

ABERDEENSHIRE COUNCIL
FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 30 OCTOBER 2018

Present: Councillors I Davidson (Chair), I Taylor (Vice-Chair), K Adam, S Duncan, A Forsyth, J Gifford, A Kloppert, A Stirling and R Thomson.

Apologies: Councillors A Hassan, P Johnston, G Owen

Officers: K Bond (Head of Customer Communication & Improvement), K Balina (Committee Officer, Formartine), L Cowie (Principal Solicitor, Legal and Governance), A Murphy, (Senior Planner, Infrastructure Services), L Dingwall (Planner, Infrastructure Services), J Todd (Planner, Infrastructure Services), P Finch (Strategic Transportation Project Manager, Infrastructure Services), R Jarvis (Quality Improvement Officer ASN, Education and Learning), C McLennan (Education Support Officer, Education and Learning), M Fraser (Policy Planner, Planning and Building Standards), P Blaxter (Policy Team Leader, Planning and Building Standards), A Macleod (Housing Manager, (Infrastructure Services), Graeme Steel (Principle Engineer, Infrastructure Services).

1. DECLARATION OF MEMBERS' INTERESTS

Members confirmed that they had no interests to declare in terms of the Councillors' Code of Conduct.

2. STATEMENT ON 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 a decision.

3. MINUTE OF MEETING 25 SEPTEMBER, 2018

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 25 September, 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/2017/2718 (deferred from FAC 04.09.18)	Full Planning Permission For Erection of 5 Dwellinghouses at Land To The North East Of East Kinharrachie Farm, Kinharrachie, Ellon	Provide Views to ISC
B. APP/2018/0711	Full Planning Permission for Erection of Dwellinghouse at Plot at Coulliehare, Gushet Neuk, Pitmedden, Ellon	Refuse
C. APP/2018/0890	Full Planning Permission for Formation of Sand School and Erection of Field Shelters (Retrospective) at Land to the South of St Congan's Den, Turriff	Refuse
D. APP/2018/1688	Full Planning Permission for Erection of Dwellinghouse (Change of House type to Planning Permission Reference APP/2017/0872) at Site at Cross of Jackston, Rothienorman, Inverurie	Grant

5. MASTERPLAN FOR RESIDENTIAL DEVELOPMENT AT OP2 SITE AT BONNYTON FARM, PITMEDDEN

A report dated 18 October, 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to agree the Masterplan for the Pitmedden OP2 site to be used as a material consideration in the determination of any subsequent planning applications.

The Planner detailed the proposed Masterplan. He then responded to issues raised by Members in relation to the alternative points of access, traffic and speed restrictions, nearby loading bay, types of houses, and the open space. It was confirmed that alternative points of access had been considered and ruled out. There were issues with the width and visibility of Bonnyton Road to the north. Improvements to that road would be necessary to encourage active travel. Roads Development had commented that a mini roundabout or traffic signals could be an option on the existing public road, provided that it could be constructed to national standards. The other concern related to the presence of the nearby loading bay. If the junction were to be opened up this bay would need to be removed otherwise the developer must demonstrate that HGV vehicles can utilise the bay safely by submitting a Road Safety Audit.

It was also **noted** that a Masterplan included 41% open space which was located to the south and incorporated the SUDs basin. Members were informed that exact details were yet to be fully established.

Following discussion, Councillor Davidson, seconded by Councillor Taylor **moved** that the Masterplan be refused.

As an **amendment**, Councillor Gifford, seconded by Councillor Stirling **moved** that the Masterplan be deferred to get more information at an appropriate time on the second point of access and the use of the open space.

Following a vote (2:7), the Committee **agreed** to defer the Masterplan to get more information at an appropriate time on the second point of access and the use of the open space.

The Members voted as follows:

For the Motion	(2)	Councillors Davidson, Taylor
For the Amendment	(7)	Councillors Adam, Duncan, Forsyth, Gifford, Kloppert, Stirling and Thomson

Therefore, the **amendment** was carried to defer the Masterplan to get more information at an appropriate time on the second point of access and the use of the open space.

