

ABERDEENSHIRE COUNCIL
FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 28 NOVEMBER 2017

Present: Councillors I Davidson (Chair), I Taylor (Vice-Chair), K Adam, A Forsyth, J Gifford (Items 1 to 5B), A Hassan, P Johnston, A Kloppert, A Stirling and R Thomson.

Apologies: Councillor G Owen.

Officers: E Brown (Formartine Area Manager), C Young (Committee Officer, Formartine), M Ingram (Solicitor, Legal and Governance), A Ramsay (Senior Planner, Infrastructure Services), A Macleod (Housing Manager, Strategy, Infrastructure Service), D Newlands (Housing Manager, Asset Management and Repairs, Infrastructure Services), S Cochrane (Project Manager, Business Services) and N McDonald (Area Commander, Police Scotland).

PRELIMINARIES

The Chair paid tribute to Mr Jim Anderson, a former Formartine Councillor, who had sadly passed away. The Committee expressed their condolences to his family.

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 5C as the Committee's representative on the Balmedie Leisure Centre Management Committee. The group had submitted an objection to this application and, 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. He also declared an interest in Item 6A as he was a paying 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 Johnston declared an interest in Item 5C as, although he had not expressed any views, he had attended several meetings at which this application had been discussed. 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.

Councillor Kloppert declared an interest in Item 5E as she knew the applicant and had dealings on the land. 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.

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

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 Items 11 and 12 of the business on the grounds that they involve the likely disclosure of exempt information of the class described in Paragraphs 8, 9 and 10 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 7 NOVEMBER, 2017

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 7 November, 2017, subject to the following amendment:

The location of the meeting was updated to read "The Baden Powell Centre, Baden Powell Road, Turriff".

4. POLICE SCOTLAND – PERFORMANCE MONITORING AND OPERATIONAL UPDATE

There had been circulated a report dated 1 November, 2017 by the Director of Business Services which informed members of how Police Scotland were performing locally in Formartine during the period April 2017 to September 2017, compared to the same in the previous year.

The Area Commander was in attendance and provided an overview of the information contained within the performance report.

During discussion, the members noted that there were fewer categories being reported, but that information had been amalgamated; asked about the nature of the sexual crimes that had been committed; queried the increase in motor vehicle crimes in the Ellon and District area; asked whether there was any misuse of the call centres; queried whether there were any trafficking problems in this area; sought clarity on the interpretation of the figures, in terms of whether there had been an increase in crime or detection; and commented that it would be helpful to receive information that was useful to the communities, for example in relation to incidents on the roads.

Thereafter the Committee:-

- (1) **noted** the performance monitoring information relating to the Aberdeenshire component of the North East Division of Police Scotland, and

- (2) **requested** that consideration be given to regular meetings for ward members with their local Inspectors / Sergeants, to enable better communication regarding local issues.

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	Grant
B. APP/2017/1817	Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Boghead, Cross of Jackson, Inverurie	Delegated Grant
C. APP/2017/1860	Full Planning Permission for Erection of Fence and 3 Sheds at Balmedie Congregational Church, Rowan Drive, Balmedie	Item Withdrawn by Planning Service
D. APP/2017/1945	Full Planning Permission for Erection of Replacement Shed to House Biomass Boiler and Repair Workshop for Agricultural Tools & Vehicles for Own Use at Millfield House, Garmond, Cuminestown	Grant
E. APP/2017/2242	Full Planning Permission for Erection of Timber Hut at Land Adjacent to Hill of Braiklay, Tarves	Grant

6. PLANNING APPEAL DECISION NOTICES

A. APP/2016/2715 - THE VILLA, HOUSE OF DAVIOT, MACKENZIE DRIVE, DAVIOT

Councillor Hassan declared an interest as he was a paying 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.

There had been circulated, a Planning Appeal Decision Notice dated 13 October, 2017, advising that the reporter allowed the appeal and varied listed building consent by deleting condition 1 and substituting it.

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.

**B. APP/2016/3332 - LAND TO REAR OF 15 DRUMSINNIE DRIVE,
ROTHIENORMAN**

There had been circulated, a Planning Appeal Decision Notice dated 27 October, 2017, advising that the reporter dismissed the appeal and refused planning permission in principle.

