

**ABERDEENSHIRE COUNCIL**  
**FORMARTINE AREA COMMITTEE**

**THE KIRK CENTRE, STATION ROAD, ELLON, 7 JUNE 2016**

**Present:** Councillors I Davidson, A Duncan, J Gifford, A Hendry, R Merson, A Norrie, G Owen, E A Robertson, C Shand and R Thomson.

**Apologies:** Councillor P Johnston.

**Officers:** E Brown (Area Manager, Formartine), C Young (Committee Officer, Formartine), M Ingram (Senior Solicitor, Legal and Governance), A Ramsay (Senior Planner, Infrastructure Services), A Murphy (Planner, Infrastructure Services), P Finch (Principal Engineer, Transportation, Infrastructure Services), N Reid (Architecture Manager, Infrastructure Services), J Eaton (Strategic Development Officer, Aberdeenshire Health and Social Care Partnership) and D Campbell (Formartine Community Planning Officer).

**PUBLIC QUESTION TIME**

No public questions had been received.

**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 Norrie declared an interest in Item 5 as the applicant was a family member but it was highlighted that this item was for noting only.

**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 its decision.

## **(b) Exempt Information**

The Committee **agreed** in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the Meeting for the items specified below so as to avoid disclosure of exempt information of the class described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

<b>Item No</b>	<b>Paragraph No. of Schedule 7A</b>
12	10
13	6

### **3. MINUTE OF MEETING OF 17 MAY, 2016**

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 17 May, 2016, subject to the following amendments:-

- (1) Page 2: update to highlight that “members reiterated their concerns about anti-social driving within Turriff”
- (2) Page 4: amend first bullet point to read “The Fourdoun, Fyvie”

### **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.**

<b>Reference</b>	<b>Description</b>	<b>Recommendation</b>
<b>A.</b> APP/2016/0760	Full Planning Permission for Erection of 3 No. Dwellinghouses with Garages at Land at Aberdeen Equestrian Centre, Middlemuir, Whitecairns, Aberdeen	Refuse
<b>B.</b> APP/2016/0824	Full Planning Permission for Erection of 2 No. Dwellinghouses at Sites (Plots 1A & 1B) at Kirkstyle, Daviot	Grant

## **5. PLANNING OBLIGATION APPEAL NOTICE OF DETERMINATION AND CLAIM FOR AN AWARD OF EXPENSES DECISION NOTICE – APP/2015/3464 – SITE AT CAIRNHILL, TURRIFF**

Councillor Norrie declared an interest as the applicant was a family member but it was highlighted that this item was for noting only.

There had been circulated, a Planning Obligation Appeal Notice of Determination dated 16 May, 2016, advising that the reporter allowed the appeal and determined that the planning obligation comprising Clause Five of the agreement referred to within the notice was removed and discharged.

There was also circulated a Claim for an Award of Expenses Decision Notice dated 16 May, 2016 advising that the reporter found the council had acted in an unreasonable manner resulting in liability for expenses.

The Senior Planner, in summarising the findings of the reporter, had highlighted the salient points to be acknowledged by the Committee and the Service.

Thereafter, the Committee:-

- (1) **noted** the information provided, and
- (2) **requested** that officers arrange a briefing session for members to update on the recent changes to what contributions could now be sought from developers.

## **6. FRASERBURGH, PETERHEAD AND ELLON TO ABERDEEN STRATEGIC TRANSPORT STUDY**

There had been circulated a report dated 26 May, 2016 by the Director of Infrastructure Services which updated members on the outcomes of the Nestrans' Fraserburgh, Peterhead and Ellon to Aberdeen strategic study, and sought comments on the key findings on the works to date and the proposed further development of the study.

The members welcomed the report and a full debate took place regarding the information provided.

Thereafter the Committee:-

- (1) **noted** the contents of the report and the progress in developing the study on this corridor between Aberdeen and Ellon, Peterhead and Fraserburgh,
- (2) **noted** that officers would undertake further consultation with Transport Scotland, Bus Operators and Rail Operators to refine the specific packaging of elements for the Part 2 Appraisal, alongside officers of Nestrans,

