

ABERDEENSHIRE COUNCIL
FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 11 JUNE 2019

- Present:** Councillors I Davidson (Chair), K Adam, A Duncan, A Forsyth, J Gifford, A Hassan, P Johnston, A Kloppert, A Stirling, R Thomson
- Apologies:** Councillors G Owen, I Taylor
- Officers:** A Roe (Acting Area Manager, Formartine), K Balina (Committee Officer, Formartine), I Meredith (Solicitor, Legal & Governance), J Wheater (Senior Planner, Planning and Building Standards, Infrastructure Services), M Davis (Waste Team Manager, Roads, Landscape Services & Waste), D Fryer (Waste Management Facilities Officer, Roads, Landscape Services & Waste), M Mitchell (Estates Programme Manager (ECS), Cross Service)

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct.

Cllr Davidson declared an interest in Item 4A by virtue of the fact that she was acquainted with the objector. However, having applied the objective test, she concluded that it was so remote and insignificant that she would remain and participate in the debate of the item.

Cllr Duncan declared an interest in Item 4A by virtue of the fact that he was acquainted with the objector. However, having applied the objective test, he concluded that it was so remote and insignificant that he would remain and participate in the debate of the item.

Cllr Forsyth declared an interest in Item 4A by virtue of the fact that he was acquainted with the objector. However, having applied the objective test, he concluded that it was so remote and insignificant that he would remain and participate in the debate of the item.

Cllr Stirling declared an interest in Item 4A by virtue of the fact that she was acquainted with the objector. However, having applied the objective test, she concluded that it was so remote and insignificant that she would remain and participate in the debate of the item.

Councillor Johnston declared an interest in item 6 by virtue of being a Director and Chair of CRNS. However having applied the objective test he concluded that it was so remote and insignificant that he would remain and participate in the debate of the item.

2. STATEMENT ON EQUALITIES

Resolutions – consider and, if so decided, adopt the following resolution:

(a) Public Sector Equality Duty

In line with the Council's legal duty under section 149 of the Equality Act 2010 the Committee **agree** in making decisions on the attached reports Members shall have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

(b) Exempt Information

The Committee **agreed** in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the item specified below so as to avoid disclosure of exempt information of the class described in the undernoted paragraph of Part 8 of Schedule 7A of the Act.

Item No	Paragraph No.
8	8

3. MINUTE OF MEETING 5 MARCH 2019

The Committee had before them, and approved as a correct record, the minute of the meeting of 21 May, 2019.

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.

Application No	Description	Decision
APP/2019/0504	Full Planning Permission for Erection of 1.8 Metre High Garden Fence (Retrospective) at 42 St Mary's Drive, Ellon	Refuse
APP/2019/0653	Full Planning Permission for Erection of 2 No Dwellinghouses Without Compliance with Condition 2 (Time) of Planning Permission Reference APP/2014/1456 at Land at The Banking, St Katherines, Inverurie	Grant

5. LOCAL REVIEW BODY DECISION - LRB445 – APP/2018/2090 – WHITEHOUSE, 11 THE SQUARE, TARVES

There had been circulated and was **noted** an Appeal Decision Notice dated 13 May 2019, advising that the Local Review Body dismissed the appeal and refused Full Planning Permission.

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

6. RECYCLING CENTRE POLICY AND PROCEDURES

There had been circulated a report dated 23 May, 2019, by the Director of Infrastructure Services, which sought comments, for consideration by the Infrastructure Services Committee, on the draft Recycling Centre Policy and procedures.

The Waste Managers briefly detailed the proposed policy and procedures and responded to issues raised by Members in relation to the expectations for householders and Local Community groups using recycling centres; the arrangements proposed for businesses to take materials for recycling or disposal at waste transfer stations; a new permit system for vans and trailers used by householders; and the benefits of the proposals.

During discussion, the Members commended the Waste Recycling Centres staff for their work in the Formartine area.

After consideration of information provided, the Committee **agreed** to acknowledge the proposed Recycling Centre Policy and procedures, as detailed in Appendices 2 and 3 of the report and provided the following comments to the Infrastructure Services Committee: -

- (1) To adopt more flexible approach to the householder's trailers e.g. horse boxes and double axle trailers;
- (2) To suggest that the Waste Service consult their proposals with the charity sector before commencement of work;
- (3) To request that Local Members be kept up-to-date with progress being made by annual reports;
- (4) To suggest that permits are more accessible;
- (5) To suggest more flexible approach to the Local Community Groups; and
- (6) To ensure good communication and engagement with employees and communities.

7. 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.

8. SUPPLEMENTARY DIRECTORATE WORK PLAN – PROCUREMENT APPROVAL

There had been circulated a report dated 4 June, 2019 which detailed the Supplementary Directorate Work Plan for 2018-2019 for the Education and Children's Services business case.

Following discussion, the Committee:-

- (1) **noted** the Directorate Supplementary Work Plan as detailed in Appendix 1 of the report,
- (2) **approved** the item on the Supplementary Work Plan and **noted** that the item would be added to the Directorate Work Plan that had been approved by Formartine Area Committee on 26 March 2019, and
- (3) **approved** the business case as detailed in Appendix 3 of the report.