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.

**C. APP/2016/3465 - LAND AT FORMER EAST ABERDEENSHIRE GOLF
CENTRE, MILLDEN, BALMEDIE**

There had been circulated, a Planning Appeal Decision Notice dated 30 October, 2017, advising that the reporter dismissed the appeal and refused planning permission in principle.

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. LOCAL HOUSING STRATEGY 2018-2023

There had been circulated a report dated 17 October, 2017 by the Director of Infrastructure Services which sought comment on the draft Local Housing Strategy.

During discussion the members asked whether the service were successful in bringing private, empty homes back into use; questioned the methods for identifying local demand for housing; welcomed the proposals for contributions towards the regeneration of town centres and the maximising of incomes through changing behaviours and energy assessments; and raised concern about the potential impact of welfare reform on homelessness.

Thereafter, the Committee provided the following **comments**:-

- (1) The Committee welcomed this policy and agreed that the priorities listed were correct,
- (2) There needed to be a mechanism to identify the correct areas with housing needs and this should be addressed within the needs assessment,
- (3) There were concerns about the impact of welfare reform in relation to homelessness and universal credits.

8. VOIDS UPDATE

There had been circulated a report dated 8 November, 2017 by the Director of Infrastructure Services which provided an update on housing void properties in the area.

During discussion the members sought clarity on properties available to let but still void; asked whether the Service had concerns about meeting the target for Energy Efficiency Standard for Social Housing by 2025; queried whether a lack of amenities led to certain properties being harder to let; and commended the new technical hub that was improving the way the repairs service operated.

Thereafter, the Committee:-

- (1) **noted** the work being carried out to maximise the availability of properties, and
- (2) **agreed** to receive further reports.

9. LOCAL PUBLIC HOLIDAYS 2018

There had been circulated a report dated 27 October, 2017 by the Director of Business Services which provided detail of the proposed local public holiday dates for 2018 for the Formartine area.

Following consideration of the information provided, the Committee:-

- (1) **agreed** the local holiday dates for the Formartine area for 2018, as detailed in the appendix to the report, and
- (2) **noted** that Area Managers, in conjunction with Councillors, community groups and members of the business community, may have delegated authority to set public holidays dates after revisions to the Scheme of Governance, due to be considered by Full Council in June 2018 and September 2018.

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.

As regards the item relating to festive lighting, the Area Manager updated that a request had been made to the Director of Infrastructure Services and the Chair of Infrastructure Services Committee, for their consideration that a report come back to the Area Committees in the first instance, however it was noted that Formartine had been the only area to request this.

11. PROJECT 18217: RELOCATION OF ELLON BULKING STATION, BALMACASSIE, ELLON GATEWAY 3 REPORT

There had been circulated a report dated November, 2017 by the Director of Business Services which sought approvals in relation to the project to relocate the Ellon Bulking Station at Balmacassie, Ellon.

Following consideration of the information provided, the Committee:-

- (1) **approved** the project overall budget as set out within the report,
- (2) **approved** the appointment of Morrison Construction to carry out the works as the most economically advantageous tender, as detailed within the report,
- (3) **approved** the updated Full Business Case as detailed in Appendix C and Appendix D to the report, and
- (4) **approved** that the project progress to Gateway Stage 4: Construction.

12. LEASE OF LAND AT CHAPELPARK, OLDMELDRUM FOR THE CONSTRUCTION OF A TRANSPORT INTERCHANGE

There had been circulated a report dated October, 2017 by the Director of Business Services which sought approval for a lease of land at Chapelpark, Oldmeldrum for the construction of a transport interchange.

During discussion, concern was raised about a lease arrangement and the implications for such if there were changes in the area in the future. However others were mindful that this project was much anticipated by the community and proposed that matters should proceed as recommended.

Following debate, the Committee **approved** the lease to Aberdeenshire Council by Mr and Mrs Paterson, on the terms and conditions contained within the report, for the construction of a transport interchange.

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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 application, which had initially been deferred to allow members to undertake a site visit, and subsequently for additional visualisations.

