

## ABERDEENSHIRE COUNCIL

### FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 15 MAY 2018

**Present:** Councillors I Davidson (Chair), I Taylor (Vice-Chair), K Adam, S Duncan, A Forsyth, J Gifford, A Hassan (Attendance by Skype for Items 1 to 4F and 6 to 8), P Johnston, A Kloppert, G Owen, A Stirling and R Thomson.

**Officers:** E Brown (Formartine Area Manager), C Young (Committee Officer, Formartine), M Ingram (Solicitor, Legal and Governance), A Ramsay (Senior Planner, Infrastructure Services), S Murison (Senior Planner, Infrastructure Services), G Steel (Principal Engineer, Infrastructure Services – Attendance by Skype), M Hall (Transportation Strategy Manager, Infrastructure Services) and L Hogg (Parking Officer, Infrastructure 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 Davidson declared a connection to Item 4D by virtue of the fact that she was a member of the Haddo Country Park Forum Limited. However having applied the objective test she concluded that she had no interest to declare.

Councillor Johnston declared a connection to Item 4D by virtue of the fact that he was a member of the Haddo Country Park Forum Limited. However having applied the objective test he concluded that he had no interest to declare.

Councillor Duncan declared a connection to Item 4E by virtue of the fact that 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 Forsyth declared an interest in Item 4E by virtue of the fact that he had received and opened an email from the agent which he had responded to with a neutral comment. He later found out that the aforesaid email contained a previous detailed string of conversations to various parties about the application. As he felt it could be construed that his impartiality had been compromised, he stated that he would take no part and would leave the meeting for this item.

Councillor Taylor declared a connection to Item 4E 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.

### 3. MINUTE OF MEETING OF 24 APRIL 2018

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 24 April, 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/2018/0157	Full Planning Permission for Erection of 3 Flats at 2 Major Lane, Oldmeldrum	Delegated Grant
B. APP/2018/0623	Approval of Matters Specified in Conditions for Conditions 1 (q) (aa) (Cable Route Phase) of Planning Permission in Principle Reference APP/2015/0478 for National for Construction of Onshore Electrical Transmission Cables, Comprising an Onshore Transition Jointing Pit, Underground Cables within a 33km (approximately) Long Cable Corridor and the Construction of 2 No. Substations Southwest of New Deer, also Including Temporary Construction Compounds, Access Tracks, Laydown Areas and Other Associated Works at Landing at Inverboyndie Bay, Banff, Travelling to Land West of Cairnbanno House, New Deer	Views Provided to ISC
C. APP/2018/0624	Approval of Matters Specified in Conditions for Conditions 1 (a) - (p) (Substation Site Phase) of Planning Permission in Principle Reference APP/2015/0478 for National Construction of Onshore Electrical Transmission Cables, Comprising an Onshore Transition Jointing Pit, Underground Cables Within a 33km (approximately) Long Cable Corridor and the Construction of 2 No. Substations Southwest of New Deer, also Including Temporary Construction Compounds, Access	Views Provided to ISC

Tracks, Laydown Areas and Other  
Associated Works at Land West of  
Cairnbanno House, New Deer

- |    |               |  |        |
|----|---------------|--|--------|
| D. | APP/2017/3199 | Full Planning Permission for Provision of Outdoor Woodland Kindergarten and Siting of Yurt at Haddo Estate, Mains of Haddo, Tarves                 | Defer  |
| E. | APP/2018/0159 | Full Planning Permission for Change of Use of Existing Building to House Biomass Boiler including Flue (8.5m Total Height) at Ewebrae, Cuminestown | Defer  |
| F. | APP/2018/0567 | Full Planning Permission for Installation of Replacement Windows at Whitehouse, 11 The Square, Tarves  | Refuse |

## 5. PARKING MANAGEMENT IN FORMARTINE

There had been circulated a report dated 11 April, 2018 by the Director of Infrastructure Services which sought comments on the options for parking management within Formartine.

