

ABERDEENSHIRE COUNCIL

FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 5 JUNE 2018

Present: Councillors I Davidson (Chair), I Taylor (Vice-Chair), K Adam, S Duncan, A Forsyth, J Gifford, 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 Davidson (Senior Planner, Infrastructure Services), G Steel (Principal Engineer, Infrastructure Services), G Robertson (Team Manager, Economic Development and Protective Services), I Daniels (Principal Roads Engineer, Infrastructure Services), A Buchan (Senior Roads Engineer, Infrastructure Services), C Menzies (Transportation Strategy Team Leader) and I Birnie (Team Leader, Environment Team North, 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 an interest in Item 4D by virtue of the fact that she had carried out work for the applicant. She stated that she would take no part and would leave the meeting for this item.

Councillor Johnston declared a connection to Item 4C by virtue of the fact that he was acquainted with the applicant's family. However having applied the objective test he concluded that he had no interest to declare.

Councillor Duncan declared a connection to Item 4B 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 4B 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 Kloppert declared a connection to Item 4C by virtue of the fact that she used the same solicitor as the owner of the premises to be leased to the applicant. However having applied the objective test she concluded that she had no interest to declare. She also declared a connection to Item 4E by virtue of the fact that she had been a member of the Friends of McDonald Park group from 2013 to 2017. However having applied the objective test she concluded that she had no interest to declare.

Councillor Taylor declared a connection to Item 4B 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.

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.

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 Item 13 of the business on the grounds that it involved the likely disclosure of exempt information of the class described in Paragraph 6 of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 15 MAY 2018

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 15 May, 2018, subject to an amendment at Item 4F on page 13. Councillor Thomson appeared under both the motion and amendment in the voting lists. It was agreed that he should be removed from the amendment list and replaced with Councillor Stirling.

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	Recommendation
A. APP/2018/0645	Full Planning Permission Change of Use of Gate Lodge from Class 9 (Residential) to Class 4 (Business) at North Gate Lodge, Haddo, Inverkeithny, Huntly	Grant
B. 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
C. APP/2017/3076	Full Planning Permission for Change of Use from Class 1 (Retail) to Class 3 (Food and Drink) at 21 The Square, Ellon	Defer
D. APP/2018/0594	Full Planning Permission for Erection of	Delegated Grant

Dwellinghouse at 1 Braiklay Cottage,
Tarves

- | | | | |
|----|---------------|---|-------|
| E. | APP/2018/0878 | Full Planning Permission for Removal of Condition 2 (Cycle/Footpath) of Approved Application Reference APP/2012/0421 (Full Planning Permission for Amendment to Residential Development at Castle Meadows to vary Conditions 18 & 19 of APP/2009/2460 to Replace the Permanent Access from Golf Road with Temporary Construction Traffic Road & Permanent Cycle/Footpath Route) at Site at Castle Meadow, Market Brae Ellon | Defer |
|----|---------------|---|-------|

5. DISABLED PERSONS' PARKING PLACES

There had been circulated a report dated 21 May, 2018 by the Director of Infrastructure Services which outlined the proposals for Formartine under the Disabled Persons' Parking Places (Scotland) Act 2009, in terms of the proposed spaces for inclusion in the new consolidated order, as well as the spaces which were in the previous order but were now proposed for removal.

During discussion, the members noted that that formal consultation had not yet been carried out and sought clarity on the methods of communication. Members then highlighted potential issues for Gordon Road in Turriff to due to the lack of parking spaces available for non-disabled residents and commented that Wellfield Crescent in Turriff was also constrained.

Thereafter the Committee:-

- (1) **authorised** the commencement of the statutory procedure for the making of the Aberdeenshire Council (Disabled Street Parking – Formartine) Order 2018,
- (2) **authorised** the subsequent making of the Aberdeenshire Council (Disabled Street Parking – Formartine) Order 2018 in the event that no valid objections are received or any received are resolved and withdrawn,
- (3) **instructed** the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections,
- (4) **instructed** officers to ensure that site notices were displayed for the full seven week consultation period, and
- (4) **instructed** officers to provide members with details of which disabled parking bays were new as opposed to existing.

