

ABERDEENSHIRE COUNCIL

FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 3 OCTOBER 2017

Present: Councillors K Adam, I Davidson, A Forsyth, J Gifford, A Hassan, A Kloppert, G Owen, A Stirling, I Taylor and R Thomson.

Apologies: Councillor P Johnston.

Officers: E Brown (Formartine Area Manager), C Young (Committee Officer, Formartine), M Ingram (Solicitor, Legal and Governance), A Ramsay (Senior Planner, Infrastructure Services), J Hewitt (Planner, Infrastructure Services), G Steel (Principal Engineer, Infrastructure Services), E Reid (Affordable Housing Team Leader, Infrastructure Services) and T Morgan (Estates Team Leader, Business Services).

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 Hassan declared an interest in Item 5B as a member of Historic Environment Scotland. As he did not feel this interest was clear and substantial, he indicated that he would take part in the debate of the item. Councillor Hassan also declared an interest in Item 9, as regards the application from the Balmedie Leisure Centre, as the Council's representative on this body. As he felt this interest was clear and substantial, he indicated that he would not take part in the debate of this application and would withdraw from the chamber during discussions.

Councillor Davidson declared an interest in Item 9, as regards the application from Foveran Community Council, as she had facilitated a meeting at which a decision was taken that the group would apply for funding. As she was not a member of the group, she felt this interest was not clear and substantial and therefore she indicated that she would take part in the debate of the application.

Councillor Thomson declared an interest in Item 9, as regards the application from the Rotary Club of Ellon, as a member of club. As he felt this interest was clear and substantial, he indicated that he would not take part in the debate of this application and would withdraw from the chamber during discussions.

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 11 of the business on the grounds that it involved the likely disclosure of exempt information of the class described in Paragraph 9 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 12 SEPTEMBER, 2017

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 12 September, 2017

4. LOCAL DEVELOPMENT PLAN 2017: SUPPLEMENTARY GUIDANCE NO.7: DEVELOPER OBLIGATIONS: METHODS FOR CALCULATION

There had been circulated a report by the Director of Infrastructure Services which detailed the proposed Supplementary Guidance of the Local Development Plan 2017, as regards Developer Obligations and the methods for calculating such.

During discussion, members asked questions about soft market testing; the Strategic Transport Fund; viability; the value of land; cumulative impact; the number of representations received; the future opportunities to review the Supplementary Guidance; contributions in relation to commercial waste; and school transport.

Following debate, the Committee provided the following **comments** in relation to the Supplementary Guidance: Developer Obligations: Methods for Calculation:-

- Concern was raised that reference to the Strategic Transport Fund was proposed to be removed from the Supplementary Guidance,
- In order to allow better assessment of Developer Obligations, it was important that the correct land values were being used at the time of assessment,
- Where multiple applications could be considered, they should be considered as one homogenous development in terms of assessing cumulative impact, in particular when assessing the impact on road infrastructure. Wording to this effect could be added to the Supplementary Guidance, perhaps at the third paragraph on page 18 of the Committee report, and
- Commercial waste should be included as a type of obligation, as well as residential waste.

5. PLANNING APPLICATIONS FOR DETERMINATION

Reference	Description	Recommendation
A. APP/2017/0869	Full Planning Permission for Erection of 2 Wind Turbines, 50m Hub Height and 74m to Blade Tip and Associated Infrastructure at Land West Of North Haddo, Fyvie, Turriff	Defer for Site Visit

- | | | | |
|----|---------------|---|-------------------------------|
| B. | APP/2017/1392 | Full Planning Permission for Extension to Existing Quarry for Continued Extraction of Sand and Gravel, Operation of Ready-Mix Concrete Plant and Phased Quarry Restoration at Lovie Quarry And Concrete Products, Methlick Quarry, Methlick | Delegated Grant |
| C. | APP/2017/1830 | Full Planning Permission for Change of Use from Forestry/Agriculture Buildings and External Storage Area to Storage and Distribution (Class 6) (Retrospective) at Land At Bruntstone Farm, St Katherines, Inverurie | Defer for Site Visit |
| D. | APP/2017/1841 | Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent To Beech Lodge, Turriff | Defer for further information |

6. PLANNING APPEAL DECISION NOTICE – APP/2016/2745 – AIKENSHILL FARM, NEWBURGH

There had been circulated, a Planning Appeal Decision Notice dated 6 September, 2017, advising that the reporter dismissed the appeal and refused planning permission.

