

ABERDEENSHIRE COUNCIL

FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 19 MAY 2015

Present: Councillors R Merson, I Davidson, J Gifford (Items 1 to 6, 9 and 11), A Hendry, P Johnston, G Owen, E A Robertson, C Shand and R Thomson.

Apologies: Councillors A Duncan and A Norrie.

Officers: E Brown (Area Manager, Formartine), C Robertson (Committee Officer, Formartine), M Ingram (Senior Solicitor, Legal and Governance), A Davidson (Senior Planner, Infrastructure Services), G Steel (Principal Engineer, Infrastructure Services), A Johnson (Development Officer, Affordable Housing, Infrastructure Services), L Dougall (Affordable Housing Officer, Infrastructure Services), S Strachan (Rehab and Enablement Project Lead for NHS), Chief Inspector R Craig (Police Scotland) and Inspector J Harrison (Police Scotland).

PUBLIC QUESTION TIME

No public questions had been received.

1. DECLARATION OF MEMBERS' INTERESTS

Councillor Robertson declared an interest in Item 6 as a non-executive member of NHS Grampian Board but, as she did not feel this interest was clear and substantial, she indicated that she would take part in the debate of the item.

2. RESOLUTION

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 its decision.

3. MINUTE OF MEETING OF 28 APRIL, 2015

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 28 April, 2015.

4. PLANNING APPLICATIONS FOR DETERMINATION

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

Reference	Description	Decision
A. APP/2014/3200	Full Planning Permission - for Continued Mineral Extraction and Proposed Extension Including Recycling of Imported Waste and Site Restoration at Smiddyburn Quarry, Rothienorman, Aberdeenshire	Delegated Grant
B. APP/2014/3894	Full Planning Permission for Change of Use of Redundant Farm Building and Yard to Form Storage and Distribution Use at Mains Of Shiels Farm, Whitecairns, Aberdeenshire	Grant
C. APP/2015/0197	Full Planning Permission for Erection of 4 No. Dwellinghouses at South Ythsie, By Tarves, Ellon, Aberdeenshire	Defer
D. APP/2015/0478	Full Planning Permission - National for Construction of Onshore electrical transmission cables, comprising an onshore transition jointing pit, underground cables within a 33km (approximately) long cable corridor and the construction of 2 No. Substations southwest of New Deer, also including temporary construction compounds, access tracks, laydown areas and other associated works: Non Compliance with Condition 1 of Planning Permission in Principle Reference APP/2014/2430 at Landing At Inverboyndie Bay, Banff, Travelling	Refer to Full Council

to Land West Of Cairnbanno
House, New Deer

5. LOCAL REVIEW BODY DECISION NOTICE 254 – PLANNING REF: APP/2014/1741 – LAND TO THE WEST OF ANDREWSFORD, ST KATHERINES

There was circulated and was **noted**, Local Review Body Decision Notice 254, dated 7 May, 2015, advising of a decision to agree with the determination reviewed by it and refusing Full Planning Permission in accordance with the Appointed Officer's decision.

6. IMPLEMENTATION OF A REHAB AND ENABLEMENT SERVICE

There was circulated a report dated 18 March, 2015 by the Director of Communities which detailed the progress made to date in the delivery of a rehab and enablement service by Aberdeenshire Council and Aberdeenshire Community Health Partnership, in three pilot project areas as funded by the Change Fund, and an action plan for the future implementation of such a service across Aberdeenshire.

After a short presentation by the Rehab and Enablement Project Lead for NHS, members asked about the Arch Service and where this would fit in with the proposed new service. Comment was also made about the use of the word 'rehab' when the fuller word 'rehabilitation' may have been more appropriate in relation to the service.

After thanking the Rehab and Enablement Project Lead for NHS for the update provided and commending her enthusiasm, the Committee:-

- (1) **noted** the progress made to date in the delivery of a rehab and enablement service through the Change Fund financed pilot projects (REACH) and their evaluation,
- (2) **agreed** the action plan for the future implementation of an integrated rehab and enablement service across Aberdeenshire, and
- (3) **instructed** officers to provide further updates as required.

7. AREA COMMITTEE BUDGET 2015/2016

With reference to the Minute of Meeting of this Committee of 24 March, 2015 (Item 5), at which the broad allocation of the Area Committee Budget for 2015-16 was agreed, there was circulated a report dated 30 April, 2015 by the Director of Communities which detailed requests for funding that had been received from local groups.