6. THE ABERDEENSHIRE COUNCIL (SOUTH FORMARTINE) TRAFFIC MANAGEMENT ORDER 2018

There had been circulated a report dated 3 May, 2018 by the Director of Infrastructure Services which provided details of The Aberdeenshire Council (South

Formartine) Traffic Management Order 2018, and the proposal to include 'at any time' waiting restrictions at Millwood Road, Ellon.

Following consideration of the information provided, the Committee:-

- (1) **authorised** the commencement of the statutory procedure for the inclusion of the addition to the Aberdeenshire Council (South Formartine Traffic Management) Order,
- (2) **authorised** the subsequent making of the Aberdeenshire Council (South Formartine Traffic Management) Order in the event that no valid objections are received or any received are resolved and withdrawn,
- (3) **instructed** the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections, and
- (4) **authorised** the Director of Infrastructure Services and the Director of Business Services to undertake the necessary procedures to promote the Traffic Order required for the above proposals.

7. INTEGRATED TRAVEL TOWNS – ELLON MASTERPLAN

There had been circulated a report dated 21 May, 2018 by the Director of Infrastructure Services which provided an update in relation to the Integrated Travel Town Masterplan document for Ellon.

The Transportation Strategy Team Leader advised that works on the riverside path were on target for completion in June and details of any launch event would be shared. Further, the team were investigating the possibility of an app or online mapping tool that could be used by members of the public.

During discussion, the members commented that this was a much welcomed report; thanked the team for all their work to date; and commented that the works being carried out were not only of benefit to local people but would have an impact on tourism in the area.

Following consideration of the information provided, the Committee:-

- (1) **noted** the progress made to date to develop the Integrated Travel Town Masterplan for Ellon,
- (2) **noted** the proposals and timescales as set out in the Integrated Travel Town Masterplan for Ellon and **approved** delivery of the proposals included within the plan, and
- (3) **instructed** officers to bring forward a further strategic report detailing the Ellon to Aberdeen route, at the earliest convenience.

8. SERVICE RESPONSE TO PETITION FROM THE RESIDENTS AND FRIENDS OF NEWBURGH IN SUPPORT OF 20MPH SPEED LIMIT IN MAIN STREET, NEWBURGH

There had been circulated a report dated 25 May, 2018 by the Director of Infrastructure Services which provided a service response to the petition that was received from the residents and friends of Newburgh, who were in support of a 20mph speed limit for Main Street.

During discussion, the members noted that no response had been received from Police Scotland. A full debate then took place around the current Scheme of Governance and the appropriate means for members to consider proposals that were contrary to current policy.

Following consideration of the information provided, the Committee:-

1. **instructed** officers to bring a report back to the Formartine Area Committee on the implementation of an experimental 20mph zone within Newburgh,
2. **noted** the proposed Traffic Management Measures within Newburgh and instructed the Roads Service to carry out community consultation in respect of these,
3. **noted** the locations of proposed no waiting restrictions on Main Street, Newburgh, and,
 - i. **authorised** the commencement of the statutory procedure for the making of the Aberdeenshire Council (Newburgh Traffic Management) Order,
 - ii. **authorised** the subsequent making of the Aberdeenshire Council (Newburgh Traffic Management) Order in the event that no valid objections are received or any received are resolved and withdrawn, and
 - iii. **instructed** the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

9. MEMBER PROMOTED ISSUE – RENEWAL OF LEASE AT PROP OF YTHSIE, TARVES

There had been circulated a report dated 22 May, 2018 by the Director of Infrastructure Services which provided detail of a Member Promoted Issue that had been raised by Councillor Hassan, on behalf of Ward 8 Councillors, requesting consideration of the renewal of the lease at the Prop of Ythsie, Tarves.

Councillor Hassan provided the Committee with a detailed background to his request and why he proposed that the lease for the Prop of Ythsie be renewed.

During discussion, the members asked if there were any other historic buildings that were leased to the Council; sought clarification on what the threat to the prop was, if the lease was not renewed; asked whether the car park and footpath would remain open should the prop close at any point in the future; commented that the walk to the prop was a pleasant experience and the right to roam legislation would likely protect this; and highlighted that funding was already restricted in relation to properties that the Council did own.

The Area Manager highlighted that Haddo Estate had advised that they currently carry out monthly inspections of the structure. They had no immediate plans to carry out any works, following the works completed by Aberdeenshire Council, and would require to seek external funding should repairs become necessary. In the event of a risk to public safety they would close the prop.