The salient points to be acknowledged by the Committee and the Service had been outlined within the information provided to the members.

Thereafter, the Committee **noted** the information provided.

7. STRATEGIC HOUSING INVESTMENT PLAN 2018-2023

There had been circulated a report dated 7 September, 2017 by the Director of Infrastructure Services which detailed the Strategic Housing Investment Plan for 2018 to 2023.

During discussion, the members asked where the funding to support these initiatives came from; queried the high priority list; asked for further information in relation to “particular needs”; asked for clarification on where this plan fitted with the Local Housing Strategy and HRA; suggested that the plan could be more ambitious and demonstrate where need was; suggested that the service consider providing units of two or three and map out special requirements; asked the service to consider looking at other Local Authorities to consider best practice; suggested a review of the housing portfolio to consider disinvestment where appropriate; and commented that the tax generated from second homes had made a significant difference on what could be delivered.

Following debate, the Committee provided the following comments in relation to the draft Strategic Housing Investment Plan 2018-2023:-

- The plan should be more ambitious so as to fit with the Local Housing Strategy,
- The Council should look at the wider picture and consider the possible restructure of housing stock,
- There should be a review of priority areas – though members noted that reviews were currently ongoing,
- It was recognised that the HRA was under pressure and it was suggested that the Council explore what other Local Authorities were doing to seek best practice,
- The income generated from second home tax was welcomed,
- There was a query over why the numbers were reducing, given the funding was increasing, and
- There should be a “live pipeline” to take account of any slippage in other areas that could be utilised.

8. HOUSING SERVICE QUARTERLY PERFORMANCE – EXCEPTION REPORTING APRIL – JUNE 2017 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 13 September, 2017 by the Director of Infrastructure services which detailed exceptions in performance monitoring that were significantly above or below performance targets.

Following discussion, the Committee:-

- (1) **noted** the positive performance achieved from April to June, 2017, as detailed in paragraph 2.3 of the report,
- (2) **noted** the measures where performance was below expectations in April to June, 2017 (Quarter 1), as detailed in Appendix 1 of the report, and
- (3) **noted** the publication of the complete April to June, 2017 performance report, along with a reporting rationale document for all indicators, on Ward Pages.

9. AREA COMMITTEE BUDGET 2017-2018

Councillor Hassan declared an interest as regards the application from the Balmedie Leisure Centre, as the Council’s representative on this body. As he felt this interest was clear and substantial, he indicated that he would not take part in the debate of this application and he withdraw from the chamber during discussions on this application.

Councillor Davidson declared an interest as regards the application from Foveran Community Council, as she had facilitated a meeting at which a decision was taken that the group would apply for funding. As she was not a member of the group, she felt this interest was not clear and substantial and therefore she indicated that she would take part in the debate of the application.

Councillor Thomson declared an interest as regards the application from the Rotary Club of Ellon, as a member of club. As he felt this interest was clear and substantial, he indicated that he would not take part in the debate of this application and he withdrew from the chamber during discussions on this application.

With reference to the Minute of Meeting of this Committee of 21 March, 2017 (Item 11), at which the broad allocation of the Area Committee Budget for 2017-18 was agreed, there was circulated a report dated 15 September, 2017 by the Director of

Business Services which detailed requests for funding that had been received from local groups.

Tidy Village Scheme 2017/2018

A request had been received from Ythan Community Council that the Ythan Community Council catchment be added to the list of communities who could apply for an award from the Tidy Village Scheme.

After consideration of the information provided, the Committee **agreed to award £1,000** to Ythan Community Council, for this year and continuing in perpetuity for as long as these awards are available and appropriate proposals are provided, so long as the Community Council are satisfied that the amalgamated area payment is providing best value.