6. PLANNING APPEAL DECISION NOTICE - APP/2018/0161

There had been circulated, and was **noted**, a Planning Appeal Decision Notice dated 9 October, 2018, advising that the reporter dismissed the appeal and refused planning permission.

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

7. LOCAL REVIEW BODY DECISION NOTICE - LRB 426 APP/2018/0576

There had been circulated, and was **noted**, a Planning Appeal Decision Notice dated 9 October, 2018, advising that the Local Review Body upheld the decision and refused planning permission.

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

8. A96 DUALLING - INITIAL ROUTE OPTIONS CONSULTATION

A report dated 10 October, 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to note the progress that had been made to date on the A96 Aberdeen to Inverness dualling project and to provide comments on route options for the Eastern Section of the A96 Dualling, for consideration at Infrastructure Services Committee on 29 November, 2018.

The Strategic Transportation Projects Manager mentioned the public exhibitions which allowed the public and road users to see and comment on a number of initial options that had been developed. He advised on the details of three route options that could be identified with three distinct route options provided for each section of the corridor between Aberdeen and Huntly. It was also added that the specific route option which included the A947 corridor between Oldmeldrum and Dyce had not been taken forward (Option Q).

The members discussed the location and form of junctions connecting the new dual carriageway to the local road network and the junctions on the existing A96 dual carriageway between Kintore and AWPR. They also expressed their disappointment that the Option Q had been discounted.

Following consideration of the information provided, the Committee:-

- (1) **noted** the progress that had been made to date on the A96 Aberdeen to Inverness dualling project; and
- (2) provided comments on route options for the Eastern Section of the A96 Dualling:
 - (a) Effective communication and consultation with communities should be developed;
 - (b) The route option which included the A947 corridor between Oldmeldrum and Dyce should be considered as a part of the discussion;
 - (c) Consideration to be given to the opportunities to link the A947;
 - (d) The needs of Non-Motorised Users should be taken into account;
 - (e) A route North of Inverurie was favorable for wider economic benefits; and
 - (f) The A96 improvements between Kintore and Aberdeen should be progressed in tandem with this section.

9. CROSS CITY CONNECTIONS CONSULTATION

A report dated 12 October, 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to provide comments on the options set out in the Cross City Connection Consultation for consideration at Infrastructure Services Committee on 29 November, 2018.

The Strategic Transportation Projects Manager introduced the report and detailed the public transport options.

Following consideration of the information provided, the Committee **noted** the options set out in the Cross City Connection Consultation.

10. PARENTAL INVOLVEMENT AND ENGAGEMENT STRATEGY 2018-2021 – “LEARNING TOGETHER IN ABERDEENSHIRE”

There had been circulated a report dated 12 October, 2018 by the Director of Education and Children’s Services which detailed the Parental Involvement and Engagement Strategy 2018-2021 “Learning together in Aberdeenshire”.

The officers introduced the report and responded to questions raised by Members.

Following consideration of the information provided, The Committee **agreed**:-

- (1) To make the following comments on the draft Parental Involvement and Engagement Strategy:
 - (a) Councillors would welcome information on consultation events taking place in Wards 7, 8 and 9;
 - (b) The affected groups should be included in the consultation process; and
 - (c) The special efforts should be taken to engage fathers.
- (2) To request that the Parental Engagement Support Hub Aberdeenshire (PESHA) team report back to Formartine Area Committee on the implementation of the strategy and the clear and measurable performance indicators in October 2019.

11. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – MAIN ISSUES REPORT

A report dated 12 September 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to consider Parts 1 and 2 of the proposed Main Issues Report 2019 as they affect the Formartine Area and to recommend any changes they wished to see included in the Main Issues Report before it is considered by the Infrastructure Services Committee on 29 November 2018.