Following debate, Councillor Hassan, seconded by Councillor Johnston, **moved** that Council Officers be instructed seek to renew the lease of the Prop of Ythsie; determine what the cost of this would be; and work with the community to retain this as a community facility.

As an amendment, Councillor Gifford, seconded by Councillor Stirling, **moved** that the lease should not be renewed and the Area Manager should be instructed to liaise with the Planning Environment Service, the Haddo Estate and the local community to seek to establish a Friends of the Prop of Ythsie group, or similar, to assist with the maintenance of the structure.

The members voted as follows:

For the Motion:	3	Councillors Adam, Hassan and Johnston
For the Amendment:	8	Councillors Davidson, Duncan, Forsyth, Gifford, Kloppert, Stirling, Taylor and Thomson

Therefore the **amendment was carried** that the lease should not be renewed and the Area Manager was **instructed** to liaise with the Planning Environment Service, the Haddo Estate and the local community to seek to establish a Friends of the Prop of Ythsie group, or similar, to assist with the maintenance of the structure.

The Committee further **instructed**:-

- (1) The Environment Team Leader (North) to provide to members a list of all properties within the Historic Asset Management Project that were not owned by Aberdeenshire Council, and
- (2) The Area Committee Officer to circulate to members the most recent Historic Asset Management Project report/s that had been considered by the Formartine Area Committee.

10. EDUCATION AND CHILDREN'S SERVICES QUARTERLY PERFORMANCE EXCEPTION REPORTING JANUARY TO MARCH 2018 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 9 May, 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 consideration of the information provide, the Committee:-

- (1) **acknowledged** the performance achieved January to March 2018, as referred to in paragraphs 2.4 to 2.7 of the report,
- (2) **noted** that there were no measures where performance was below expectations January to March 2018, as referred to in paragraphs 2.6 and 2.7 of the report,

- (3) **noted** the publication of the complete January to March 2018 Performance Report on Ward Pages,
- (4) **instructed** the Director of Education and Children's Services to continue to report, by exception, to committee quarterly the performance measures against Service objectives, and
- (5) made the following **comment** to be raised with the Service:
 - The Committee expressed their disappointment that formal complaints had not been dealt with in a timelier manner.

11. 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 27 April, 2018 by the Director of Business Services which detailed a request for funding that had been received from the Belhelvie Community Trust.

An application had been received from the Belhelvie Community Trust which sought a contribution towards a community sensory garden in the Magnificent 7s Wood to the south of the village.

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

12. 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 further:-

- (1) **expressed** their disappointment that not all actions were being progressed by officers within an appropriate timescale, and
- (2) **agreed** that in relation to Item 1 on the Statement of Outstanding Business, the Chair should instruct the Head of Service to prepare a report and instruct the Support Leader for Collections & Cleansing to attend the next meeting of the Committee to update on the street cleansing provision within Formartine and the proposed service provision review.

13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982, SECTION 44 AND SCHEDULE 1 (LICENSING OF BOOKING OFFICES) ORDER 2009 – APPLICATION FOR GRANT OF TAXI BOOKING OFFICE LICENCE – REPORT BY DIRECTOR OF BUSINESS SERVICES

There had been circulated a report dated 18 May, 2018, by the Director of Business Services, which (1) requested that consideration be given to an application for a Taxi Booking Office Licence, and (2) detailed information relevant to the application.

The Committee followed the procedures as set out in Appendix 4 of the report, hearing from Ms J Hood, Solicitor, on behalf of the applicants, and Mr J Thomson

and Mrs I Burnett, two objectors of those objectors present who indicated that they wished to make a verbal representation.

Following consideration of all the information provided, the Committee **agreed unanimously to refuse** the application on the grounds that it did not comply with the legal test, as the application related to an activity which included the use of premises which were not suitable or convenient for the conduct of the activity having regard to the location and character of the premises.

The applicant's solicitor requested that a statement of reasons be provided.