Balmedie Leisure Centre

An application had been received from the Balmedie Leisure Centre, which sought a contribution towards the upgrade of existing CCTV and additional security cameras for the leisure centre.

After consideration of the information provided, the Committee **agreed to award £3,000** to the group.

Turriff Gymnastics Club

An application had been received from the Turriff Gymnastics Club, which sought a contribution towards the replacement and upgrade of their apparatus.

After consideration of the information provided, the Committee **agreed to award £3,000** to the group, but requested that Turriff Common Good Funding be explored in the first instance.

Meldrum Amenities Improvement Group

An application had been received from the Meldrum Amenities Improvement Group, which sought a contribution towards necessary repairs to the Christmas illuminations for the Oldmeldrum area.

After consideration of the information provided, the Committee **agreed to award £837** to the group.

Belhelvie Community Council

An application had been received from the Belhelvie Community Council, which sought a contribution towards a local community Christmas celebration event.

Councillor Hassan, seconded by Councillor Thomson, moved that the Committee award £1,012.

Councillor Davidson, seconded by Councillor Gifford, moved as an amendment that the application be declined on the basis that this would be repeat funding.

The members voted as follows:

For the Motion:	5	Councillors Adam, Forsyth, Hassan, Kloppert, and Thomson
For the Amendment:	5	Councillors Davidson, Gifford, Owen, Stirling and Taylor

The Chair exercised her casting vote in favour of the amendment.

Therefore the **amendment was carried** and the Committee declined to award any funds on the basis that this would be repeat funding.

Rotary Club of Ellon

An application had been received from the Rotary Club of Ellon, which sought a contribution towards a secure, fenced and gated area with a level flat surface, for users of the Bothy Day Care Centre who have mobility issues.

After consideration of the information provided, the Committee **agreed to award £1,000** to the group.

Foveran Community Council

An application had been received from the Foveran Community Council, which sought a contribution towards information boards to direct Newburgh beach visitors to an appropriate area to watch the seals that have hauled out on to the sands. There would also be information provided on types of seals and information about safety in relation to seals.

After consideration of the information provided, the Committee **agreed to award £1,921.50** to the group.

Amendment to minute

Daviot Amenities Improvement Group

An application had been received from the [Daviot Amenities Improvement Group](#), which sought a contribution towards a festive light display for the Daviot Community and the light switch on event.

Members were advised that since the application had been circulated, the applicant had advised that for this first year, the local hall had agreed to supply and pay for the electricity for the tree lights. On that basis, the amount requested by the group had been reduced accordingly.

After consideration of the information provided, the Committee **agreed to award £1,965.75** to the group.

10. 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 also **noted** the following updates by the Area Manager:-

- (1) As regards the identification of a site for a new school, as at item 1 of the report, a briefing had been arranged for local members but would be extended to all Formartine members,
- (2) As regards the drop-off zone at Balmedie school, as at item 1 of the report, it had been confirmed that Developer Obligation funding was not available. Information and costings had therefore been shared with the Education Service but if any monies were available they would not be released until the 2018/19 budget.

11. SALE OF BALMACASSIE CEMETERY SITE, ELLON – REPORT BY DIRECTOR OF BUSINESS SERVICES

There had been circulated a report dated 20 September, 2017 by the Director of Business Services which sought approval of the sale of the Balmacassie Cemetery Site in Ellon.

Following discussion, the Committee **approved** the sale of the proposed new cemetery site at Balmacassie (shown edged black and hatched on the plan at Appendix 1 of the report), to Brewdog Plc, without the requirement to first obtain planning permission for cemetery use on at least part of the replacement site at Auchterellon (shown edged black and shaded on the plan at Appendix 2 of the report).