After a full discussion and debate over the proposals, the Committee:-

- (1) **noted** the options to amend tariffs and operation of off street car parks to achieve a balanced Transportation Car Parking Revenue budget,
- (2) **noted** the possible changes to Off Street Parking Orders, and
- (3) provided the following **feedback** to the Parking Management Member Officer Working Group and the Infrastructure Services Committee:-
  - a) Any proposals should be incorporated within a town centre / village centre plan,
  - b) Consideration should be given to a 'toolbox' which would allow settlements to make permitted variations to a standard approach,
  - c) Cognisance should be taken of economic costs as well as financial costs,
  - d) There should be more vigilance in respect of persons parking poorly or abusing the system/s in place but also consideration should be given to decriminilisation,
  - e) Free parking periods should be retained,
  - f) There should be a more gradual increase in cost in line with time spent in a car park, between 3 hours and 10 hours,
  - g) There should be consideration of variation in charges for environmentally friendly vehicles, and

- h) The proposals going forward to ISC should reflect the Council Priorities and Town Centre First Principles.

#### **6. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 – APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR FAIRGROUND EQUIPMENT AT PLEASURE PARK, OLDMELDRUM**

There had been circulated a report dated 26 April, 2018 by the Director of Business Services which sought approval for the extension of operating hours for a funfair at the Pleasure Park in Oldmeldrum.

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

Saturday 16 June 2018: 11:00 – 22:00 hours

#### **7. HOUSING SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING OCTOBER TO DECEMBER 2017 (ABERDEENSHIRE PERFORMS)**

There had been circulated a report dated 20 April, 2018 by the Director of Infrastructure Services which detailed exceptions in performance monitoring that were significantly above or below performance targets.

Following consideration of the information provided, the Committee:-

- (1) **acknowledged** the positive performance achieved October to December 2017 (Quarter 3), as identified in paragraph 2.3 of the report,
- (2) **noted** those measures where performance was below expectations October to December 2017, as identified in Appendix 1 of the report,
- (3) **acknowledged** the publication of the complete October to December 2017 Performance Report, along with a reporting rationale document for all indicators, on Ward Pages, and
- (4) made the following **comments** to be raised with the Service:
  - (a) The average re-let time for properties in Formartine has increased, bringing the trend down, could officers please advise what measures are being taken to address this, and
  - (b) The Committee would like to monitor the EESH programme that is being delivered by Hard FM, could a local monitoring system please be put in place.

#### **8. 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:

- (1) The Council Priorities session be rescheduled to take place after discussions with Policy Committees, and
- (2) An item be added to the statement of outstanding business, seeking general advice in relation to biomass boilers.

Draft

## APPENDIX A

### 4A. Reference No: APP/2018/0157

#### Full Planning Permission for Erection of 3 Flats at 2 Major Lane, Oldmeldrum, Aberdeenshire, AB51 0FX

**Applicant:** J G Ross (Bakers) Ltd  
**Agent:** Eleanor Alexander Architect

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

During discussion, the members asked whether the Transportation Team had been consulted; spoke about the current car park facilities in the area and the proposed interchange; and sought clarification on the number of car parking spaces required for the proposed development.

Following debate, Councillor Hassan, seconded by Councillor Johnston, **moved** that consideration of the application be deferred, pending further information from the Transport Team in relation to car parking availability in the area.

As an **amendment**, Councillor Davidson, seconded by Councillor Forsyth, **moved** that the Committee continue to determine the application as there was sufficient information to do so.

The members voted as follows:

For the Motion:	<b>5</b>	Councillors Adam, Hassan, Johnston, Kloppert and Taylor
For the Amendment:	<b>7</b>	Councillors Davidson, Duncan, Forsyth, Gifford, Owen, Stirling and Thomson

Therefore **the amendment was carried** that the Committee continue to determine the application as there was sufficient information to do so.

Following debate, Councillor Johnston, seconded by Councillor Adam, **moved** that the application be refused on the grounds that there was insufficient information in relation to car parking availability for the development to allow a balanced decision to be taken.