Councillor Presiding over meeting

Councillor Isobel Davidson

Print Name

Signature

26 June 2018

Date

APPENDIX A

4A. Reference No: APP/2018/0645

Full Planning Permission for Change of Use of Gate Lodge from Class 9 (Residential) to Class 4 (Business) at North Gate Lodge, Haddo, Inverkeithney, Huntly, AB54 7XB

Applicant: Mr & Ms Duncan Barton & Annie Kenyon
Agent: Annie Kenyon Architects Ltd

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 about access arrangements and whether the current right of way could be protected; sought clarity on the arrangement for waste water drainage; asked whether the addition of gates would require planning permission, noting that both accesses were within the red line boundary of the site; and sought clarification on whether the current access route through the site was a road or a track.

Following debate, the Committee **agreed to grant** Full Planning Permission, subject to the following conditions:-

1. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the Planning Authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

2. The proposed development shall not be brought into use unless details regarding the proposed water treatment system are submitted and satisfy the requirements of the Environmental Health Service. A suitable pH correctional filter will also be required to be fitted. Once installed the private water treatment system shall thereafter be permanently retained.

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

Reason for Decision

The proposed change of use from Class 9 (residential) to Class 4 (business) would be considered acceptable because it qualifies as a small-scale employment proposal. Additionally, the proposed private water supply has been confirmed as being suitable. Although the representations bring up a material planning consideration it is not one which would be affected by the nature of the proposal. The proposal would be considered acceptable under

Policy R2 Housing and employment development elsewhere in the countryside and Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.

4B. 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 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.

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 recommended for approval.

During discussion, the members sought clarification on the equipment to be installed for mitigation purposes; questioned the term "predictive winds" as the equipment should be reactive; asked how a shut-down of the biomass boiler would work in practice and how long this would take; queried whether the smoke shown in one of the planning slides was typical for this type of biomass boiler; and queried what the consequences would be if the proposed mitigation failed.

Following debate, Councillor Taylor, seconded by Councillor Duncan, **moved** that the application be deferred for one cycle to allow officers to produce an amended condition that would allow more flexibility in the use of alternative mitigations, should any improved methods become available, or if the specified model became obsolete in the future.

As an amendment, Councillor Stirling, seconded by Councillor Gifford, **moved** that the Committee refuse the application on the grounds that: there was no evidence that the suggested mitigation would work; there was a lack of evidence that the proposed mitigation would improve the amenity of the area; there was a lack of information on the possible implications of the proposed mitigation; and there had already been complaints and enforcement issues relating to the use of the biomass boiler.

The members voted as follows:

For the Motion:	6	Councillors Adam, Duncan, Johnston, Kloppert, Taylor and Thomson
For the Amendment:	4	Councillors Davidson, Gifford, Hassan and Stirling

Therefore the **motion** was carried that the application be **deferred** for one cycle to allow officers to produce an amended condition that would allow more flexibility in the use of alternative mitigation, should any improved methods become available, or if the specified model became obsolete in the future.

Members further **requested** that future reports use the standard definition / meteorological convention when referring to wind directions.

4C. Reference No: APP/2017/3076

Councillor Johnston declared a connection by virtue of the fact that he was acquainted with the applicant's family. However having applied the objective test he concluded that he had no interest to declare.

Councillor Kloppert declared a connection by virtue of the fact that she used the same solicitor as the owner of the premises to be leased to the applicant. However having applied the objective test she concluded that she had no interest to declare.

Full Planning Permission for Change of Use from Class 1 (Retail) to Class 3 (Food and Drink) at 21 The Square, Ellon, Aberdeenshire, AB41 9JB

Applicant: BrewDog Plc
Agent: Taylor Design Services

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

During discussion, the members asked about the size and location of the proposed waste bins; queried whether any alternatives for waste disposal had been considered; sought clarification on parking provision; asked whether the nearby flats had private parking that could be impacted by the proposals; queried whether any of the surrounding roads were privately owned; asked if any measures had been considered to control loitering or smoking outside the premises and whether the applicant had any issues with this at their other establishment; and queried delivery times for the proposed business.

Following consideration of the information provided, the Committee **agreed by majority to defer** the application, pending a site visit to assess the side lane in the context of vehicular access and waste management.

4D. Reference No: APP/2018/0594

Councillor Davidson declared an interest by virtue of the fact that she had carried out work for the applicant. She stated that she would take no part and she left the meeting for this item.