During discussion, the members asked why a visualisation from the Fyvie Hospital direction had not been provided but it was explained that there was too much vegetation and, as no specific location had been requested, the applicant and officers had chosen the visualisation they felt was most useful.

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

Councillor Stirling, seconded by Councillor Gifford, **moved** as an amendment that the application be refused on the grounds that it had not been assessed under the Deveron and Upper Ythan Valleys Strategic Landscape Capacity Assessment and that the proposed Wind Turbines would have an adverse visual impact on the characteristic of the village of Fyvie, therefore they did not comply with Policy C2 and Policy E2 of the Local Development Plan 2017.

The members voted as follows:

For the Motion:	6	Councillors Adam, Davidson, Forsyth Kloppert, Taylor and Thomson
For the Amendment:	3	Councillors Gifford, Hassan and Stirling
Declined to Vote:	1	Councillor Johnston

Therefore the **motion was carried** that the application be **granted** subject to the following conditions:-

1. No works in connection with the permission hereby granted shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of road safety and to avoid degradation of the road and bridge network.

2. No works in connection with the development hereby approved shall commence unless a fully detailed scheme for the restoration of the site has been submitted to and approved in writing by the Planning Authority. The restoration of the site shall be carried out in complete accordance with the approved restoration scheme.

Reason: In the interests of visual amenity and landscape protection.

3. In the event that any wind turbine fails to produce electricity supplied to a local grid for a continuous period of 6 months then, unless such cessation is due to the turbine being under repair or replacement, that turbine shall be deemed to have ceased to be required and the turbine and all ancillary equipment shall be dismantled and removed from the site and the site fully restored in accordance with the approved restoration scheme.

Reason: In the interests of safety, amenity and environmental protection of the plant becoming redundant during or at the end of its life span.

4. No works in connection with the development hereby approved shall commence unless details of the routes of all power cables and a ground reinstatement plan have been submitted to and approved in writing by the Planning Authority. All cables shall be located underground and the ground thereafter restored in complete accordance with the approved restoration scheme.

Reason: In the interests of visual amenity and landscape protection.

5. No works in connection with the development hereby approved shall commence unless an Abnormal Load Routing Plan (ALRP), written in accordance with Aberdeenshire Council's Abnormal Load Routing (Windfarms) Guidelines, has been submitted to and approved in writing by the Planning Authority. No abnormal load movements shall commence unless all agreed actions from the approved ALRP have been fully implemented in accordance with the approved plan.

Reason: In the interests of road safety and to avoid degradation of the road and bridge network.

6. No wind turbine shall commence operation unless all soil, machinery, equipment and materials stockpiles associated with the construction of that turbine have been removed and the construction area restored to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity and landscape protection.

7. No works in connection with the development hereby approved shall commence unless a TV and radio reception mitigation plan for a 20km radius from the boundary of the development site has been submitted to and approved in writing by the Planning Authority:

- (a) The plan shall provide for a baseline TV and radio reception survey to be carried out prior to commencement of the construction of wind

turbines at the development site, the results of which shall be submitted to the Planning Authority.

- (b) Within 12 months of the commissioning of the development, any claim by any individual person regarding radio interference or TV picture loss or interference at their house, business premises or other building, shall be investigated by a suitably qualified engineer and the results submitted to the Planning Authority within one month of the conclusion of the investigation.
- (c) Should any impairment to the TV or radio signal be attributable to the wind turbine development, the developer shall remedy such impairment within an agreed timescale so that the standard of reception at the affected property is equivalent to baseline TV or radio reception.

Reason: To ensure that any adverse effect on TV or radio reception is rectified.

8. No works in connection with the development hereby approved shall commence unless the developer has provided to the Planning Authority written details of the guarantee or other financial provision that is proposed to be put in place to cover all site restoration and aftercare liabilities at the end of the period of this permission. The developer shall also provide an independent confirmation by a chartered surveyor (whose appointment for this task has been approved by the Planning Authority) that the amount of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of dismantling, removal, disposal, site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs. No works shall commence on site unless written confirmation has been given by the Planning Authority that the proposed guarantee is satisfactory and the developer has confirmed in writing to the Planning Authority that the guarantee has been put in place. The guarantee or other financial provision must:

- (a) be granted in favour of the Council as Planning Authority;
- (b) be from a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- (c) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this permission by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date of this permission and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities;
- (d) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.