The Committee **agreed**: -

- (1) To note the terms of the report; and
- (2) To make the following recommendations to be included in the Main Issues Report:
 - (a) Reference should be made to the objective to “Support the delivery of the Health and Social Care strategic plan”. Text to be added to page 3 of the Report;
 - (b) There may be an inconsistency between the pattern of development being promoted and proximity to public transport;
 - (c) Explanation is required of why “increased accessibility” in the alternative option in Main Issue 5 impacts on the green belt;
 - (d) It should be noted that “temporary Gypsy / Traveller site” relates to the length of occupation, not the longevity of the site. A sentence to be added to the text to ensure all Gypsy / Traveller sites are permanent in nature;
 - (e) All maps should have the new AWPR and Balmedie Tipperty added;

- (f) No preference should be given to alternative access routes to be delivered to Cromleybank (FR090) in the introductory text. The phrase “(Preferably)” to be removed from the vision for Ellon;
- (g) Additional development sites on the north east of Fintry and Fisherford should be shown;
- (h) Foveran - the Site FR142 should be promoted for development despite the prime agricultural land designation; the site FR082 was incorrectly shaded on the GIS as an “other option”;
- (i) Fyvie - the sites previously allocated in 2006 should be reinstated to help the sustainability of the settlement;
- (j) Bid sites FR046 and FR047 are not more difficult to deliver than a site FR014 and should be included in the Local Development Plan in Methlick;
- (k) FR015 site in Pitmedden could be promoted for live / work units;
- (l) There were concerns that the scale of development in Rothienorman might be too great. There might be major problems with Waste Water Treatment Works capacity and the roads access to the preferred and reserved sites. Community needs to be consulted;
- (m) St Katherines needs to be supported to make it commercially viable. It has good public transport links and so that should not be a reason to discount this site; and
- (n) With regards to Turriff, a site FR078 has an unnecessary line in the assessment. To remove the text “the proposal seeks to amend the land uses expected to come forward”.

12. STRATEGIC HOUSING INVESTMENT PLAN 2019-2024

A report dated 07 September 2018 from the Director of Infrastructure Services had been circulated to ask the Committee to consider and provide comments on the Draft Strategic Housing Investment Plan 2019-2024 to Communities Committee.

The Housing Manager introduced the report and responded to questions from Members. The Committee **agreed** to note the draft Strategic Housing Investment Plan 2019 – 2024.

13. AREA COMMITTEE BUDGET 2018-2019

Friends of Den

An application had been received from the Friends of Den which sought a contribution towards the start-up costs a number of improvements.

After consideration of the information provided, the Committee **agreed** to award **£3,750**.

Turriff & District Heritage Society

An application had been received from the Formartine Area Office on behalf of the Turriff & District Heritage Society which sought a contribution towards the works carried out in Turriff High Street Public Toilets.

After consideration of the information provided, the Committee **agreed** to award **£2,556.23**.

14. STATEMENT OF OUTSTANDING BUSINESS

The Committee **noted** a report by the Formartine Area Manager, updating on matters that had previously been discussed by the Committee but remained to be resolved.

Draft

APPENDIX A

4A. Reference No: APP/2017/2718

Full Planning Permission for Erection of 5 Dwellinghouses at Land to the North East of East Kinharrachie Farm, Kinharrachie, Ellon, Aberdeenshire, AB41 8PQ

Applicant: Annie Kenyon Architects Ltd
Agent: Annie Kenyon Architects Ltd

There had been circulated a report dated 11 October, 2018 by the Director of Infrastructure Services, which sought consideration of an application for the full planning permission for erection of 5 dwellinghouses at land to the North East of East Kinharrachie Farm, Kinharrachie, Ellon. The application had been deferred at the meeting of the Formartine Area Committee on 4 September, 2018 for further consideration. The information had been submitted and assessed. As a result of the information submitted both Contaminated Land and Flood Risk & Coastal Protection had removed their objections and as such reasons for refusal 2 and 3 from the previous report had been removed.

The Planner reported on the detail of the application which was recommended for refusal for the following reason:

- (1) The development is contrary to Policy R2 Housing and employment development elsewhere in the countryside contained in the Aberdeenshire Local Development Plan 2017 in that the development exceeds what is defined as small scale residential development (up to 3 single houses) in the countryside. In addition, the Dutch barn which is considered a temporary structure is precluded as a building that could be replaced under this policy.