Full Planning Permission for Erection of Dwellinghouse at 1 Braiklay Cottage, Tarves, Aberdeenshire, AB41 7NJ

Applicant: Ms Lynne Presly
Agent: Colin Thompson Chartered Architect

The Vice-Chair took the Chair for this item and the Senior Planner introduced the application which was recommended for approval.

During discussion, the members asked about the treatment of timber linings; sought clarification that access to the site met visibility requirements; and asked about the proposed use of a septic tank.

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

- a) a condition that the applicant should submit a plan for the treatment of the timber linings, and
- b) the following conditions:-
 1. The dwellinghouse hereby approved shall not be erected unless an Energy Statement applicable to that dwellinghouse 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 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.

2. 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.

3. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans. The foul and surface water drainage

systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

4. The development shall be served in accordance with the approved drawings and the following details:
 - a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20,
 - b) Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved,
 - c) Prior to occupancy of the development, the existing footway on the northwest side of the site must be extended south eastwards covering the entire frontage of the site and must be constructed in accordance with Aberdeenshire Council's standards,
 - d) Prior to occupancy of development, off-street parking for 2 cars, surfaced in hard standing materials must be provided within the site,
 - e) Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45 degree splays to be formed on frontage of the site & the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Development,
 - f) Prior to commencement of development, visibility splays, measuring 2.4m by 160m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level,
 - g) Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

5. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area have been submitted to and approved in writing by the Planning Authority. The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being windblown. The dwellinghouse shall not be occupied unless the refuse bin uplift store area has been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store area shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

6. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the Planning Authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The

photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments record.

Reason for Decision

The development complies with Policies R2 Housing and employment development elsewhere in the countryside, P1 Layout, siting and design and RD1 Providing Suitable Services contained within the Aberdeenshire Local Development Plan 2017 in that it would be a replacement of an existing dwellinghouse and there would be no negative impact on the amenity of the neighbouring property or the surrounding landscape.

4E. Reference No: APP/2018/0878

Councillor Kloppert declared a connection by virtue of the fact that she had been a member of the Friends of McDonald Park group from 2013 to 2017. However having applied the objective test she concluded that she had no interest to declare.

Full Planning Permission For Removal of Condition 2 (Cycle/Footpath) of Approved Application Reference APP/2012/0421 (Full Planning Permission for Amendment to Residential Development at Castle Meadows to vary Conditions 18 & 19 of APP/2009/2460 to Replace the Permanent Access from Golf Road with Temporary Construction Traffic Road & Permanent Cycle/Footpath Route) at Site At Castle Meadow, Market Brae, Ellon, Aberdeenshire

Applicant: Scotia Homes Ltd & Barratt North Scotland Ltd
Agent: Burness Paull LLP

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

During discussion, the members queried whether it would be possible for consideration to be given to an alternative path. Officers advised that the applicant was not obliged to provide an alternative and the path that had been proposed was the only link that could be built to adoptable standards.

Members also queried whether an Equalities Impact Assessment was required in order to consider connectivity for persons with protected characteristics. Officers advised that these factors would have been considered when the original report was submitted.

Following a full debate, Councillor Thomson, seconded by Councillor Kloppert, **moved** that the application be deferred to allow further discussion between the Area Manager and the applicant on possible alternative solutions for connectivity between the development and Golf Road, within the red line boundary, in order to meet the requirements of the Local Development Plan with regards to Policy P1: Layout, siting and design and Policy P2: Open space and access in new development.

As an amendment, Councillor Stirling, seconded by Councillor Davidson, **moved** that the Committee proceed to determine the application and further

instruct the Area Manager to liaise with the applicant on whether it would be possible to create an informal pathway as an alternative solution for connectivity between the development and Golf Road.

The members voted as follows:

For the Motion:	7	Councillors Adam, Duncan, Gifford, Johnston, Kloppert, Taylor and Thomson
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For the Amendment:	4	Councillors Davidson, Forsyth, Hassan and Stirling
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Therefore the **motion** was carried that the application be **deferred** to allow further discussion between the Area Manager and the applicant on possible alternative solutions for connectivity between the development and Golf Road, within the red line boundary, in order to meet the requirements of the Local Development Plan with regards to Policy P1: Layout, siting and design and Policy P2: Open space and access in new development.