Slains and Collieston Community Council & Collieston Harbour Heritage Group

At the meeting on 28 April, 2015, an application had been considered which requested funding towards the installation of two interpretation lecterns, one beside the Pier and the other in the village. A local graphic designer had offered to contribute their work of designing the graphics and text for the lecterns and community volunteers had offered to install the lecterns. Members had agreed to defer consideration of the application for one cycle, pending further information on the Community Council financial reserves and commitments for such.

Having considered the additional financial information provided by the group, the Committee **agreed** to **award £1,747.95**.

Turriff District Agricultural Association

An application was received for funding to assist with the purchase and installation of a new water filtration system at the Haughs in Turriff, in order to provide adequate water supply for the Turriff Show.

After consideration of the information provided, the Committee **agreed** to **award up to £4,000**, subject to officers seeking clarification on whether there were any other funds which could be sought in the first instance from national government grant schemes.

Ellon Farmers' Market

An application was received for funding towards marketing and a radio campaign in the weeks running up to the recently re-established Ellon Farmers' Market, in order to attract additional footfall to the Ellon Town Centre.

After consideration of the information provided, the Committee **agreed** to **award £1,382.55**.

8. STATEMENT OF OUTSTANDING BUSINESS

The Committee had before them and **noted** a report by the Formartine Area manager, updating on matters that had previously been discussed by the Committee but remained to be resolved.

Members thanked the Project Manager (Flood Management and Coastal Infrastructure) for his prompt response and action taken in relation to concerns at the Haughs in Turriff.

9. REDEVELOPMENT OF ERROLL COURT, TURRIFF

With reference to the Minute of Meeting of this Committee of 29 April, 2014 (Item 17), at which members instructed officers to report back on the options to

provide general housing needs on the Erroll Court site, there had been circulated a report by the Director of Communities which now detailed the options for the Erroll Court site and the adjacent garage site.

During discussion, members asked how the proposed housing type mix had been identified; whether the proposed plans maximised the use of the site; whether an update was available on the former Women's Aid Refuge site; and if further information could be provided on the consultation with garage tenants and the alternatives available to the tenants.

Further to consideration, the Committee:-

- (1) **deferred** consideration of the application for one cycle, pending further information on the current use of the garages on site and the alternatives available to the garage tenants, and
- (2) **instructed** officers to provide an update report on the proposals for the former Women's Aid Refuge.

10. APPLICATION FORM FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR FUNFAIR

There had been circulated a report dated 6 May, 2015 by the Director of Business Services which detailed an application for an extension to the operating hours of the funfair associated with Oldmeldrum Sports.

After consideration of the information provided, the Committee agreed to **grant** the extension of the hours of operation of the funfair until 11.00pm only on Saturday 20 June, 2015.

11. POLICE SCOTLAND – PERFORMANCE MONITORING AND OPERATIONAL UPDATE

There had been circulated a report dated 22 April, 2015 by the Director of Business Services which informed members of how Police Scotland were performing locally in Formartine during the period April 2014 to March 2015.

Chief Inspector Craig and Inspector Harrison were in attendance and provided a briefing on the information contained within the performance reports.

During discussion, members asked whether the change in drink-drive limits had led to an impact on drink-drive crime rates; queried the statistics for common theft and drug possession offences; and raised concern about ongoing speeding offences, suggesting that a more robust approach with enforcement may be required. Members also reiterated that Community Councils relied on Police Scotland providing regular updates to them in relation to their areas.

Thereafter, the Committee:-

- (1) **noted** the performance monitoring information relating to the Aberdeenshire component of the Aberdeenshire and Moray Division of Police Scotland, and
- (2) **requested** the Divisional Commander to continue to report to Committee quarterly on performance measures against service objectives.

APPENDIX A

4A. Reference No: APP/2014/3200

Full Planning Permission - for Continued Mineral Extraction and Proposed Extension Including Recycling of Imported Waste and Site Restoration at Smiddyburn Quarry, Rothienorman, Aberdeenshire

Applicant: Mr Adam Duguid
Agent: Johnson Poole & Bloomer

The Senior Planner introduced the report and the agent was present to answer questions from members.

After a full debate on the associated traffic movements, the Committee agreed that authority to **grant** Planning Permission in Principle should be **delegated** to the Head of Planning and Building Standards subject to:-

- (1) Conclusion of Section 75 Agreement,
- (2) The submission of a satisfactory Traffic Management Plan with assurances from the applicant that there will be informal community engagement should any community concerns arise, and
- (3) The following conditions:

1. That the quarry operations hereby approved shall be restricted to operation between the hours of 7.00am to 6.00pm Monday to Friday, 7.00am to 12.00 noon on a Saturday and no working outwith these hours unless otherwise agreed in writing by the Planning Authority.

