

ABERDEENSHIRE COUNCIL**FORMARTINE AREA COMMITTEE****THE KIRK CENTRE, STATION ROAD, ELLON, 15 NOVEMBER 2016**

Present: Councillors R Merson (Chair), P Johnston (Vice-Chair), I Davidson, A Duncan, J Gifford, A Hendry, A Norrie, E A Robertson, C Shand and R Thomson.

Apologies: Councillor G Owen.

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) and G Robertson (Team Manager, Health & Safety, Protective Services and Waste Management).

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 Davidson declared an interest in Items 4A and 4C as she had been involved in background work in relation to these applications. As she felt this interest was clear and substantial, she indicated that she would not take part in the debate of these items.

Councillor Merson declared an interest in Item 4D as his son was an objector to the application. As he felt this interest was clear and substantial, he indicated that he would not take part in the debate of this item.

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** that under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 8 of the business on the grounds that it involved the likely disclosure of exempt information of the class described in Paragraph 8 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 25 OCTOBER, 2016

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 25 October, 2016.

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	Recommendation
A. APP/2016/2112	Planning Permission in Principle for Demolition of Existing Studio/Garage and Dwellinghouse and Erection of 2 No. Dwellinghouses at Wychwood, 25 Craigs Road, Ellon	Refuse
B. APP/2016/2524	Full Planning Permission for Installation of 17.50m Telecommunications Mast, Antennas and Ground Based Apparatus at Site at Main Street, Newburgh, Ellon	Grant
C. APP/2016/1906	Full Planning Permission for Erection of 3 Dwellinghouses and Alterations and Extension to Dwellinghouse at Site at Mill of Auchedly, Ythanbank	Delegated Grant
D. APP/2016/2707	Full Planning Permission for Change of Use of Retail Shop (Class 1) to Hot Food Takeaway (Sui Generis) at Stevens Toymaster, The Square, Ellon	Refuse

5. EDUCATION AND CHILDREN'S SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING, APRIL – JUNE 2016 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 4 October, 2016 by the Director of Education & Children's Services which detailed exceptions in performance monitoring that were significantly above or below performance targets.

Following discussion, the Committee:-

- (1) **acknowledged** the performance achieved April to June, 2016 referred to in paragraphs 2.4 to 2.8 of the report,
- (2) **noted** the measures where performance was below expectations April to June, 2016, as referred to in paragraphs 2.6 to 2.8 of the report,
- (3) **noted** the publication of the full April to June, 2016 Performance Report on Ward Pages,

- (4) **instructed** the Director of Education & Children's Services to continue to report, by exception, to Committee quarterly the performance measures against Service objectives, and on a six monthly basis the progress in delivering all aspects of the Service Plan, and
- (5) made the following **comments** to be raised with the Service:
- It would be helpful to spend some protected time with officers to discuss the indicators being presented and whether these are still relevant,
 - As the majority of indicators are Aberdeenshire figures rather than Area figures, the Area Committee is currently unable to fulfil its monitoring role,
 - In considering the 'percentage calendar days lost to sickness per quarter' for Formartine, could officers explain why the target has increased, when surely this is a target that should be decreased,
 - In terms of reducing inequalities for young people and families, is there an action plan in place to tackle current issues and can the service demonstrate that it is reducing inequalities, and
- (6) **instructed** the Area Manager to relay the concerns of the Committee to the Director of Education and Children's Services.

6. ELLON COMMUNITY COUNCIL

There had been circulated a report dated 4 November, 2016 by the Director of Business Services which detailed the events which had led to the dissolution of Ellon Community Council.

The Chair stated that the Area Manager had the full support of the Formartine Area Committee in relation to her handling of this matter.

Thereafter, the Committee **acknowledged** that Ellon Community Council had dissolved.

7. 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 the first action be updated to read:

"Members requested that the identification of a new site for a school for Balmedie be added to the statement of outstanding business in order to progress this matter."

8. FORMER CEMETERY LODGE, CASTLE ROAD, ELLON – UPDATE ON REVIEW

There had been circulated a report dated 24 October, 2016 by the Director of Business Services which updated members of the progress being made in the review of options for the former Ellon Cemetery Lodge.

Following consideration of the information provided, the Committee:-

- (1) **noted** the progress being made in the review of options for the former Ellon Cemetery Lodge,

- (2) **requested** that officers take action to secure the Ellon Cemetery Lodge to prevent any further deterioration, pending a further report in the first quarter of 2017, following confirmation of potential infrastructure requirements within Ellon, and
- (3) provided the following **comments** to be raised with the Service:-
- It would be helpful to have an update on the new approved cemetery for Ellon and the deadline for the conclusion for any related discussions, and
 - It would be useful to explore options for the potential sale of the Ellon Cemetery Lodge, but retaining the land to the back of the plot for a possible extension of the current cemetery.