Following discussion, the members **noted** that that the application must be referred to the Infrastructure Services Committee for determination as the Committee wish to depart from policy due to the high standards of design, that the application captures the key aspects of refurbishment and remediation of a brownfield site and provided the following comment for consideration by ISC:

- (1) The development is not a significant departure from the Policy R2.

4B. Reference No: APP/2018/0711

Full Planning Permission for Erection of Dwellinghouse at Plot at Coulliehare, Gushet Neuk, Pitmedden, Ellon, Aberdeenshire

Applicant: Mr Philip William Reid
Agent: Coast2Coast Architects

There had been circulated a report dated 16 October, 2018 by the Director of Infrastructure Services, which sought consideration of an application for the full planning permission for erection of dwellinghouse at plot at Coulliehare, Gushet

Neuk, Pitmedden. The application was recommended for refusal but at least two Local Ward Members in the Ward in which the development was proposed, had requested that the application be referred to the Area Committee.

- (1) Councillor Hassan: for scrutiny of working houses and further discussion against Policy R2.
- (2) Councillor Johnston: to further explore the application of Policy R1 in relation to the enterprise.

The Planner provided details of the application. She then responded to issues raised by Members in relation to design and siting and access.

Following the discussion the Committee **refused** the application in line with the recommendations within the report.

Reason for Decision

The development is contrary to Policy R2 Housing and employment development elsewhere in the countryside and Policy R1 Special rural areas contained within the Aberdeenshire Local Development Plan 2017. The information that the applicant has provided does not provide suitable justification that it is essential that an additional worker is required for the operation of the enterprise; that the application site is not in the immediate vicinity of the place of work; the size of the plot is excessive; and that there is suitable alternative accommodation available in the area.

4C. Reference No: APP/2018/0890

Full Planning Permission for Formation of Sand School and Erection of Field Shelters (Retrospective) at Land to the South of St Congan's Den, Turriff, Aberdeenshire, AB53 8DS

Applicant: Mr Stephen Duncan
Agent: A.J. Rennie (Builders) Ltd

There had been circulated a report dated 17 October, 2018 by the Director of Infrastructure Services, which sought consideration of an application for the full planning permission for formation of sand school and erection of field shelters (retrospective) at land to the South of St Congan's Den, Turriff. There had been valid objections from five or fewer individuals or bodies with separate postal addresses or premises, and at least two of the total number of Local Ward Members in the Ward, in which the development was proposed, had requested that the application was referred to the Area Committee.

- (1) Councillor Taylor: to further investigate the impact of the sand school on amenity of neighbouring residential houses.
- (2) Councillor Stirling: to consider Layout, siting and design of the proposal relevant to Policy.

The Planner introduced the application which was recommended for approval. She detailed objections received from the members of public. The planner then responded to questions in relation to the siting, impact on the surrounding area, and a potential impact on residential amenity.

Following the discussion the Members **agreed** to refuse application. The reason for the decision was that the siting was not appropriate and caused adverse impacts on the amenity of neighbouring properties.

4D. Reference No: APP/2018/1688

Full Planning Permission for Erection of Dwellinghouse (Change of House type to Planning Permission Reference APP/2017/0872) at Site at Cross of Jackston, Rothienorman, Inverurie

Applicant: Mr Donald Chisolm
Agent: John Wink Design

There had been circulated a report dated 12 October, 2018 by the Director of Infrastructure Services, which sought consideration of an application for the full planning permission for erection of dwellinghouse (change of house type to planning permission reference APP/2017/0872) at site at Cross of Jackston, Rothienorman. There had been valid objections from five or fewer individuals or bodies with separate postal addresses or premises, and at least two of the total number of Local Ward Members in the Ward, in which the development was proposed, had requested that the application was referred to the Area Committee.

- (1) Councillor Stirling – To consider the application in relation to P1 Layout, Sitting and Design.
- (2) Councillor Taylor – To consider the overlooking impact the first floor windows have on privacy of neighbouring properties.