In the event that the guarantee becomes invalid for any reason, no operations shall be carried out in connection with the development hereby approved unless a replacement guarantee, completed in accordance with the terms of this condition has been submitted to and approved in writing by the Planning Authority.

Reason: To ensure financial security for the cost of the site reinstatement to the satisfaction of the Planning Authority is in place to provide that any

redundant wind turbines and ancillary equipment is removed from the site, in the interests of the safety and visual amenity of the area.

9. No wind turbine hereby approved shall commence operation unless MOD accredited aviation safety lighting consisting of 25 candela omnidirectional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration has been fitted at the highest practicable point on the hub height of each turbine. Once fitted, the aviation lighting shall be retained throughout the lifetime of each wind turbine.

Reason: In the interests of air safety.

10. No works in connection with the development hereby approved shall commence unless details of the finish and colour of each turbine and all externally visible components of the associated ancillary aspects of the proposal have been submitted to and approved in writing to by the Planning Authority. For the avoidance of doubt each wind turbine shall be finished in a non-reflective off-white/pale grey semi-matt finish and shall not display any advertising on any part of the turbine. The development shall be carried out in complete accordance with the approved details.

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

11. No works in connection with the development hereby approved shall commence unless a written scheme has been submitted to and approved in writing by the Planning Authority setting out a protocol for the assessment and remediation of shadow flicker in the event of a complaint being received from the owner or occupier of a dwelling alleging shadow flicker. For the purposes of this condition "dwelling" means any dwelling which lawfully exists or had planning permission at the date of this permission. The turbines shall operate in accordance with the approved shadow flicker mitigation protocol and must be capable of being programmed to shut down during times and weather conditions when shadow flicker could occur.

Reason: To protect the amenities of nearby residents by reducing an mitigating the impact of shadow flicker.

12. At no time shall the site be illuminated by artificial lighting.

Reason: In the interests of visual amenity and landscape protection.

13. The development hereby approved is consented for a period from the date of this consent until the date occurring 25 years after the date of the Final Commissioning of the Development. Written confirmation of the date of Final Commissioning of the Development shall be provided to the Planning Authority no later than 1 calendar month after that event.

Reason: To define the duration of the consent.

14. The rating level of noise emissions from the combined effects of the wind turbines forming the development (including the application of any tonal penalty) shall not exceed the values for the relevant integer wind speed set out in, or derived from, the table attached to this condition at any dwelling which is lawfully existing or has planning permission at the date

of this permission. Where the level in the table exceeds the lower fixed limit (35Db LA90, 10min. for daytime and quiet daytime hours, and 38dB LA90, 10min for night hours) and also exceeds the measured background noise level, LA90, 10min by 5dB or more, the permitted level will be the lower fixed limit or the background noise level plus 5dB, whichever is the greater. The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria and:

- (a) The development shall not be commissioned unless the developer has submitted a list of independent consultants who may undertake compliance measurements in accordance with this condition and has received written approval from the Planning Authority of that list. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.
- (b) The development shall not be commissioned unless details regarding the tonality assessment carried out on the turbine and a copy of the standard detailing the assessment method have been submitted to and approved in writing by the Planning Authority. Where the tone level above audibility is 2dB or greater than a tonal penalty in accordance with figure 16 in the document "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97) shall be applied to the permitted noise levels set out in this condition.
- (c) The developer shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months and shall include the average wind speed in metres per second for each 10 minute period. The measuring periods shall be set to commence on the hour and in 10 minute increments thereafter.

The wind speed shall be standardised to 10m height. The developer shall provide this information to the Planning Authority in an electronic spreadsheet (Microsoft Excel or other suitable format agreed with the Planning Authority) within 21 days of receipt in writing of a request to do so.