APPENDIX A**4A. Reference No: APP/2016/2112**

Councillor Davidson declared an interest as she had been involved in background work in relation to this application. As she felt this interest was clear and substantial, she indicated that she would not take part in the debate of this item and would withdraw from the chamber during discussions.

Planning Permission in Principle for Demolition of Existing Studio/Garage and Dwellinghouse and Erection of 2 No. Dwellinghouses at Wychwood, 25 Craigs Road, Ellon, Aberdeenshire, AB41 9BG

Applicant: Mr D Wallace
Agent: Baxter Design Company

The Senior Planner introduced the application which had previously been deferred pending a site visit.

During discussion, the members commented that the site visit had been very useful and expressed their concerns about overdevelopment; the close proximity of the proposed development to neighbouring properties; and the fact that the front of the house would require to have obscured glazing, which was not satisfactory.

Thereafter, the Committee **agreed** to **REFUSE** Planning Permission in Principle as the proposed development was contrary to Policy 8 Layout, siting and design of new development and Supplementary Guidance LSD4: Infill Development of the Aberdeenshire Local Development Plan 2012, in that the development would constitute over development of the site and erode the character and amenity of the surrounding area.

4B. Reference No: APP/2016/2524**Full Planning Permission for Installation of 17.50m Telecommunications Mast, Antennas and Ground Based Apparatus at Site at Main Street, Newburgh, Ellon**

Applicant: EE Ltd & Hutchison 3G UK Ltd
Agent: WHP

The Senior Planner introduced the application which had previously been deferred for further information.

During discussion, the members noted that concerns had been raised about the cluttered landscape but highlighted that many locals wished to receive the improved service that the proposed infrastructure would provide. It was commented that relocating the infrastructure would be at the expense of the community and the members requested that future applicants give consideration to sharing infrastructure with other providers in order to reduce their footprint on the landscape.

After a full debate, the Committee **agreed** to:-

- (1) **GRANT** Full Planning Permission, subject to the following condition:-

The existing mast and all ancillary infrastructure pertaining to its use, which has been identified for removal on the approved plan, reference 300, shall be

removed from the site within 3 months of the proposed mast becoming operational.

Reason: To ensure that continuous coverage is maintained up until the new mast becomes operational. Forthwith the removal of the existing mast will serve the interests of the amenity of the area.

- (2) **request** that the Planning Service to feed back to the applicant that for future applications, it would be helpful if consideration could be given to reducing the infrastructure clutter or providing screening where appropriate.

Reason for Decision

The proposed development complies with the relevant policies of the Aberdeenshire Local Development Plan 2012 and is therefore considered acceptable.

4C. Reference No: APP/2016/1906

Councillor Davidson declared an interest as she had been involved in background work in relation to this application. As she felt this interest was clear and substantial, she indicated that she would not take part in the debate of this item and would withdraw from the chamber during discussions.

Full Planning Permission for Erection of 3 Dwellinghouses and Alterations and Extension to Dwellinghouse at Site at Mill of Auchedly, Ythanbank

Applicant: Haddo Estate
Agent: Annie Kenyon Architects Ltd

The Senior Planner introduced the application which was recommended for approval.

During discussion, the members queried whether the proposed site had flooded earlier this year and sought clarification that this application had not been assessed under the Organic Growth policy, but rather it was a replacement of a redundant building. Some members also commented that the house was an innovative, contemporary design which was a good fit for the site, whilst others felt the design could be improved.

Following debate, Councillor Gifford, seconded by Councillor Hendry, **moved** that the application be granted in line with the recommendations contained within the report.

As an **amendment**, Councillor Johnston, seconded by Councillor Shand, **moved** that the application be refused on the grounds that it was not appropriate to depart from the Local Development Plan 2012 on this occasion and that allowing development out with the site boundary on white land due to flooding issues could create an undesirable precedent.

The members voted as follows:

For the Motion: **6** Councillors Merson, Duncan, Gifford, Hendry
Robertson and Thomson.

For the Amendment: **3** Councillors Johnston, Norrie and Shand.