The Planner introduced the application which was recommended for approval.

Having heard that requests to speak had been received, the Committee **agreed** to hear from Jennifer Kennedy, the agent and Thomas Johnson on behalf of Dr Stephen Morton, the objector.

Ms Kennedy briefly explained the nature of the application. She said that the change in the house sought to increase the size of the garage by one space, from the double to triple, and add a new segment of building to the north western elevation. There were also a number of window alterations.

Ms Kennedy said that the privacy of neighbours wouldn't be affected. Whilst the building had increased in size, the shape of the building and its footprint were staying very much the same. The proposal still maintained the same layout. The increase in height was minimal, at less than 0.5 metres at a low level and therefore it wouldn't have an impact on the neighbourhood privacy.

Mr Thomas Johnson raised several concerns. He said that the height of the house and a glazed seating area overlooking neighbouring property would have an impact on privacy of neighbours. He also mentioned that the original proposal had had local objections and the new proposal sought a permission for a Dwellinghouse, which is taller, wider and with more square footage. He said that a change in design would have a significant visual impact to the cluster, reducing amenity of the objectors. Mr Johnson mentioned that the approval of that application would mean that the traditional Cross of Jackston amenity was lost due to the bulk and mass of the design of that house and garage.

The members discussed then a proposed design; the impact on the amenity of surrounding area; and a scale of the proposal.

The **motion** was from Councillor Stirling seconded by Councillor Duncan to move the recommendation to **refuse** the application for the following reason – the change of the house will have an impact on the character and amenity of the area.

The **amendment** was from Councillor Forsyth seconded by Councillor Gifford to **grant** the application.

The members voted as follows:

For the Motion (4) Councillors Duncan, Stirling, Taylor, Thomson

For the Amendment (5) Councillors Adam, Davidson, Forsyth, Gifford, Kloppert

Therefore the **amendment** was carried to **grant** the application subject to the following conditions: -

1. The garage hereby approved shall be used only for purposes incidental to the enjoyment of the dwellinghouse at Cross of Jackston, Rothienorman, and shall be used for no other purpose without the express grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.

2. 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 vehicular access must not exceed 1 in 20.
 - b) Prior to occupancy of development, the first 5m of new vehicular access (measured from edge of road or back of footway) to be fully paved.
 - c) Prior to occupancy of development, off-street parking for 3 cars, surfaced in hard standing materials must be provided within the site.
 - d) 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.
 - e) Prior to occupancy of development, a passing place measuring 10.0m x 2.5m with 5m splays to be formed at location(s) to be discussed and agreed with Formartine Road Maintenance team. Construction shall be to a standard appropriate to the location & must be agreed in advance with Formartine Road Maintenance team.
 - f) Prior to commencement of development, visibility splays, measuring 2.4m by 90m 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 refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift & shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
 - h) 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: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

3. Notwithstanding the details submitted, full details of the external materials used on the walls of the development shall be submitted to and approved in writing by the Planning Authority. Details shall include type and colour (RAL), and a sample as may be required. Thereafter, the dwellinghouse shall not be brought into use until all external finishes has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area, and for the purposes of clarification.

4. 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.

5. The proposed development shall not be brought into use unless a suitable water treatment system is installed in agreement with Environmental Health. A suitable pH correctional filter will also be require to be fitted. Once installed the private water treatment system shall thereafter be permanently retained in accordance with the manufacturer's instructions.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

7. 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 'Foul Soakaway Certificate (9th of November, 2016)' and 'Surface Water Calculations (9th November 2016)'. 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.

Reason for Decision

The proposed change in house type would be considered acceptable as the scale and design of the proposed dwellinghouse would integrate well with its rural surroundings. The proposal would have little to no impact on neighbouring privacy and amenity, overshadowing of neighbouring garden ground or the character of the surrounding area. Ultimately, the application is supported by Policy P1 Layout, siting and design, Policy E2 Landscape, Policy RD1 Providing suitable services and Policy RD2 Developers' obligations of the Aberdeenshire Local Development Plan 2017.