

**ABERDEENSHIRE COUNCIL**

**FORMARTINE AREA COMMITTEE**

**THE KIRK CENTRE, STATION ROAD, ELLON, 24 APRIL 2018**

- Present:** Councillors I Davidson (Chair), I Taylor (Vice-Chair), S Duncan, A Forsyth, J Gifford, A Hassan, A Kloppert, G Owen, A Stirling and R Thomson.
- Apologies:** Councillors K Adam and 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 Todd, (Planner, Infrastructure Services), G Steel (Principal Engineer, Infrastructure Services), G Robertson (Team Manager, Economic Development and Protective Services), L Watson (Principal Roads Engineer, Infrastructure Services), G Lee (Principal Engineer Bridges, Infrastructure Services), I Mitchell (Trainee Engineer, Infrastructure Services), E Reid (Team Leader, Housing), K McDermott (Team Leader, Community Learning and Development), A Anderson (Head Teacher, Barthol Chapel School), E Duncan (Business Support and Development Manager, Education and Children's Services), L Powell (Catering Services Manager, Education and Children's Services) and T Morgan (Estates Team Leader, Business Services).

**PRELIMINARIES**

The Chair congratulated all Formartine residents who had taken part in the Commonwealth Games 2018, in particular Neah Evans from Cuminstown. The Committee recognised Neah's achievements in winning a silver medal for cycling in the women's 10km scratch race and a bronze medal for cycling in the women's 25km points race.

**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 Thomson declared an interest in Item 4A as he had met with some of the objectors, however he did not express an opinion. Having applied the objective test he concluded that it was so remote and insignificant that he would remain and participate.

Councillor Duncan declared a connection to Item 4B as he was a member of the National Farmers' Union. However having applied the objective test he concluded that he had no interest to declare.

Councillor Taylor declared a connection to Item 4B as he was a member of the National Farmers' Union. However having applied the objective test he concluded that he had no interest to declare.

## 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 Items 17, 18 and 19 of the business on the grounds that they involved the likely disclosure of exempt information of the class described in Paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

## 3. MINUTE OF MEETING OF 20 MARCH 2018

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 20 March, 2018.

## 4. PLANNING APPLICATIONS FOR DETERMINATION

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

Reference	Description	Decision
A. APP/2018/0161	Full Planning Permission for Partial Change of Use to Taxi Business (Retrospective) at 15 Carolines Crescent, Ellon	Refuse
B. APP/2018/0062	Full Planning Permission for Installation of 2 Biomass Wood Burning Boilers & Associated Log Dryer Within Container at Meikle Whiterashes, Turriff	Refuse

## 5. LOCAL REVIEW BODY DECISION NOTICE 406 – PLANNING REF: APP/2017/0462 – SITE AT CHAPEL OF SEGGAT, AUCHTERLESS

There had been circulated, a Local Review Body Decision Notice dated 9 April, 2018, advising of a decision to agree with the determination reviewed by it and refusing

Planning Permission in Principle in accordance with the Appointed Officer's decision, as set out within the notice.

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.

## **6. INFRASTRUCTURE SERVICES QUARTER 3 2017-2018 PERFORMANCE REPORT AND SERVICE PLAN UPDATE (ABERDEENSHIRE PERFORMS)**

There had been circulated a report dated 28 February, 2018 by the Director of Infrastructure Services which detailed exceptions in performance monitoring that were significantly above or below performance targets.

The Committee:-

- (1) **acknowledged** the good performance achieved October to December 2018 (Quarter 3) as detailed within the report,
- (2) **noted** the measures where performance was below expectations October to December 2018 ,
- (3) **noted** the progress of actions set out in the Infrastructure Services Service Plan 2017-2020,
- (4) **noted** the publication of the complete October to December 2018 Performance Report and the Service plan Update on Ward Pages and the Council's website,
- (4) **instructed** the Director of Infrastructure Services to continue to report, by exception, to committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the service plan, and
- (5) made the following **comments** to be raised with the Service:
  - In relation to the street lighting faults completed within 7 days, does this number refer to those repaired, and
  - It would be helpful to have more detail around the number of Trading Standards complaints received and the percentage dealt with within 14 days, in terms of why the performance was on a downward trend until January 2018.