Councillor Presiding over meeting

Councillor Isobel Davidson

Print Name

Signature

3 October, 2017

Date

APPENDIX A

5A. Reference No: APP/2017/0869

Full Planning Permission for Erection of 2 Wind Turbines, 50m Hub Height and 74m to Blade Tip and Associated Infrastructure at Land West of North Haddo, Fyvie, Turriff

Applicant: Mr William Wyness
Agent: Green Cat Renewables Ltd

The Senior Planner introduced the report and thereafter the Committee:-

- (1) **agreed** to **defer** consideration of the application, pending a Site Visit to allow members to assess the impact of the proposed development on the landscape and local amenity, and
- (2) **requested** that officers provide for the next Committee:
 - a) an overlay map showing the turbines in the area
 - b) a photomontage from the closest property to the proposed wind turbines.

5B. Reference No: APP/2017/1392

Councillor Hassan declared an interest as a member of Historic Environment Scotland. As he did not feel this interest was clear and substantial, he indicated that he would take part in the debate of the item.

Full Planning Permission for Extension to Existing Quarry for Continued Extraction of Sand and Gravel, Operation of Ready-Mix Concrete Plant and Phased Quarry Restoration at Lovie Quarry and Concrete Products, Methlick Quarry, Methlick, Aberdeenshire, AB41 7EN

Applicant: Lovie Ltd
Agent: Dalgleish Associates Ltd

The Planner introduced the report, highlighting that should the members be minded to grant the application, it was recommended that further conditions be added in relation to paragraph 6.25 of the report. The Committee then heard an oral representation from the applicant.

During discussion, the members asked whether there was any blasting associated with the proposals; sought clarification on tree loss; asked if there could be earlier archaeological monitoring; asked whether the local Community Council had been consulted; and asked about the routing of vehicles, particularly at peak school times, noting that there was to be no increase in traffic movements.

Following debate, the Committee **agreed** that authority to **grant** be delegated to the Head of Planning and Building Standards, subject to:-

- (a) The conclusion of a Section 75 Agreement in respect of securing an appropriate restoration bond for the development,
- (b) A condition in respect of an annual archaeological update,

- (c) Conditions in respect of paragraph 6.25 of the report, with it being requested that there be early compensatory planting, and
- (d) The following conditions:

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect after a period of 11 years and 4 months from the date on which works began – as stated on the Notice of Initiation of Development (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with the agreed restoration scheme submitted to and approved in writing by the Planning Authority under the terms of condition 2 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration of the site.

2. No works in connection with the development hereby approved shall commence unless full details of a scheme for the restoration and aftercare of the application site has been submitted to and approved in writing by, the Planning Authority.

Prior to the cessation of this permission the site shall be restored in accordance with the approved restoration and aftercare scheme. For the avoidance of doubt, the Aftercare / Restoration scheme to be submitted shall have regard to the 'Rationale and Objectives' stated within section 9.3 of Planning and Environmental Statement, Dalgleish Associates Ltd (May 2017) and to 'Indicative Restoration Plan', Dalgleish Associates Ltd (Dated: 06.03.2017).

Reason: To ensure the timeous and appropriate restoration and aftercare of the site in the interests of the amenity of the area.

3. No works in connection with the development hereby approved shall commence unless a full details of a scheme for suppressing dust from activities on the site has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not operate unless the dust suppression scheme has been implemented in accordance with the approved details. Once implemented the dust suppression scheme shall thereafter be permanently retained in accordance with the approved details.

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

4. The development hereby approved shall be carried out in complete accordance with the approved detailed working method statement detailed within section 3 of Planning and Environmental Statement, Dalgleish Associates Ltd (May 2017).

Reason: To ensure adequate protection of the environment within the vicinity of the development.

5. No works in connection with the development hereby approved shall commence until full details of the proposed phasing have been submitted to and agreed in writing by the Planning Authority. Thereafter the development shall be carried out in full accordance with the approved phasing scheme.