- (3) **noted** that further work would be undertaken to further develop the package of potential measures for further appraisal, and
- (4) At the request of Infrastructure Services Committee, provided the following **comments**:
- (a) It is important to have a hybrid mix to resolve traffic issues, in particular to assist in providing a consistent travel time to allow persons to plan ahead,
  - (b) It was important to ensure that this did not turn in to a road vs rail situation,
  - (c) Improved connectivity for the area is paramount, particularly within the Energetica corridor, and this is an opportunity to be innovative,
  - (d) Road safety was very important and so any improvements that could be made were welcomed,
  - (e) A mixture of options would benefit the whole of the North East area,
  - (f) Although a mixture of measures would be the best way forward, there are concerns that a suite of measures may be harder to implement,
  - (g) There were benefits of using the historic track bed for a rail link from Aberdeen to Ellon as it would connect the area to Dyce and Newmachar,
  - (h) If a rail link to Ellon was installed, it should be noted that there would likely be pressure to expand this further,
  - (i) It would be helpful if links to the A947 Route Improvement Strategy could be referenced, as there could be opportunities for cross fertilisation,
  - (j) It would be useful if officers, at the appropriate time, could provide detail of options available through the City Regional Deal, and
  - (k) Rather than focusing on specific projects, an integrated solution should be sought for the whole area.

## 7. CAPITAL PLAN PROGRAMMES 2016-2017

There had been circulated a report dated 4 May, 2016 by the Director of Business Services which advised members of the proposed Capital Plan Programmes for 2016-2017 and sought comment ahead of the programmes being presented to the Policy and Resources Committee.

There was a full debate of the information provided and thereafter the Committee **approved** the programmes for 2016/17, as detailed within the report, for the following lines in the Capital Plan:

- (i) Public Toilets
- (ii) Access/Environment Projects
- (iii) Carbon Reduction Council Wide Objectives
- (iv) Development of Industrial Portfolio & Factory Units
- (v) Landfill, Household Waste Recycling Centres
- (vi) New Waste Collection Service
- (vii) Children & Young People's Bill
- (viii) ECS Enhancements

- (ix) Depots
- (x) Health & Safety Council Wide Objectives
- (xi) ICT

Subject to the following **comments** to the Policy and Resources Committee:

- (a) At Appendix A, £75,000 has been budgeted for “minor upgrade in preparation to transfer to communities”. It would be helpful for officers to provide a definition of “minor” and clarification of whether £75,000 was going to be adequate,
- (b) It would be useful to clarify whether the works to be carried out on the Formartine & Buchan Way, as detailed at Appendix B, included repairs that were required, following the flooding in the area at the start of the year,
- (c) It was noted that there were no schools within Formartine who would be receiving photovoltaic panels, as detailed at Appendix C,
- (d) At Appendix D, Estate Redevelopment was programmed for Fraserburgh: Kessock. It would be helpful if officers could ensure that there are discussions with NHSG,
- (e) Within Appendix D, it would be useful to clarify that ‘Turriff – Markethill’ related to the recycling depot,
- (f) At Appendix E, it was noted that works were programmed for the Souterford Road Depot in Inverurie. Assurance was sought that, should there be plans to relocate the depot, that works were programmed accordingly,
- (g) Clarification was sought on the works to be carried out at Fyvie School within Appendix G,
- (h) At Appendix G, it was queried why increased costs were detailed under Martkethill New School as the budget had been pre-allocated. This should therefore refer to “additional provision”, and
- (i) At Appendix J, the Undy Links Pavilion should read the “Newburgh” Links Pavilion.

## 8. ASSISTED TRANSPORT POLICY

There had been circulated a report dated 16 May, 2016 by the Chief Officer of Aberdeenshire Health and Social Care Partnership which sought members comments on the Assisted Transport Policy which had been considered by the Integrated Joint Board on 11 May, 2016.

There was a full debate of the information provided and thereafter the Committee:-

- (1) **noted** the contents of the report,
- (2) **requested** that further updates be provided to the Area Committees on progress and impacts, so that members are kept up to dates on outcomes and unintended consequences, and

- (3) provided the following **comments** to the Integrated Joint Board:
- (a) It would be useful to clarify whether persons attending sheltered work would be entitled to assisted transport and, if so, what stage this was at if changes had already been made for some users,
  - (b) It was queried whether persons who were not entitled to assisted transport would be able to use the transport, if available, if they were willing to pay for it,
  - (c) In noting that the charging policy was agreed by the Social Work & Housing Committee in December 2015 and the policy was implemented in April 2016, it would be useful to know the level of engagement that took place with users during that interim period,
  - (d) At present, it was not clear who the policy was aimed at and how it would be used,
  - (e) There were concerns for persons who would no longer access services due to these changes and the impact that this would have on their wellbeing and the knock-on effect on their families and carers,
  - (f) At Appendix 2, could the following two headings please be added: Accessibility and Availability, and
  - (g) It was important to ensure that the policy was implemented correctly, with consideration being given to how it would affect service users and impact on their families and carers.