As an **amendment**, Councillor Gifford, seconded by Councillor Forsyth, **moved** that the application be granted in line with the recommendations within the report.

The members voted as follows:

For the Motion:	<b>5</b>	Councillors Adam, Hassan, Johnston, Kloppert and Taylor
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For the Amendment:                    7                    Councillors Davidson, Duncan, Forsyth,  
Gifford, Owen, Stirling and Thomson

Therefore the **amendment** was carried that authority to **grant be delegated** to the Head of Planning and Building Standards subject to:-

- (1) The conclusion of Developer Obligations, and
- (2) The following conditions:-

1. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be erected around the boundary of the site has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be brought into use unless the means of enclosure has been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the neighbouring properties and the occupants of the approved development and the visual amenity and character of the Conservation Area.

2. The building hereby approved shall not be erected unless an Energy Statement applicable to that building has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development,
- b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 Using resources in buildings of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed 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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

3. Notwithstanding the drawings hereby approved, the materials to be used for the external wall finish shall be wet harl and the rainwater goods shall be cast iron fitting. The development shall not be occupied unless the external finish has been applied in accordance with the above approved details.

Reason: In the interests of preserving or enhancing the character or appearance of the conservation area.

4. No windows or doors are to be installed in connection with the development hereby approved unless full details of the proposed windows and doors have been submitted to and approved in writing by the Planning Authority. The details shall include elevational and sectional drawings at a sufficient scale e.g. 1:5/1:10/1:20 to show the proposed new window and door detailing; dimensions, glazing patterns, ventilation and opening methods. Thereafter, the windows and doors shall be installed in accordance with the approved details.

Reason: In the interests of preserving or enhancing the character or appearance of the conservation area.

5. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

6. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means without the separate express grant of planning permission by the Planning Authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

7. That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

#### **Reason for Decision**

The development complies with Policies P3 Infill and householder developments within settlements (including home and work proposals); HE1 Protecting historic buildings, sites and monuments; HE2 Protecting historic and cultural areas; B2 Town centres and office development and all other relevant policies contained within the Aberdeenshire Local Development Plan 2017 in that it would be an appropriate addition to the locality and is unlikely to have significant adverse impact on the amenity of neighbouring properties or the conservation area.

#### **For noting:-**



Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal. Please note that this power may be exercised in respect of the application.

**4B. Reference No: APP/2018/0623**

**Approval of Matters Specified in Conditions for Conditions 1 (q) (aa) (Cable Route Phase) of Planning Permission in Principle Reference APP/2015/0478 for National for Construction of Onshore Electrical Transmission Cables, Comprising an Onshore Transition Jointing Pit, Underground Cables within a 33km (approximately) Long Cable Corridor and the Construction of 2 No. Substations Southwest of New Deer, also including Temporary Construction Compounds, Access Tracks, Laydown Areas and Other Associated Works at Landing at Inverboyndie Bay, Banff, Travelling to Land West of Cairnbanno House, New Deer**

**Applicant: Moray Offshore Windfarm (East) Ltd**  
**Agent: N/A**

The Senior Planner introduced the application and the Committee heard an oral representation from the applicant.

During discussion, the members asked about possible impacts to fish stocks on the river Deveron; queried possible disruption and road safety issues at Fintry Primary School; sought assurance in relation to the estimated cut volumes; asked how long the Horizontal Directional Drilling process took to complete; sought assurance in relation to any post construction damage being rectified, including any drainage issues caused by the works, and the timeframe for which claims could be made; and queried the monitoring process.

Following debate, the Committee **agreed** that the application be referred to the Infrastructure Services Committee for determination and provided the following **comments** for consideration by the Infrastructure Services Committee:-

- (a) The Committee was in support of the application, subject to the confirmation of formal addressing of:
  - i. SEPA confirmation of acceptability of updated CEMP, and
  - ii. SEPA confirmation of acceptability of updated details on wetlands,
- (b) Assurances were sought regarding the potential impact and road safety concerns around Fintry Primary School,
- (c) Any improvements made to the road should be permanent rather than temporary,
- (d) Communication and engagement was welcomed and should continue,
- (e) The scholarships being offered were welcomed,

- (f) If there was any deviation from the planned access route, assurances were sought that there would be restoration of any roads impacted that were not noted within the plan, including the track south of Muirtack, and
- (g) It would be helpful to have clarity over the impacts of the proposals on the River Deveron salmon.