## **7. FLOOD RISK AND COAST PROTECTION PROGRAMME OF MEASURES 2018/2019**

There had been circulated a report dated 29 March, 2018 by the Director of Infrastructure Services which detailed the proposed flood risk and coast protection programme of measures for 2018/2019.

During discussion, the members welcomed the report and asked about the Ellon flood study; asked if there was an update in relation to previous issues at Newburgh; sought an update on the Foudon issue at Fyvie; asked about the works taking place in Rothienorman, highlighting that residents were still interested in moving forward

with flood prevention; sought an update on ongoing discussions with Scottish Water; asked for future consideration of the possible impact of flooding on the Roo Emah bridge; raised the issue of flooding at Manse Road in Methlick; highlighted a flooding issue on the road beside Barra Castle in Oldmeldrum, caused by surface water; asked when the proposed works in Potterton were likely to be carried out; and queried the cost of administration and staffing costs.

Thereafter, the Committee:-

- (1) **approved** the Flood Management and Coast Protection Programme of Measures for 2018/2019 as detailed in Appendix A, as it relates to the Formartine Area,
- (2) **approved** the schemes on the Reserve List of Measures within the Formartine Area, as detailed in Appendix A,
- (3) **agreed** that schemes could be brought forward from the Reserve List in the order of priority given in the event of slippage, provided that their inclusion did not result in the overall expenditure exceeding the allocated budget sum,
- (4) **instructed** officers to provide a briefing to members in relation to the Ellon Flood Study, ahead of a public meeting, and
- (5) **instructed** officers to provide updates to members in relation to discussions around the issues at The Meadows in Ellon.

#### **8. FORMARTINE 2018/2019 BRIDGEWORKS (ROAD NETWORK)**

There had been circulated a report dated 6 April, 2018 by the Director of Infrastructure Services which detailed the proposed 2018/2019 bridgeworks within the Formartine area.

During discussion, the members thanked officers for the works carried out to date; sought an update on the two bridges between Ardlethen and Esslemont; and queried whether the works to Meiklemill footbridge were design only for the 2018/2019 period.

Thereafter, the Committee:-

- (1) **approved** the Formartine area 2018/2019 bridgeworks programme (road network), as detailed in Appendix A of the report, and
- (2) **noted** that approval for any procurements over £50,000 in relation to the approved Formartine area 2018/2019 bridgeworks programme would be sought within the Infrastructure Service 2018/2019 procurement work plan.

#### **9. ASSET DISPOSAL AND REINVESTMENT**

There had been circulated a report dated 1 March, 2018 by the Director of Infrastructure Services which sought comment on the proposed strategy for asset disposal and reinvestment in relation to the Housing Revenue Account.

During discussion, the members sought clarification on what a 'poorly performing asset' related to; and sought assurance that any decisions taken would be within the best interests of a tenant.

Thereafter, the Committee:-

- (1) **agreed** that it was supportive of the proposed strategy to dispose of poorly performing assets on the Housing Revenue Account, to be approved on a case by case basis following the process as detailed in paragraphs 2.4 to 2.8 of the report, and
- (2) **agreed** that it was supportive of the proposal to reinvest the proceeds from any disposals to enable the delivery of affordable housing in the local area.

#### **10. COMMUNITY LEARNING AND DEVELOPMENT PLAN REFRESH 2018-2021**

There had been circulated a report dated 13 March, 2018 which provided an update on the works carried out under the 2015-2018 Community Learning and Development Plan and detailed the proposed plan for 2018-2021.