## **9. RESIDENTIAL RESPITE SERVICES IN ABERDEENSHIRE AND THE CASE FOR REVIEW AND DESIGN**

There had been circulated a report dated 16 May, 2016 by the Chief Officer of Aberdeenshire Health and Social Care Partnership which sought members comments on the Residential Respite Services in Aberdeenshire and the Case for Review and Redesign, which had been considered by the Integrated Joint Board on 11 May, 2016.

There was a full debate of the information provided and members commented that section two of the report, which detailed risks, was very clear and it would be helpful if consideration could be given to including this section as part of the standard reporting format.

Thereafter the Committee:-

- (1) **noted** the contents of the report,
- (2) **requested** that further updates be provided to the Area Committees on progress and impacts, so that members are kept up to dates on outcomes and unintended consequences, and
- (3) provided the following **comments** to the Integrated Joint Board:
  - (a) In noting that “there is an opportunity to deliver more by ensuring that the experience of respite is beneficial for the service user too”, are

there any accommodation and residential issues that need to be addressed for the future?

- (b) The service provided should be person focused, taking their families and carers into account, rather than finance driven,
- (c) Consideration needs to be given to whether there is adequate community capacity,
- (d) It would be helpful to know whether the Rapid Review Group carried out consultation with service users and their families, and
- (e) In terms of residential respite, it would be useful to know whether there were non-Council services and, if so, if they had been part of the consultation.

## 10. FORMARTINE COMMUNITY PLAN 2016-2019

There had been circulated a report dated 25 May, 2016 by the Director of Business Services which provided the members with an update on the progress of actions within the Formartine Local Community Plan 2013-2016 and sought comment on the contents of the Formartine Local Community Plan 2016-2019 draft actions, for consideration by the Local Community Planning Group.

During discussion, the members welcomed the report and there was a full debate on the information provided.

Thereafter, the Committee:-

- (1) **noted** the progress of actions within the Formartine Local Community Plan 2013-2016 and the contents of the Formartine Local Community Plan 2016-2019, and
- (2) provided the following **comments** for consideration by the Community Planning Board and the Local Community Planning Group:
  - (a) It would be helpful to know how the local plan tied in with the executive plan, in terms of the main themes,
  - (b) It would be useful to reference the forthcoming change from the Single Outcome Agreement to the Local Outcomes Improvement Plan,
  - (c) The Community Planning Partnership should be more engaged with the Council and the six local areas,
  - (d) It was beneficial for the local plan to retain a local aspect,
  - (e) The local plan should be updated to include detail of outcomes – actions agreed should be monitored to ensure that what was being carried out was of benefit to the communities in the area,
  - (f) In noting that only 10% progress had been achieved in relation to “LCPF0402 To progress with the delivery of new Health Care facilities in the Ellon and Balmedie areas as a result of community need”, assurance was required that work was being done to progress this further, and
  - (g) It would be helpful if there was clarity around the co-ordination of the partners involved, in order to avoid any possible duplication of work.

## 11. 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.

The Committee **requested** that an update be provided in relation to the identification of a new site for a school at Balmedie.

## 12. OLDMELDROM PLEASURE PAVILION MUGA AND TENNIS COURT UPGRADE, CONTRACT 17658

After consideration of a circulated report by the Director of Business Services, the Committee:-

- (1) **approved** the project cost of £138,750.91, inclusive of Property costs as detailed within the report, and
- (2) **authorised** acceptance of the tender submitted by Ecosse Sports Ltd in the confirmed tender amount of £128,175.91.

## 13. COMMUNITY ASSET TRANSFER STAGE 2 – BALMEDIE RANGER HUT – REPORT BY DIRECTOR OF BUSINESS SERVICES

There had been circulated a report dated 20 May, 2016 by the Director of Business Services which detailed the Stage 2 application from the Belhelvie Community Trust for a Community Asset Transfer of the former Ranger Hut at Balmedie Country Park.

During discussion, the members commended the applicants on their outstanding business plan.

Thereafter, the Committee:-

- (1) **approved** the Stage 2 application (as appended to the report) from Belhelvie Community Trust for the Community Asset Transfer of the former Ranger Hut at Balmedie Country Park, Balmedie; and recommended that the application moved to Stage 3 (Implementation) of the Community Asset Transfer process, and
- (2) **agreed** that the annual rent should be set at £1 per annum, which was below the commercial value.

## APPENDIX A

### 4A. Reference No: APP/2016/0760

#### **Full Planning Permission for Erection of 3 No Dwellinghouses with Garages at Land at Aberdeen Equestrian Centre, Middlemuir, Whitecairns, Aberdeen**

**Applicant: Mr Irvine Christie**

**Agent: David Murray Associates**

The Senior Planner introduced the application and the Committee heard an oral representation from the agent on behalf of the applicant.