- (d) The developer shall employ an independent consultant approved by the Planning Authority to measure, at the developer's own expense, the level of noise emissions from the wind turbines within the first year of the operation of the turbines and every two years thereafter. The biennial noise emissions monitoring shall continue for the working life of the turbines unless the Planning Authority determines in writing that the period between noise monitoring surveys can be extended or that continued routine monitoring is no longer required. The development shall not be commissioned unless the procedure for measuring the noise emissions for the first year of operation has been approved in writing by the Planning Authority. Thereafter, all subsequent measurement procedures shall be agreed in writing with the Planning Authority prior to the commencement of each biennial monitoring survey. The developer shall provide a report detailing the results of the monitoring survey to the Planning Authority within 3 months of completion of the monitoring survey. Unless otherwise agreed in writing by the Planning Authority the turbines shall be switched off during part of the monitoring period to permit reliable background

noise level data to be determined at the range of wind speeds from 4m/s to 12m/s.

- (e) Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the developer shall, at their expense, employ an independent consultant approved by the Planning Authority to investigate the cause of the complaint. The investigation shall include measurement of the level of noise emissions from the wind turbines and measurement and analysis of amplitude modulation effects and any tonal component. Authority shall set out the dates, times and locations to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component and/or amplitude modulation effects. Where the property to which a complaint is related is not listed in Table 1 attached to this condition, the developer shall agree in writing with the Planning Authority the noise limits from those listed in the table that shall be adopted at the complainant's property for compliance checking purposes. The proposed noise limits shall be those limits specified for a listed location which is likely to experience the most similar background noise environment to that experienced at the complainant's property.

The chosen noise limits for the complainant's property shall be submitted to and approved in writing by the Planning Authority before the noise emissions assessment is carried out.

- (f) The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement locations where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain amplitude modulation effects and/or a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph (e), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- (g) Within 3 months of the date of the written request of the Planning Authority made under paragraph (e) the developer shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise emissions. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

Table 1

Location		Standardised Wind Speed at 10m height in m/s averaged over 10 minute periods. Sound Pressure Levels in dB L _{A90} 10min									
Property Name	Map Ref	4	5	6	7	8	9	10	11	12	
H1 North Haddo	375425 839167	22	26	29	32	34	35	35	35	35	
H2 Mid Haddo	375470 838779	22	26	29	32	34	35	35	35	35	
H3 East Haddo	375559 838786	21	25	28	31	33	33	33	33	33	
H4 South Haddo	375473 838147	18	22	26	29	31	31	31	31	31	
H5 RB Cottages East	374904 837827	18	22	26	29	31	31	31	31	31	
H6 Gardeners Cottage	374538 838092	21	26	29	32	34	34	34	34	34	
H7 Burnside of RB	373801 839183	21	26	29	32	34	34	34	34	34	
H8 Sunnidale	373840 839308	21	26	29	32	34	34	34	34	34	
H9 Blindmills	373949 839307	22	27	30	33	34	35	35	35	35	
H10 Burreldales	374092 839570	22	27	30	33	34	35	35	35	35	
H11 Burreldales Cottages	373968 840006	17	22	25	28	30	30	30	30	30	
H12 Croft of Woodend	373823 840520	15	18	21	24	26	26	26	26	26	
H13 Upper Bogtama	374136 841029	15	16	19	23	24	24	24	24	24	
H14 Bogtama	374757 841046	15	16	19	23	24	25	25	25	25	
H15 Backhill of Camaloun	374758 840794	15	18	21	24	25	26	26	26	26	
H16 Meikle Camaloun	375347 840271	16	19	23	26	28	28	28	28	28	
H17 South Camaloun	375282 839998	18	22	26	29	30	30	30	30	30	
H18 Rothiebrisbane	374603 837831	19	23	26	29	31	32	32	32	32	
H19 RB Cottages	374486 838068	21	25	29	32	33	34	34	34	34	

Note 1: for all properties not specified above the predicted noise from the turbine will be calculated using the propagation model in ISO 9613-Part 2 incorporating the recommendations contained in the Institute of Acoustics Good Practice Guide dated May 2013.

Note 2: Properties H11, H12, H15, H16 and H17 have been subject to an additional valley effect penalty.

Reason: To ensure that noise limits are not exceeded and to enable prompt investigation of complaints in order to protect nearby residents from undue noise and disturbance from the development.