Reason: In order to protect the amenity of nearby and adjoining residents.

2. That the noise level due to the operation of the quarry shall not exceed the following:

- 47dB LAeq (1 hour) when measured at 3.5m from the façade of Smiddyburn Farmhouse.
- 46dB LAeq (1 hour) when measured at 3.5m from the façade of Claylatch.
- At any other noise sensitive premises the noise from the quarry should not exceed a noise level expressed as a LAeq(1 hour) of more than 10dBA above the background noise level in the area measured as an LA90(T) when the quarry is not operating. Providing that where the background level is below 35dBA it will be permissible to allow a quarry noise of not more than 45dBA.

Reason: To prevent nuisance to neighbouring properties.

3. That all vehicles, plant and equipment used on site will be fitted with effective exhaust silencers, maintained in good repair in accordance with manufacturer's instructions and operated to minimise noise emissions. In addition any reverse warning devices fitted should be of a type which do not cause nuisance to the residents in the surrounding area.

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

4. Prior to the commencement of development a noise monitoring scheme shall be submitted to and agreed in writing by the Planning Authority. The monitoring shall be undertaken on the basis of 1 hour every 2 months at the noise sensitive properties identified in the noise assessment dated 20th October 14. The results of the monitoring shall be submitted to the Director of Infrastructure Services within 7 days of the results being available.

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

5. That the ground vibration due to blasting when measured at vibration sensitive buildings will comply with a vibration criteria of 6 mm/second peak particle velocity at 95% confidence level as measured in any of the 3 planes of measurement and no individual blasts will result on a peak particle velocity greater than 12 mm/sec.

Reason: In the interests of surrounding residential amenity.

6. That all blasting shall be carried out in accordance with the current Quarries (Explosives) Regulations and Approved Code of Practice.

Reason: In the interest of the amenities of the surrounding area.

7. Blasting shall only take place between the hours of 9.00am and 4.00pm Monday to Friday and between the hours of 9.00am and 12.00 noon on Saturday. There shall be no blasting on a Sunday.

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

8. The quarry operator shall notify all occupiers of all buildings where a ground vibration of 0.5 mm/sec peak particle velocity or more is anticipated. Occupiers shall be informed of the intention to blast at least 24 hours prior to the time of the blasting. The information provided will indicate the day upon which blasting will occur and an indication of the likely timescale of the blasting operations. The quarry operator shall also erect appropriate signage warning

members of the public using footpaths or visiting any land or buildings in vicinity of the quarry where the blasts will cause ground vibration levels in excess of 6 mm/sec peak particle velocity in any plane.

Reason: In the interest of the amenity of the area and to ensure that neighbouring properties are advised of all blasting operations.

9. The quarry operator shall monitor all blasts to determine the peak particle velocity at monitoring sites to be agreed with the Director of Infrastructure Services. Approved and appropriate measurement equipment shall be used which has been subject to methods and frequency of calibration recommended by the manufacturer. Equipment shall be operated by competent persons and records of monitoring shall be forwarded to the Director of Infrastructure Services within 7 days from the date of blasting occurring and copies shall be held at the quarry site office.

Reason: In the interest of the surrounding residential amenity.

10. Prior to the commencement of development, a Dust Management Scheme that includes the installation of dust suppression measures shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of the amenity of the surrounding area.

11. That all vehicles using or visiting the site have exhausts directed away from the ground.

Reason: In the interest of the surrounding residential amenity.

12. That permission for the development hereby approved shall be limited for a period of 10 years from the date of this approval.

Reason: In order to retain control over this temporary form of development and to enable the impact of the development on the amenity of the surrounding area to be reviewed.

13. Prior to the commencement of works associated with the quarry extension, a quantitative Monitoring Plan of the local private water supplies and Action Plan shall be submitted and approved in writing by the Planning Authority, in consultation with SEPA. Monitoring should continue during the extension of the quarry to assess whether the baseline conditions are being delivered at the private water supply sources. The details of the Action Plan should be determined in consultation with the private water supply users.

Reason: To mitigate any adverse impacts.

14. That no further works will commence on site until a badger survey and mitigation plan, including a 100 metre buffer beyond the application site, has been submitted to and approved in writing by the Planning Authority.

Reason: In the interest of safeguarding the habitat of a protected species.