During discussion, the members asked about the structures that had been moved and whether there had been any foundations; asked why the Planning Service did not consider the site to be a brownfield site; queried the hardstanding on the site; asked if the Planning Service had been aware that there had been Gypsy Travellers on the site and there had been a need for enforcement action; and asked for further clarification on the drainage information that had been provided.

Following debate, Councillor Shand, seconded by Councillor Hendry, **moved** that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards, subject to satisfactory drainage certification and consideration of the large area around the site, on the grounds that site could be considered to be a brownfield site and the proposals were therefore compliant with the Aberdeenshire Local Development Plan 2012.

As an **amendment**, Councillor Gifford, seconded by Councillor Merson, **moved** that the application be refused in line with officer recommendations, on the basis that the site could be reinstated to its previous use.

The members voted as follows:

For the Motion:                   **4**       Councillors Duncan, Hendry, Shand and Thomson

For the Amendment:           **6**       Councillors Merson, Davidson, Gifford, Norrie, Owen and Robertson

Therefore, **the amendment was carried to refuse** the application for the following reasons:

1. The proposed development is contrary to Policy 3 Development in the countryside; SG Rural Development1: Housing and business development in the countryside as contained in the Aberdeenshire Local Development Plan 2012, whereby the proposed dwellinghouse fails to meet the criteria set out in the aforementioned policy and supplementary guidance in that the development,
  - i) it is not of a type that would be permissible in the green belt;
  - ii) it is not for the redevelopment or refurbishment of an existing or disused building;
  - iii) it does not contribute to the organic growth of a settlement identified in Appendix 1;
  - iv) it is not associated with the retirement succession of a viable farm holding.
2. That the application is deficient of information as no drainage certificate has been submitted. It is therefore not possible to make a full assessment of the implications of the development with regard to drainage infrastructure and the suitability of the site to accommodate development in order to comply with Policy 9 Developer contributions and SG Developer Contributions3: Water and waste water drainage infrastructure of the Aberdeenshire Local Development Plan (2012).

**4B. Reference No: APP/2016/0824**

**Full Planning Permission for Erection of 2 No. Dwellinghouses at Sites (Plots 1A & 1B) at Kirkstyle, Daviot**

**Applicant: Tor Ecosse Ltd**  
**Agent: No Agent**

The Senior Planner introduced the application, updating that the appeal process as detailed at paragraph 6.4 of the report had now concluded and was granted. Further to this, it was highlighted that there was still capacity for one further dwellinghouse within the Daviot area and, should the Committee agree to the sub-division requested by the applicants, this would take the area up to the maximum number of developments allowed under the 20% growth permitted within this Local Development Plan period. It was also noted that an additional condition would be stipulated in relation to the formation and maintenance of an amenity area to the north west of the site.

The Committee then heard an oral representation from the applicant.

During discussion, the members asked for clarification on whether the properties would be classed as affordable housing.

Following debate, the Committee **agreed** to **grant** Full Planning Permission, subject to the following conditions:-

1. The development shall be served in accordance with the approved drawings and the following details:
  - a) Prior to occupancy of development, a drop kerb footway crossing must be formed at the new driveway.
  - b) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
  - c) Prior to occupancy of development, the first 5m of access (measured from edge of road or back of footway) to be fully paved.
  - d) Prior to occupancy of development, 4 parking spaces, surfaced in hard standing materials shall be provided within the site.
  - e) Prior to occupancy of development, a 2m wide footpath shall be built to the entire length of the site's frontage and should be built in accordance with Aberdeenshire Council Standards.
  - f) Prior to commencement of development, visibility splays measuring 2.4m by 45m 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.
  - g) Prior to occupancy of development 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.

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.

2. Prior to the construction of any 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.

3. The dwellinghouse hereby approved shall not be occupied until a connection to the public water supply has been secured and implemented.

Reason: The planning application states that the water supply will be public; to ensure a wholesome water supply (in terms of quality and quantity) in the interests of public health.

4. The amenity area to the north west of the site, shown on the approved site plan, shall be formed prior to the occupation of any dwellinghouse on the site hereby approved and thereafter maintained by the residents of the development.

Reason: In order to safeguard the implementation and maintenance of the amenity area and in the interest of the amenity of the surrounding area.

#### **Reason for Decision**

The proposal is compliant with the relevant policies of the Aberdeenshire Local Development Plan 2012 and is therefore considered acceptable.