Therefore, **the motion was carried** that authority to **GRANT** Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

- (1) Conclusion of Developer Obligations; and
- (2) The following conditions:-

1. The development shall be served in accordance with the approved drawings and the following details:
 - a) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
 - b) Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved.
 - c) Prior to occupancy of development, Off-Street parking for 10 cars (specify number), surfaced in hard standing materials must be provided within the site.
 - d) Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45° splays to be formed on frontage of the site and the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.
 - e) Prior to commencement of development, visibility splays measuring 2.4 metres by 90 metres and 2.4 metres by 120 metres will be required on the south east and the north west of the vehicular access junction with the public road, respectively. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
 - f) 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 and shall be secure enough to prevent empty bins from being windblown. Details must be submitted to Roads Development for approval.
 - 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. That the bothy to be retained shall be used only for purposes incidental to the enjoyment of the approved dwellinghouse as such. No separate curtilage shall be formed and the annex shall at no time be used as an independent dwellinghouse without an express grant of planning permission from the Planning Authority.

Reason: The relationship between the annex and the main Dwellinghouse within the site is such that the residential amenities of the occupants of both would be adversely affected by the creation of an independent residential unit in addition to the main dwellinghouse.

3. No demolition or development shall take place prior to a photographic survey being undertaken by the developer and approved by the Planning Authority.

All elevations, both internal and external, together with the setting of the building, and any unusual feature/s, shall be photographed and clearly annotated on a plan. Photographs, which should be digital on CD, either jpegs or tiffs, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record.

Reason: To ensure a historic record of the building.

4. That the proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans and drainage proposals contained within the Drainage Assessment by Fairhurst, October, 2016. Each house 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.

5. 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 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.

That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan.

That the proposed development represents an acceptable departure from the Policy 3 Development in countryside, SG Rural Development 1: Housing and business development in the countryside, Policy 8 Layout, siting and design of new development and SG LSD 4: Infill Development contained in the Aberdeenshire Local Development Plan 2012. Under normal circumstances the proposed development could have been accommodated within this brownfield redevelopment site located within the defined settlement boundary of Ythanbank. However due to flooding restrictions within the site it is considered to be acceptable, in this exceptional circumstance, to incorporate land out with the settlement boundary to redevelop this redundant site.

4D. Reference No: APP/2016/2707

Councillor Merson declared an interest as his son was an objector to the application. As he felt this interest was clear and substantial, he indicated that he would not take part in the debate of this item and would withdraw from the chamber during discussions.

Full Planning Permission for Change of Use of Retail Shop (Class 1) to Hot Food Takeaway (Sui Generis) at Stevens Toymaster, The Square, Ellon, Aberdeenshire, AB41 9JB

Applicant: Mr Manawar Iqbal
Agent: Taylor Design Services

Councillor Johnston took the Chair for this item.

The Senior Planner introduced the application which was recommended for approval.

The Chair advised that a request to speak had been submitted by an objector but it had been received after the deadline as stipulated in Standing Order 11 (4) (b). The agent and objector were both present and the agent confirmed that he would like to speak, should the objector be permitted to do so. The members agreed to suspend Standing Orders and thereafter the Committee heard oral representations from the agent and an objector.

During discussion, the members asked how many residential properties were in the proximity of the proposed Hot Food Takeaway; for clarification on the location of Ythan Court and the type of properties therein; queried whether there was a Town Centre Strategy for Ellon; asked whether anything could be put in place to prevent persons from parking in the side lane; and queried whether any conditions could be put in place to control potential littering from the proposed facility. Members also commented that it was not up to the Council to decide what type of business came forward and its success would be dependent on the market.

Following debate, Councillor Thomson, seconded by Councillor Shand, **moved** that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards, subject to the conditions contained within the report and the Planning Service investigating whether it would be appropriate to request the installation of bollards, to prevent parking at the shop frontage.

As an **amendment**, Councillor Davidson, seconded by Councillor Hendry, **moved** that the application be refused on the grounds that: the application was contrary to Policy 2 Town centres and retailing as it did not support the scale and function of the town centre and did not promote the sustainability of the town centre; and it was contrary to Policy 8 Layout, siting and design of new development as the development was not appropriate at this location due to the detrimental affect it would have on the amenity of the neighbouring properties and the concerns around road safety issues for patrons who would be using the proposed hot food takeaway.

The members voted as follows:

For the Motion:	3	Councillors Duncan, Shand and Thomson.
For the Amendment:	6	Councillors Davidson, Gifford, Hendry Johnston, Norrie and Robertson.

Therefore, **the amendment was carried to REFUSE** Full Planning Permission on the grounds that: the application was contrary to Policy 2 Town centres and retailing as it did not support the scale and function of the town centre and did not promote the sustainability of the town centre; and it was contrary to Policy 8 Layout, siting and design of new development as the development was not appropriate at this location due to the detrimental affect it would have on the amenity of the neighbouring properties and the concerns around road safety issues for patrons who would be using the proposed hot food takeaway.