stated that she had a connection to Item 8 by virtue of membership of Banchory Rotary Club and attendance at Banchory Community Council, of which the planning consultant Harry McNab was a Member. Having applied the objective test, she concluded she had no interest to declare.

2A PUBLIC SECTOR EQUALITY DUTY

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 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 13 so as to avoid disclosure of exempt information of the class described in Paragraph 4 of Part 1 of Schedule 7A of the Act.

3 APPOINTMENT OF CHAIR OF MARR AREA COMMITTEE

There had been circulated a report dated 20 March 2024, by the Director of Environment and Infrastructure Services, which asked the Committee to consider the appointment of a Chair following the resignation of Councillor Withey from that position.

Councillor Brown, seconded by Councillor Withey, moved that Councillor Blackett be appointed as Chair.

Councillor Durno, seconded by Councillor Kloppert, moved that Councillor Petrie be appointed as Chair.

Members voted:

for Councillor Blackett (6): Councillors Blackett, Brown, Chou Turvey, Goodhall, Knight and Withey

for Councillor Petrie (4): Councillors Durno, Kloppert, Petrie and Ross.

Therefore, the Committee **agreed**:

- (1) to note the resignation of Councillor Withey as Chair of Marr Area Committee;
- (2) that Councillor Blackett be appointed as Chair of Marr Area Committee; and
- (3) that Councillor Goodhall be appointed as Vice Chair of Marr Area Committee.

4 MINUTE OF MEETING OF MARR AREA COMMITTEE OF 12 MARCH 2024

The Committee had before them, and **approved** as a correct record, the Minute of Meeting of the Committee of 12 March 2024.

5 STATEMENT OF OUTSTANDING BUSINESS

The Committee **noted** the statement of outstanding business from previous meetings of the Committee as at 16 April 2024.

6 SCOTTISH FIRE AND RESCUE SERVICE - MARR AREA COMMITTEE PERFORMANCE REPORT FOR 1ST OCTOBER TO 31ST DECEMBER 2023

There had been circulated a joint report by the Local Senior Officer, Scottish Fire and Rescue Service and the Director of Business Services, on Scottish Fire and Rescue Service performance during the period from 1 October to 31 December 2023.

The Station Commander reported on incidents during the period and responded to questions in relation to home fire safety visits, biker road safety, the impact of the Aboyne Bridge closure on response times, and cooking-related fires.

The Committee **agreed** to note the performance report relating to the period from 1 October to 31 December 2023 and local operational matters arising, together with key resource issues, as detailed in Appendix 1 to the report.

7 FULL PLANNING PERMISSION FOR ERECTION OF DWELLINGHOUSE AND INSTALLATION OF AIR SOURCE HEAT PUMP (AMENDED DESIGN TO APP/2022/2681), LAND AT ARDMOHR, GLENSHEE ROAD, BRAEMAR (APP/2023/1978)

There had been circulated a report dated 27 March 2024, by the Director of Environment and Infrastructure Services, which sought consideration of an application for full planning permission for the erection of a dwellinghouse and installation of an air source heat pump. The application was recommended for approval.

The Senior Planner advised that there was already approval for a house on the site and outlined the changes proposed in the application; addressed issues raised in relation to noise from the air source heat pump; and advised that the Planning Service were satisfied with the fit of the house on site, design, materials, site servicing, and that the repositioning of the air source heat pump would not have a detrimental impact on amenity.

The Senior Planner and Senior Environmental Health Officer then responded to Members' questions in relation to the air source heat pump.

The Committee **agreed** to grant full planning permission 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 dwellinghouse hereby approved shall not be brought into use unless its turning and parking areas have been provided and surfaced in accordance with the details shown on the approved plans. Prior to occupancy of development, 2 off street parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards. A suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

Once provided, the loading, offloading, turning and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

03. The dwellinghouse hereby approved shall not be occupied unless a refuse bin uplift store area has been provided and surfaced in accordance with the details to be submitted and approved in writing by the Planning Authority. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

04. The dwellinghouse hereby approved shall not 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 3 of the Cairngorm National Park Local Development Plan 2021.

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 National Planning Framework 4 Policy 2 and Policy 3 of the Cairngorm National Park Local Development Plan 2021.

05. Prior to the commencement of any works on site, all trees and hedges on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected as per the approved Tree Protection Plan (Drawing Ref: AGB-2208-TP (A) dated 27/02/24). Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

06. Prior to the commencement of development a landscaping plan that identifies compensatory planting of two replacement trees of an appropriate species shall be submitted for the approval of the Planning Authority. Thereafter the trees shall be planted within the first available planting season following the completion of the development.