15. No topsoil shall be stored in any location or manner other than as shown on the approved plans.

Reason: In the interests of amenity and good planning control.

16. Within 6 months of the expiry of this consent or the cessation of quarrying operations (whichever is the sooner) the site shall be reinstated in accordance with the approved plans or as otherwise agreed by this Council as Planning Authority.

Reason: In the interests of amenity in order to protect the appearance of the area around the development in accordance with Local Plan policies for the area.

Reason for Decision

That the proposed development fully complies with the relevant policies of the Aberdeenshire Local Development Plan 2012 in that there will not be any significant impacts on local amenity, the environment or the surrounding landscape. In addition, the proposed development will continue to safeguard the area for mineral extraction.

4B. Reference No: APP/2014/3894

Full Planning Permission for Change of Use of Redundant Farm Building and Yard to Form Storage and Distribution Use at Mains of Shiels Farm, Whitecairns, Aberdeenshire, AB23 8UL

Applicant: Mr Raymond Moir

Agent: Matthew W Merchant

The Senior Planner introduced the application and during discussion members asked questions about the use class and about the control of traffic movements, raising concerns about the possible intensification of use. It was suggested that a Site Visit might be beneficial but the majority of members agreed that this was not necessary.

Following the debate, Councillor Johnston, seconded by Councillor Gifford, **moved** that consideration of the application be deferred pending clarification on whether an additional condition could be added to control traffic movements to prevent future intensification.

As an **amendment**, Councillor Hendry, seconded by Councillor Shand, **moved** that the application be granted in line with the recommendations contained within the report, with an amendment to condition 1 to make it clear that no work was permitted on a Sunday.

The members voted as follows:

For the Motion **2** Councillors Gifford and Johnston.

For the Amendment **7** Councillors Merson, Davidson,
Hendry, Owen, Robertson, Shand
and Thomson.

Therefore the **amendment** was carried to **grant** Full Planning Permission subject to the following conditions:-

1. The class 6 (storage and distribution) use hereby approved shall not operate outwith the hours of 08:00 to 19:00 hours Monday to Friday, and 08:00 to 12:00 on Saturdays, and at no time on Sundays, unless with the prior agreement in writing with the Planning Authority.

Reason: In the interests of the amenities of the countryside and occupiers of properties in the locality.

2. The building shall not be occupied until a noise impact assessment has been submitted to and approved in writing by the Planning Authority and is implemented in its entirety.

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

Reason for Decision

It is considered that the proposed use is consistent with the Aberdeen City and Shire Strategic Development Plan 2014 and also complies with the relevant policies of the Aberdeenshire Local Development Plan 2012, in that the development will not have an undue impact on the existing area.

4C. Reference No: APP/2015/0197

Full Planning Permission for Erection of 4 No. Dwellinghouses at South Ythsie, By Tarves, Ellon, Aberdeenshire

Applicant: Churchill Homes Ltd
Agent: No Agent

The Senior Planner introduced the report and during discussion members asked questions about road safety concerns and whether it

would be possible to introduce a speed limit in the area; and whether consideration had been given to the pathways and connectivity for the development. Members had sympathy for the residents who had been living on the uncompleted site for some time, but there was concern that the proposed sub division could cause an undesired precedent.

It was questioned whether it would be competent to move delegated grant with an additional condition relating to a speed limit in the area and thereafter the Committee agreed to **defer** consideration of the application for one cycle, to allow planning officers to investigate the appropriateness of such a condition.

4D. Reference No: APP/2015/0478

Full Planning Permission - National for Construction of Onshore electrical transmission cables, comprising an onshore transition jointing pit, underground cables within a 33km (approximately) long cable corridor and the construction of 2 No. Substations southwest of New Deer, also including temporary construction compounds, access tracks, laydown areas and other associated works: Non Compliance with Condition 1 of Planning Permission in Principle Reference APP/2014/2430 at Landing at Inverboyndie Bay, Banff, Travelling to Land West of Cairnbanno House, New Deer.

Applicant: Moray Offshore Renewables Limited
Agent: No Agent

The Senior Planner introduced the application and members sought clarification from the applicant on the phasing for the development of the substation.

Following discussion, and in noting that the application was to be determined by Full Council, the Committee **agreed** to make the following **comments:-**

- In noting that this is an application for Full Planning Permission, clarification is required from the Planning Service on the process for determining an application prior to the submission of associated Matters Specified in Conditions, and
- The Landscape Maintenance Plan should be closely scrutinised to ensure that it is robust and that it allows for mitigation of screening where appropriate, for example for visibility at junctions.