APPENDIX A

4A. Reference No: APP/2019/0504

Full Planning Permission for Erection of 1.8 Metre High Garden Fence (Retrospective) at 42 St Mary's Drive, Ellon

Applicant: Mr Jonathan Denison
Agent: No Agent

The Senior Planner introduced the retrospective application which was recommended for approval. He reported on the detail of the application and responded to questions in relation to the layout, sitting, design, road safety and visibility issues.

The Members were also informed that the applicant had originally erected the fence along the boundary in order to provide screening to protect their own amenity. He had also proposed to lower the initial 3.2 metre section of the fence to a metre in height and as such that section of the fence does not require planning permission under Permitted Development Regulations. However, due to location of the strainer posts, there is a 110cm length of fence forward the house that does require planning permission.

Following debate, Councillor Thompson seconded by Councillor Adam **moved** that the application be refused on the grounds that it does not comply with Policy P1 as the height of the 110cm section of fence is not in keeping with other fences and walls in the area and therefore would have a detrimental impact on the character of the area

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

The Members voted as follows:

For the Motion	7	Councillors Adam, Duncan, Forsyth, Hassan, Johnston, Kloppert, Thomson
For the Amendment	3	Councillors Davidson, Gifford, Stirling

Therefore, the motion was carried to **refuse** full planning permission on the grounds that application does not comply with Policy P1 as the height of the 110cm section of fence is not in keeping with other fences and walls in the area and therefore would have a detrimental impact on the character of the area.

4B. Reference No: APP/2019/0653

Full Planning Permission for Erection of 2 No Dwellinghouses Without Compliance with Condition 2 (Time) of Planning Permission Reference APP/2014/1456 at Land at The Banking, St Katherines, Inverurie

Applicant: Axis Farms Ltd.
Agent: Colin Thompson

The Senior Planner introduced the application which was recommended for approval. During his presentation he made reference to the siting of the development and access to the site. He informed the Members that applicant had submitted written statement which stated that they had not been able to start works within 2 years of approval of the MSC application. They were seeking further time for market conditions to become more favourable in order to make the proposed development financially viable while also allowing time to achieve the required building warrants, sourcing engineers and contractors.

The Senior Planner also confirmed that the application was considered to vary condition 2 (time) of planning permission and only matters pertaining to that condition could be considered. He also confirmed that the standard amount of time to implement would apply to any new grant of planning permission.

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

- (1) That no development, other than that approved under application APP/2017/0444, in connection with the planning permission hereby approved shall take place unless a matters specified in conditions application is submitted including full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development have been submitted to and approved in writing by the Planning Authority. The required details shall include:
 - a) Full details of the layout and siting of the proposed development.
 - b) Full details of the external appearance and finishing materials of the proposed development.
 - c) Full details of all existing and proposed landscape features, including trees to be retained and planted.
 - d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point.
 - e) Full details of the proposed means of access to the development, including the required visibility splays.
 - f) Full details of the proposed car parking/vehicle turning area for the development.
 - g) Full details of the proposed means of disposal of surface water from the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997.

- (2) In the event that a matters specified in conditions application other than approved APP/2017/0444 is submitted, no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - (i) Existing landscape features and vegetation to be retained;
 - (ii) Existing and proposed services including cables, pipelines and substations;

- (iii) The location of new trees, shrubs, hedges, grassed areas and water features;
- (iv) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (v) The location, design and materials of all hard landscaping works including walls, fences, gates;
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

- (3) No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 160 metres in a northerly direction and 215 metres in a southerly direction along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

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

- (4) 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 windblown. Details must be submitted to Roads Development for approval.

Reason: In the interests of the character and amenity of the surrounding area.

- (5) The dwelling hereby approved shall not be occupied unless the vehicular and pedestrian access has been provided and surfaced in accordance with the details shown on the plans submitted under condition 1 and approved as part of the Matters Specified in Conditions application. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

Reason: To ensure the provision and retention of a means of access to an adequate standard in the interests of road safety.

- (6) The dwellinghouse hereby approved shall not be occupied unless its lay-by, driveway, turning and parking area have been provided and surfaced in accordance with the details shown on the plans as required under Condition 1 above and approved under the Matters Specified in Conditions application. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

- (7) Prior to the construction of any dwellinghouses an Energy Statement applicable to that dwellinghouses must be submitted to and approved in writing by the Planning Authority, including the following items:
- (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - (ii) 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out 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 the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

- (8) 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.

- (9) The dwellinghouse hereby approved shall not be occupied unless the proposed foul water drainage system has been provided in accordance with the approved plans and the submitted Foul water certificate for the site provided by Colin Thompson with the certificate dated 17th of December 2013. The foul water drainage system 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.

That the Committee agree the reason as follows for departing from the Local Development Plan.

The proposed development seeks to extend the length of time to implement the existing approved development despite the fact it would permit a total of

four units on a brownfield site which exceeds the current maximum of 3 units permitted by Policy R2 Housing and employment development in the countryside. The materiality of the planning history of the site, combined with the fact the development utilises brownfield land, reflects the existing density of redundant structures, is of good design quality and reflects the local pattern of development is considered sufficient in this case to allow a departure from Policy R2 Housing and employment development in the countryside of the Aberdeenshire Local Development Plan 2017.

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