Following discussion, the Committee:-

- (1) **noted** the work done by the Aberdeenshire Learning Communities Partnership (ALCP) in leading on the partnership Community Learning and Development Plan (2015-2018) to co-ordinate the delivery of community learning and community development in Aberdeenshire,
- (2) provided the following **comments** on the proposed Improvement Priorities identified by ALCP for the next three year Community Learning and Development Plan for the period September 2018 to August 2021 to the Education and Children's Services Committee:-
  - (a) How do the Councillors feed into the strategy / priorities as there has been no information shared,
  - (b) There is currently no Councillor input into Local Learning Partnerships or Councillor invites to relevant events,
  - (c) What scrutiny and governance will be in place for the proposed plan,
  - (d) There does not appear to be any reference to the Health and Social Care Partnership in terms of partnership working,
  - (e) Are there any links to HMP Grampian,
  - (f) The Service feeding in to the Mental Health Strategy would be welcomed, and
  - (g) It would be helpful to hold workshops / informal sessions for Councillors, and
- (3) **instructed** the Area Manager to circulate to members, the contact details for the Community Learning and Development officers in the Formartine Area.

#### **11. EDUCATION SCOTLAND INSPECTION – BARTHOL CHAPEL SCHOOL**

There had been circulated a report dated 16 February, 2018 by the Director of Education and Children's Services which provided an update following an Education Scotland Inspection of Barthol Chapel School.

The Head Teacher was in attendance to brief the members on findings of the inspection and thereafter the members commended the Head Teacher, staff, pupils and parents. It was also noted that the school was hosting an event on 23 May to celebrate the school's 50<sup>th</sup> anniversary.

Thereafter, the Committee:-

- (1) **noted** the content of the report,
- (2) **endorsed** the service's continuing efforts in support of its school in the Education Scotland inspection process and in the raising of standards of attainment and achievement in all aspects of school life, and
- (3) **agreed** to further reports on Education Scotland school inspections being presented.

## **12. EDUCATION AND CHILDREN'S SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER TO DECEMBER 2017 (ABERDEENSHIRE PERFORMS)**

There had been circulated a report dated 21 February, 2018 by the Director of Education and 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 October to December 2017, as referred to in paragraphs 2.3 to 2.6 of the report,
- (2) **noted** the measures where performance was below expectations October to December 2017, as referred to in paragraphs 2.5 and 2.6 of the report,
- (3) **noted** publication of the complete October to December 2017 Performance Report on Ward Pages,
- (4) **instructed** the Director of Education and Children's Services to continue to report to committee quarterly, by exception, performance measures against Service objectives, and
- (5) made the following **comment** to be raised with the Service:
  - In relation to the percentage of Service Completed Complaints that were completed within a stage one deadline, the recent performance was significantly below the threshold and further detail was required on the reasons for this.

## **13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR FUNFAIR AT HIGH STREET, TURRIFF**

There had been circulated a report dated 27 March, 2018 by the Director of Business Services which asked the Committee to consider a proposed extension of operating hours for a funfair at the High Street in Turriff.

Following consideration of the information provided, the Committee **agreed to grant** an extension to the hours of operation for the funfair, permitting the following operational hours:

Monday, 7 May 2018: 10:00 – 17:00 hours

#### **14. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR FAIRGROUND EQUIPMENT AT THE HAUGHS, TURRIFF**

There had been circulated a report dated 12 April, 2018 by the Director of Business Services which asked the Committee to consider a proposed extension of operating hours for a fairground equipment at the Haughs in Turriff.

Following consideration of the information provided, the Committee **agreed to grant** an extension to the hours of operation for the funfair, permitting the following operational hours:

Sunday, 13 May 2018: 10:00 – 16:00 hours

#### **15. AREA COMMITTEE BUDGET 2018-2019**

With reference to the Minute of Meeting of this Committee of 20 March, 2018 (Item 9), at which the broad allocation of the Area Committee Budget for 2018-19 was agreed, there was circulated a report dated 6 April, 2018 by the Director of Business Services which detailed requests for funding that had been received from local groups.