### Reason for Decision

The proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017 with regard to addressing the matters specified in conditions of extant Planning Permission in Principle application APP/2017/0478.

#### 4C. Reference No: APP/2018/0624

**Approval of Matters Specified in Conditions for Conditions 1 (a) - (p) (Substation Site Phase) of Planning Permission in Principle Reference APP/2015/0478 for National Construction of Onshore Electrical Transmission Cables, Comprising an Onshore Transition Jointing Pit, Underground Cables Within a 33km (approximately) Long Cable Corridor and the Construction of 2 No. Substations Southwest of New Deer, also Including Temporary Construction Compounds, Access Tracks, Laydown Areas and Other Associated Works at Land West of Cairnbanno House, New Deer**

**Applicant: Moray Offshore Windfarm (East) Ltd**  
**Agent: N/A**

The Senior Planner introduced the application and the Committee heard an oral representation from the applicant.

During discussion, the members asked about the proximity to the nearest wind turbine; sought clarification on noise levels and whether the proposed landscaping would reduce the noise levels further; sought clarity on the operations of the offshore wind turbines in relation to the onshore substations, noting that there may be different weather conditions at each; and queried whether there had been any engagement with Fyvie, Rothie and Monquhitter Community Council, noting that it would also be helpful to include local Councillors in any communications.

Following debate, the Committee **agreed** that the application be referred to the Infrastructure Services Committee for determination and provided the following **comments** for consideration by the Infrastructure Services Committee:

- (a) The Committee was in support of the application, subject to the confirmation of formal addressing of:
  - i. SEPA confirmation of acceptability of updated information related to Private Water Supplies, Flood Risk, Drainage, GWDTE and the CEMP,
- (b) There should be monitoring of the site once construction has taken place to ensure the noise levels are appropriate,

- (c) Improvements to the roads network were welcomed,
- (d) The approach being taken to communication was welcomed, and
- (e) Assurances were sought that the visual impact of the proposals had been adequately assessed in terms of cumulative impact, specifically with regard to the nearby wind turbine.

**Reason for Decision**

The proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017 with regard to addressing the matters specified in conditions of extant Planning Permission in Principle application APP/2017/0478.

**4D. Reference No: APP/2017/3199**

Councillor Davidson declared a connection by virtue of the fact that she was a member of the Haddo Country Park Forum Limited. However having applied the objective test she concluded that she had no interest to declare.

Councillor Johnston declared a connection by virtue of the fact that he was a member of the Haddo Country Park Forum Limited. However having applied the objective test he concluded that he had no interest to declare.

**Full Planning Permission for Provision of Outdoor Woodland Kindergarten and Siting of Yurt at Haddo Estate, Mains of Haddo, Tarves, Aberdeenshire, AB41 7LD**

**Applicant: Mrs Marie Denise Bowie**  
**Agent: Lachlan MacDonald**

The Senior Planner introduced the application, highlighting that correspondence had been received from Tarves Community Council, advising that their objection was now only in relation to the proposed timber linings. It was further advised that the applicant had addressed the issue for access for disabled users and had also proposed an alternative water treatment and wood storage to ensure everything was contained within the red line boundary of the site.

During discussion, the members queried the access to the car park as the plans appeared to show a gap in the current hedge; sought clarification on the use class of a yurt; and asked about the rules for distances in relation to soakaway systems.

After consideration of the information available, the Committee **agreed to defer** consideration of the application pending:

- (1) Further information in relation to the proposed water treatment for the development, and
- (2) Clarification on the access route to the development from the car park in terms of road safety and whether any mitigation would be required.

It was further **agreed** that the request to speak by the applicant would be carried forward to the next meeting.