Reason: In the interests of amenity and to secure appropriate compensatory planting

07. The noise emission resulting from the operation of the air source heat pump shall not exceed a limit of 42 dB LAeq, 5 mins at a position assessed one metre perpendicular from the external centre point of any door or window, serving a habitable room of a neighbouring property, ignoring the effect of that facade.

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

08. The dwellinghouse hereby approved shall not be brought into use unless the 1.5m high vertically close boarded timber screen fence has been erected to form bin store and reduce noise impact in accordance with the details shown on the approved plan. Once erected, the fence shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the neighbouring property.

09. The dwellinghouse hereby approved shall not be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans and Drainage Statement prepared by Ramsay and Chalmers dated 15.08.2022 . The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

Reason for Decision

The application is considered by the Planning Authority to comply with the Cairngorms National Park Authority Local Development Plan 2021 and National Planning Framework 4. The proposal is in keeping with the surrounding area and would not have a detrimental impact on the conservation area and therefore complies with Policy 1 New Housing Development, Policy 3 Design and Placemaking, Policy 4 Natural Heritage, Policy 9 Cultural Heritage, Policy 10 Resources and Policy 11 Developer Obligations of Cairngorms National Park Authority Local Development Plan 2021 and Policy 2 Climate mitigation and adaptation, Policy 6 Forestry, woodland, and trees, Policy 7 Historic assets and places, Policy 14 Design, quality, and place, Policy 15 Local living and 20-minute neighbourhoods, Policy 16 Quality homes, Policy 18 Infrastructure First and Policy 23 Health and Safety of National Planning Framework 4.

8 PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE FOR HOLIDAY LET AT SITE AT COLLIESTOWN FARM, TORPHINS (APP/2023/2333)

There had been circulated a report dated 27 March 2024, by the Director of Environment and Infrastructure Services, which sought consideration of an application for planning permission in principle for erection of a dwellinghouse for short term holiday letting.

The Senior Planner reported on the details of the application and advised that the proposal did not meet any of the policies for housing in the countryside and, due to the isolated location and not being sustainably accessible, was not considered appropriate for tourist use. The application was recommended for refusal.

The Senior Planner then responded to questions in relation to the policies for consideration and sustainable access in the context of a rural area.

Having agreed a request to speak, the Committee heard from the agent, Kevin Campbell, who referred to the application being for a holiday lodge with a temporary mobile home structure rather than a permanent house; supplementing the farm income and providing disabled-accessible accommodation; and connectivity including an existing track to be developed, cut paths within the farm, and access to path networks.

He then responded to questions in relation to the access track and paths, the reasoning for proposing a single large unit rather than smaller units, and reasons for the timing of the application and applying for permission in principle rather than full planning permission.

The Senior Planner provided clarification on the applicable policies and confirmed that the structure and design were immaterial to consideration of planning permission in principle.

Following consideration, the Committee **agreed** to refuse the application for the following reasons:

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2023 and National Planning Framework 4. The proposed class 9 residential unit is not considered a brownfield redevelopment, nor as organic growth associated with an identified settlement, it is not associated with retirement succession of an agricultural holding nor an essential worker in a primary industry, and is not an addition to an existing cluster of houses, and therefore fails to meet the fundamental principle of residential development in the countryside and does not comply with Policy R2 Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023 and Policy 9 Brownfield, vacant and derelict land and empty buildings and Policy 17 Rural homes of the National Planning Framework 4.
02. The proposal is not 'well related to existing settlements', through sustainable modes of transport and there are no footpaths or other accessible routes available to the nearest settlements of Torphins and Lumphanan and is inconsistent with the six qualities of successful places, it is neither 'well connected' nor 'welcoming' creating a walkable neighbourhood. The application does not comply with Policy B3 Tourist facilities, P1 Layout, siting and design and Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2023 and is contrary to Policy 13 Sustainable transport, Policy 14 Design, quality, and place, Policy 15 Local living and 20-minute neighbourhoods and Policy 30 Tourism of the National Planning Framework 4.

There had been circulated a report dated 4 April 2024, by the Director of Business Services, on progress made with delivering the priorities and outcomes of the Tackling Poverty and Inequalities Strategic Partnership Group which supported the Aberdeenshire Local Outcomes Improvement Plan priority 'Reducing Poverty'.

The Tackling Poverty and Inequalities Coordinator spoke on the Child Poverty Action Report, the Tackling Poverty and Inequalities Annual Report, future investment, and the Information and Advice Framework, and responded to questions.