##### Daviot Community Trust

An application had been received from the Daviot Community Trust which sought a contribution towards the construction of a maintenance facility, for the garaging and maintenance of machines and equipment that were required for the ongoing improvement and enlargement of the paths and general land / woodland that the group now manage.

After consideration of the information provided, the Committee **agreed to award £5,000.**

##### Fyvie Football Club

An application had been received from the Fyvie Football Club which sought a contribution towards the renovation of the club's changing rooms, to enable them to enter a team into the North East Scotland Football Association Welfare League.

After consideration of the information provided, the Committee **agreed to award £5,000.**

#### **16. 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.

In relation to Item 4, the members noted that the Formartine Area Committee had powers, under Section 2A-b-11.3 of the Scheme of Governance to determine the

making of permanent or experimental orders for the regulation of traffic and thereafter **instructed** officers to:-

- (1) bring forward proposals for the implementation of an experimental 20mph limit for one year within Newburgh, with proposals to include an option for Main Street and School Road, as well as an option for all areas within Newburgh that are currently set at 30mph, and
- (2) bring forward proposals for measuring the outcomes of this trial over the one year period that it's in place.

#### **17. ANNUAL WORK PLAN FOR EDUCATION AND CHILDREN'S SERVICES DIRECTORATE – PROCUREMENT APPROVAL**

There had been circulated a report dated 15 March, 2018 by the Director of Education and Children's Services which detailed the proposed Annual Work Plan for the Education and Children's Services directorate.

During discussion, the members asked about staffing and about timescales for the project, thereafter noting that it would not be possible for all works to be carried out within the school holidays.

Thereafter, the Committee:-

- (1) **noted** the Directorate Work Plan as detailed in Appendix 1 of the report,
- (2) **approved** the item on the Work Plan identified as falling within the remit of the Committee,
- (3) **confirmed** that it did not wish to reserve approval of the Business Case for the item on the Work Plan, and
- (4) **instructed** officers to provide further detail of why there was only deemed to be a positive impact on three of the protected groups, as detailed within the Equalities Impact Assessment attached to the report.

#### **18. PROPOSED LEASE RENEWAL OF SITE 2, CASTLE ROAD INDUSTRIAL ESTATE, ELLON**

There had been circulated a report dated 9 April, 2018 by the Director of Business Services which sought consideration of the proposed lease renewal of Site 2 at the Castle Road Industrial Estate in Ellon.

After consideration of the information provided, the Committee:-

- (1) **approved** the lease renewal of Site 2, Castle Road Industrial Estate, Castle Street, Ellon (shown edged black and shaded on the plan attached at Appendix A of the report), on the terms set out at paragraph 2.4 of the report,
- (2) **delegated** authority to the Head of Legal and Governance, following consultation with the Head of Property and Facilities Management, to agree the detailed terms and conditions of the lease in respect of (1) above,



- (3) **approved** the addition of the item on the Supplementary Work Plan to the Business Services Directorate's Annual Work Plan 2018/2019 in relation to the above transaction, as detailed at Appendix B of the report, and
- (4) **confirmed** that it did not wish to reserve approval of the Business Case for the item on the Work Plan.

#### **19. PROPOSED LEASE OF UNITS 7, 8 AND 12, CASTLE ROAD INDUSTRIAL ESTATE, ELLON**

There had been circulated a report by the Director of Business Services which sought consideration of the proposed lease of Units 7, 8 and 12 at the Castle Road Industrial Estate in Ellon.

Following consideration of the information provided, the Committee:-

- (1) **approved** the letting of Units 7, 8 and 12 Castle Road Industrial Estate, Ellon (shown edged black and shaded on the plan attached to the report), on the terms set out at paragraph 2.4 of the report, and
- (2) **delegated** authority to the Head of Legal and Governance, following consultation with the Head of Property and Facilities Management, to agree the detailed terms and conditions of the lease in respect of (1) above.