5B. Reference No: APP/2017/1817

Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Boghead, Cross of Jackson, Inverurie, Aberdeenshire

Applicant: Mr H Irvine
Agent: John Wink Design

The Senior Planner introduced the application, which had been deferred to allow members to undertake a site visit. The Committee then heard an oral representation from the applicant.

During discussion, the members asked about possible landscaping conditions, should the application be granted.

Thereafter, Councillor Taylor, seconded by Councillor Forsyth, **moved** that authority to grant Planning Permission in Principle be delegated to the Head of Planning and Building Standards, subject to satisfactory conditions including those relating to layout, siting & design and landscaping, on the grounds that the proposal was considered to be in keeping with the existing recognised cluster of houses which could be considered a cohesive group, and therefore the proposal complied with the Local Development Plan 2017.

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

The members voted as follows:

For the Motion:	5	Councillors Adam, Forsyth Kloppert, Taylor and Thomson
For the Amendment:	3	Councillors Davidson, Hassan and Stirling
Declined to Vote:	2	Councillors Gifford and Johnston

Therefore the **motion was carried** that authority to **grant** Planning Permission in Principle be **delegated** to the Head of Planning and Building Standards, subject to satisfactory conditions including those relating to layout, siting & design and landscaping, on the grounds that the proposal was considered to be in keeping with the existing recognised cluster of houses which could be considered a cohesive group, and therefore the proposal complied with the Local Development Plan 2017.

5C. Reference No: APP/2017/1860

Full Planning Permission for Erection of Fence and 3 Sheds at Balmedie Congregational Church, Rowan Drive, Balmedie, Aberdeenshire

Applicant: Balmedie Congregational Church
Agent: No Agent

Item withdrawn by Planning Service

5D. Reference No: APP/2017/1945

Full Planning Permission for Erection of Replacement Shed to House Biomass Boiler and Repair Workshop for Agricultural Tools & Vehicles for Own Use at Millfield House, Garmond, Cuminestown, Aberdeenshire, AB53 5UX

Applicant: W And A Strachan
Agent: No Agent

The Senior Planner introduced the application, which had previously been considered by this Committee. At the meeting on 7 November, 2017, the Committee had agreed that Full Planning Permission be delegated to the Head of Planning and Building Standards, subject to the height of the flue being raised to comply with Policy P4, the roof to be finished in corrugated iron and the extended flue being painted to complement the listed building.

Officers advised that the application had come back to the Committee for further consideration, in light of new information. The proposed location of the flue had changed, leading to the withdrawal of the objection by Environmental Health. On this basis, the recommendation of the Planning Service was that the application should be granted in line with the amended drawings.

The Committee then heard an oral representation from the applicant.

Following consideration of the new information provided, the Committee **agreed** to **grant** Full Planning Permission, on the grounds of the amended drawings which confirmed the relocation of the proposed biomass boiler.

5E. Reference No: APP/2017/2242

Councillor Kloppert declared an interest as she knew the applicant and had dealings on the land. As she felt this interest was clear and substantial, she indicated that she would not take part in the debate of this item and she withdrew from the chamber during discussions.

Full Planning Permission for Erection of Timber Hut at Land Adjacent to Hill of Braiklay, Tarves, Aberdeenshire, AB41 7NS

Applicant: Mr David Ellis
Agent: David S Baxter Chartered Architect

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

During discussion the members sought clarity on why planning permission was required; queried the size of the area within the red line boundary; sought clarity on the land use class at present and whether this would change if the proposed development was granted; and queried whether any pre-application advice had been given.

The Senior Planner explained that this was not a change of use application for the land, noting that Scottish Planning Policy referred to huts within the guidance, for the promotion of rural areas. The red line boundary outlined the entire site but if the remainder of the land within the boundary was to be used

splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

3. The hut hereby approved shall be used solely for recreational enjoyment and for no other purposes whatsoever including use as a permanent residential unit without the prior express grant of planning permission by the Planning Authority.

Reason: The use of the hut as a permanent residential unit would not comply with the Council's Local Development Plan policies regarding residential development in this area.

Draft