The phasing scheme shall be informed by the following documents:

Title: 'Phasing Plan', Dalgleish Associates Ltd (06.03.2017)
Title: 'Phase 1 Development Plan', Dalgleish Associates Ltd (06.03.2017)
Title: 'Phase 2 Development Plan', Dalgleish Associates Ltd (06.03.2017)
Title: 'Phase 3 Development Plan', Dalgleish Associates Ltd (06.03.2017)
Title: 'Phase 4 Development Plan', Dalgleish Associates Ltd (06.03.2017)
Title: 'Phase 5 Development Plan', Dalgleish Associates Ltd (06.03.2017)

The phasing plan shall also include cross sections across each of the individual phases, clearly detailing the existing ground level, extraction ground level and post restoration ground level AOD. These plans shall be at an appropriate scale to be agreed with the Planning Authority.

Reason: To ensure that the site is developed in an appropriate manner in the interests of the visual amenities of the area.

6. The development hereby approved shall not operate out with the hours of 07:30 – 17:30 Monday to Friday; 07:30 – 12:30 Saturday.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

7. All Heavy Goods Vehicles entering and leaving the site shall be sheeted in order to restrict the escape of dust.

Reason: In the interests of road safety and in order to ensure that the development would not result in undue loss of amenity for surrounding properties and to ensure adequate protection of the environment.

8. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works.

Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a postexcavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been

submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

9. No development shall commence within the area marked as Phase 3 on the 'Phasing Plan', Dalgleish Associates Ltd (06.03.2017), until such a time as a bat survey has been undertaken on trees which are to be removed. In the event that bats are found to be present, a programme of mitigation shall be submitted to and agreed with the Planning Authority. Thereafter and prior to the commencement of development within the area marked as Phase 3 on the 'Phasing Plan', Dalgleish Associates Ltd (06.03.2017), any agreed mitigation works shall be carried out and maintained for a timescale agreed within the mitigation scheme.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

10. No extraction in connection with any phase of the development hereby approved shall take place unless the proposed surface water drainage measures for that phase has been provided in accordance with the details contained within section 7.8 of Planning and Environmental Statement, Dalgleish Associates Ltd (May 2017). The surface water drainage measures shall be permanently retained thereafter in accordance with the approved scheme.

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

5C. Reference No: APP/2017/1830

Full Planning Permission for Change of Use from Forestry/Agriculture Buildings and External Storage Area to Storage and Distribution (Class 6) (Retrospective) at Land at Bruntstone Farm, St Katherines, Inverurie

Applicant: Mr Bill Miazek
Agent: Case Consulting Limited

The Senior Planner introduced the report and the Chair highlighted that this was a retrospective application.

During discussion, the members asked about the type of woodland in the area.

Thereafter, the Committee **agreed** to **defer** consideration of the application, pending a Site Visit to allow members assess the impact of the proposed development on the landscape and local amenity and to assess the extent of the development.

5D. Reference No: APP/2017/1841

Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Beech Lodge, Turriff, Aberdeenshire, AB53 8BU

Applicant: Mr and Mrs B Sheridan-Watt
Agent: Baxter Design Company (Old Deer) Ltd

The Senior Planner introduced the report and the Committee heard an oral representation from the applicant and their agent, with the applicant providing additional information in relation to protected characteristics.

During discussion, members asked for clarity on why the Planning Service did not consider the proposal to be part of a cohesive group.

Thereafter, Councillor Stirling, seconded by Councillor Adam, moved that as a departure from policy, authority to grant be delegated to the Head of Planning and Building Standards, on the grounds that weighting should be placed on the circumstances of the applicant, as disclosed at the meeting.

Councillor Gifford, seconded by Councillor Davidson, moved as an amendment that the application be refused in line with the recommendations within the report.

Councillor Thomson, seconded by Councillor Hassan, moved as a second amendment that consideration of the application be deferred, pending further information and an Equalities Impact Assessment.

The members voted as follows on the two amendments:

For the first amendment	2	Councillors Davidson and Gifford
For the second amendment	8	Councillors Adam, Forsyth, Hassan, Kloppert, Owen, Stirling, Taylor and Thomson

Councillor Stirling withdrew her motion and therefore **the second amendment was carried** that consideration of the application be **deferred**, pending further information and an Equalities Impact Assessment, to be carried out by the Planning Service in consultation with the applicant.