## APPENDIX A

### 4A. Reference No: APP/2018/0161

#### **Full Planning Permission for Partial Change of Use to Taxi Business (Retrospective) at 15 Carolines Crescent, Ellon, Aberdeenshire, AB41 8BN**

**Applicant:** Ythan Taxis  
**Agent:** No Agent

The Senior Planner introduced the application and the Committee heard oral representations from the applicant and from a representative of a number of objectors.

During discussion, the members asked whether they could accept the late information that the applicant had circulated; sought clarity on what a wash bay would comprise of and if there would still be room to park all the cars if one was to be installed; queried whether there were any implications for the change of use from residential use to business use, in terms of business rates; asked whether cars were parking on the hardstanding and if they had to access this outwith the dropped kerb areas; queried whether the applicants would be eligible to apply for additional dropped kerbs at their property; questioned whether there were any other examples in the area of residential use being changed to business use; noted that services had commented on the application on the basis of the plans submitted by the applicant; queried the number of car movements from the applicant's address; queried where the cars parked when they were not at the applicant's address; and asked for clarification of whether the taxis stayed with the drivers, noting that someone was employed to wash the cars on five days of the week which suggested that they must return to the applicant's address.

Following debate, the Committee **agreed** to **refuse** the application as it did not comply with Policy P1 Layout, siting and design and Policy P3 Infill and householder developments within settlements from the 2017 Aberdeenshire Local Development Plan in that the development was causing an unacceptable detriment to the amenity of the neighbouring dwellinghouses on Carolines Crescent and Market Brae. There was an unacceptable impact with regards noise, increased traffic and light pollution from car headlamps. A business enterprise of this scale and type was not appropriate for the residential location and was out of character for this area. Further, Infrastructure Services (Roads Development) had commented favourably on the application on the grounds of the plan submitted by the applicant, however evidence had shown that this plan may not have been adhered to by the applicant.

The Area Manager was also **instructed** to liaise with the Planning Service regarding service responses submitted using indicative plans.

### 4B. Reference No: APP/2018/0062

**Full Planning Permission for Installation of 2 Biomass Wood Burning Boilers & Associated Log Dryer within Container at Meikle Whiterashes, Turriff, Aberdeenshire, AB53 5RA**

**Applicant:** AJ & AR Benzie  
**Agent:** James G Ironside Ltd

The Planner introduced the application which was recommended for refusal.

During discussion, the members sought clarification that planning permission was required because there were dwellinghouses within 400m of the development; asked about the change in fuel type being used by the applicant and whether there had been less complaints following the change of fuel; queried whether there was evidence to link the smoke from the biomass boilers to health complaints of neighbouring residents; asked whether using dried wood would reduce the pollutants produced; asked whether it was possible to filter the pollutants being produced; and asked whether this application differed to the application refused in 2017.

Following debate, Councillor Forsyth, seconded by Councillor Stirling, **moved** that the application be refused on the grounds that the proposal was not compliant with Policy P4 Hazardous and potentially polluting developments and contaminated land and Policy C2 Renewable energy, of the Aberdeenshire Local Development Plan 2017, as emissions would cause an unacceptable loss of amenity to nearby dwellinghouses.

As an **amendment**, Councillor Duncan, seconded by Councillor Taylor, **moved** that the application be granted, on the grounds that: the change in fuel meant the development would not cause any loss of amenity to the surrounding area and neighbouring properties; and there was the safeguard that Environmental Health could service notice if there were any future issues.

The members voted as follows:

For the Motion:	<b>8</b>	Councillors Davidson, Forsyth, Gifford, Hassan, Kloppert, Owen, Stirling and Thomson.
For the Amendment:	<b>2</b>	Councillors Duncan and Taylor.

Therefore **the motion was carried** that the application be **refused** on the grounds that the proposal was not compliant with Policy P4 Hazardous and potentially polluting developments and contaminated land and Policy C2 Renewable energy, of the Aberdeenshire Local Development Plan 2017, as emissions would cause an unacceptable loss of amenity to nearby dwellinghouses.