Following a full discussion, the Committee **agreed:**

- (1) to support the progress made in tackling this agenda;
- (2) to provide the following comments to Communities Committee on the Tackling Poverty and Inequalities Annual Reports, and for the Tackling Poverty and Inequalities Strategic Partnership to consider as part of the development of further plans:
 - (a) Expressed concern about the increase of children living in poverty.
 - (b) Expressed concern about the continuation of five week waiting times for certain benefits.
 - (c) Childcare and out of school care is vital and has knock on impacts for the rural economy.
 - (d) There was a need to push the Care Commission on the issue of building suitability standards for childcare settings.
 - (e) Consideration should be given to financial assistance for childcare/out of school care startup costs or reduced costs for childcare providers operating in Council buildings.
 - (f) The issue of pre-payment meters needed to be addressed nationally.
 - (g) Availability of credit unions should be explored.
 - (h) Transport was a key issue and a solution needed to be found.
 - (i) Highlighted increased demand on food initiatives.
 - (j) Expressed concern about the impact of removing fireplaces from Council homes.

10 DRAFT HEATING POLICY

There had been circulated a report dated 27 March 2024, by the Director of Business Services, which provided an update on progress with the development of a new Heating Policy. The latest version of the policy document was provided for comment, together with an implementation programme.

The Principal Energy Management Engineer introduced the report and responded to questions.

The Committee **agreed**:

- (1) to note progress with development and implementation of the proposed Aberdeenshire Council Heating Policy; and
- (2) to provide the following comments on the draft Heating Policy document to Business Services Committee:
 - (a) There was a need for both proper insulation and heating systems to meet carbon reduction targets.
 - (b) Requested assurances in relation to the remote management of heating systems.
 - (c) Grant funding should be sought to help meet carbon reduction targets.
 - (d) Queried how to manage buildings which are utilised by a range of users.

11 DRAFT ABERDEENSHIRE COMMUNITY RESILIENCE FRAMEWORK

There had been circulated a report dated 20 March 2024, by the Director of Business Services, which sought consideration of a draft Aberdeenshire Community Resilience Framework.

The Community Resilience Project Officer outlined the purpose of the Framework; highlighted accompanying advice notes and templates being developed; and responded to questions.

The Committee **agreed** to provide the following comments on the draft Aberdeenshire Community Resilience Framework to Communities Committee:

- (1) Wished to see inclusion of Councillors' role.
- (2) There should be wider consideration of winter mobility – e.g. walking as well as winter driving.
- (3) With reference to the Integrated Impact Assessment, caution was needed in relation to costs needing to be picked up by communities.
- (4) Importance of support for individuals not able to afford resilience measures.
- (5) Greater clarity was required in relation to roles and responsibilities – particularly the Council's role.
- (6) Greater clarity was required that some detail would be contained in supporting advice and guidance documents.
- (7) Community groups required more support with resilience.
- (8) Highlighted demand from community resilience groups for access to resident names/addresses.

12 A93 STATION ROAD, BANCHORY - REQUEST FOR REMOVAL OF PARKING BAYS AND EXTENSION OF PROHIBITION OF WAITING RESTRICTION - OUTCOME OF STATUTORY CONSULTATIONS

With reference to the Minute of Meeting of the Committee of 23 May 2023 (Item 7), when the Committee had authorised the commencement of the statutory procedures for the removal of six on-street parking spaces to be replaced with waiting restrictions on Station Road, Banchory, there had been circulated a report dated 1 April 2024, by the Director of Environment and Infrastructure Services, which sought consideration of one objection received and asked the Committee to determine whether to proceed with the making of the order.

Having heard that requests to speak had been received, the Committee agreed to hear from Alasdair Ross, Chair of Banchory Community Council and David Erskine.

The Senior Roads Engineer outlined the points raised in the objection and the Service's response.

David Erskine spoke in support of the proposals to remove the parking bays and extend waiting restrictions but suggested that the parking restrictions be extended to the east as far as to the first bend in the road.

Officers confirmed that any further extension would require assessment and a further report to Committee.

Alasdair Ross, on behalf of Banchory Community Council, asked Committee to reject the objection and agree the report recommendation, as, while the objection was not considered unreasonable, it was outweighed by public safety concerns.

The Committee **agreed**:

- (1) to note the objection received during the consultation period; and
- (2) to authorise the Head of Legal and People to make and implement The Aberdeenshire Council (Station Road, Banchory) (Traffic Management) Order 2024.

13 ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATION

There had been circulated an exempt report dated 28 March 2024, by the Director of Environment and Infrastructure Services, which sought consideration of an application for Aberdeenshire Charities Trust (ACT2) funding from an individual.

The Committee **agreed** to approve an award of £500 from ACT2 (Ward 14: any of the purposes of ACT2) to the applicant identified in paragraph 1.2.1 of the report and to request that the applicant provide a short presentation or report following completion.