**4E. Reference No: APP/2018/0159**

Councillor Duncan declared a connection by virtue of the fact that 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 Forsyth declared an interest by virtue of the fact that he had received and opened an email from the agent which he had responded to with a neutral comment. He later found out that the aforesaid email contained a previous detailed string of conversations to various parties about the application. As he felt it could be construed that his impartiality had been compromised, he stated that he would take no part and he left the meeting for this item.

Councillor Taylor declared a connection 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.

**Full Planning Permission for Change of Use of Existing Building to House Biomass Boiler including Flue (8.5m Total Height), at Ewebrae, Cuminestown, Aberdeenshire, AB53 8JB**

**Applicant: Mr Colin Sievwright**  
**Agent: James G Ironside Limited**

The Senior Planner introduced the application which was retrospective. The Planning Service had just received details of proposed mitigation from the applicant but there had been no opportunity for this to be assessed by Environmental Health.

During discussion, the members commented that if a period of testing was allowed, this would permit the current operations to continue within that timeframe; queried how it would be possible to shut down a biomass boiler when necessary; questioned whether stopping and starting a biomass boiler could potentially lead to more smoke pollution; and queried whether it would be more important to have control when there were light winds as opposed to strong winds.

Following debate, Councillor Thomson, seconded by Councillor Duncan, **moved** that the application be deferred for one cycle to allow officers to obtain more information on the proposed mitigation that had been put forward by the applicant and whether this would be supported by Environmental Health.

As an **amendment**, Councillor Davidson, seconded by Councillor Stirling, **moved** that the Committee proceed to determine the application on the basis that there was enough information available to do so.

The members voted as follows:

For the Motion:	<b>8</b>	Councillors Adam, Duncan, Gifford, Hassan, Johnston, Kloppert, Taylor and Thomson
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For the Amendment:               **3**       Councillors Davidson, Owen and Stirling

Therefore the **motion** was carried that that the application be **deferred** for one cycle to allow officers to obtain more information on the proposed mitigation that had been put forward by the applicant and whether this would be supported by Environmental Health.

**4F. Reference No: APP/2018/0567**

**Full Planning Permission for Installation of Replacement Windows at Whitehouse, 11 The Square, Tarves, Aberdeenshire, AB41 7GX**

**Applicant: Mrs A Keenan**  
**Agent: Thistle Windows & Conservatories**

The Senior Planner introduced the application and the Committee heard an oral representation from the applicant. The applicant advised that she had agreed to revise the design of window 7, following comments from Tarves Community Council, and she had understood that this had been relayed to the Planning Service. The Senior Planner advised that the revisions had not been received but, should the Committee be minded to grant the application, a delegated grant would allow for revised drawings to be submitted.

During discussion, the members sought clarity on whether the existing windows were made of wood.

Following debate, Councillor Adam, seconded by Councillor Gifford, **moved** that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards, as a departure from policy, on the grounds that the windows to be replaced were at the rear of the property; the proposed change of design to window 7 was more acceptable and required no stonework; and the proposals would help to conserve the property with use of new and improved materials which were more efficient.

As an **amendment**, Councillor Hassan, seconded by Councillor Johnston, **moved** that the application be refused due to the proposed use of UPVC, as the proposals were not compliant with Policy P3 Infill and householder developments within settlements and Policy HE2 Protecting historic and cultural areas of the Aberdeenshire Local Development Plan 2017.

The members voted as follows:

For the Motion:               **6**       Councillors Adam, Duncan, Forsyth, Gifford, Owen and Thomson

For the Amendment:       **6**       Councillors Davidson, Hassan, Johnston, Kloppert, Taylor and Thomson

As there was a tie vote, the casting vote went to the Chair. The Chair chose to vote in favour of the **amendment** and therefore the application was refused due to the proposed use of UPVC, as the proposals were not compliant with Policy P3 Infill and householder developments within settlements and Policy

HE2 Protecting historic and cultural areas of the Aberdeenshire Local  
Development Plan 2017.

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