

## FORMARTINE AREA COMMITTEE

### SKYPE MEETING, 27 OCTOBER 2020

Present: Councillors I Davidson (Chair), K Adam, A Duncan, A Forsyth, J Gifford, A Hassan, P Johnston, A Kloppert, L Mcallister, G Owen, E.A. Stirling and I Taylor

Officers: E Brown (Formartine Area Manager), C Young (Area Committee Officer), M Ingram (Senior Solicitor, Legal & Governance), A Ramsay (Senior Planner, Infrastructure Services), J Wheeler (Senior Planner, Infrastructure Services), S Norman (Environment Planner, Infrastructure Services), G Steel (Roads Development and Transportation Principal Engineer, Infrastructure Services), D Gander (Civil Engineer / Tech Surface Water Drainage, Infrastructure Services), A Buchan (Senior Roads Engineer, Infrastructure Services), M Hutcheon (Roads Technician, Infrastructure Services), A Wilkinson (Principal Engineer, Infrastructure Services), and R McGregor (Strategic Transport Officer, Infrastructure Services)

#### 1. DECLARATION OF MEMBERS' INTERESTS

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

Councillor Stirling declared an interest in Item 8 in relation to the application from Tarves Primary School and Nursery, as she had a grandson who attended the school. However, having applied the objective test, she concluded that her interest was not clear and substantial and therefore she would remain in the meeting and participate in the item.

#### 2. RESOLUTIONS

In making decisions on the items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have 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, and
2. where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching its decision.

### 3. MINUTE OF MEETING OF 22 SEPTEMBER 2020

The Committee had before them, and approved as a correct record, the minute of the meeting of 22 September 2020.

### 4. PLANNING APPLICATION FOR DETERMINATION

Reference	Description	Decision
A. APP/2020/1480	Full Planning Permission for Erection of 12 Affordable Dwellings and Flats at Land to The South of Kinbroom House, Rothienorman	Defer
B. APP/2019/2559	Full Planning Permission for Installation of Wind Turbine (Hub Height 50m, Height to Blade Tip 76.45m), Access Track and Hardstanding at Land at Cairnbrogie Farm, Oldmeldrum	Refuse
C. APP/2019/2740 and APP/2020/1070	Full Planning Permission and Listed Building Consent for Refurbishment and Extension of Existing Outbuilding to Form Garage at Arnage Castle, Ellon	Grant and Grant
D. APP/2020/1373	Full Planning Permission for Change of Use to Hotfood Takeaway at Former Public Convenience, Duff Street, Turriff	Refuse

### 5. LOCAL REVIEW BODY DECISION NOTICE – LRB 489, APP/2019/2547 – LAND TO THE SOUTH OF NORTHSEAT OF AUCHEDLY, TARVES

There had been circulated and was **noted** a Review Decision Notice dated 14 September 2020, advising that the Local Review Body agreed with the determination reviewed by it and refused Full Planning Permission.

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

### 6. DISABLED PERSONS' PARKING PLACES

There had been circulated a report dated 5 October 2020 by the Director of Infrastructure Services which asked the Committee to authorise the commencement of the statutory procedure for the reviewed traffic order for disabled street parking spaces.

During discussion, the members sought clarification on the distance required for parking spaces from junctions; queried whether any disabled person could use the designated

spaces; asked what action could be taken if a non-disabled person parked in one of the designated spaces; asked about the review process that took place each year to determine whether spaces were still required; and queried whether disabled persons were permitted to park on double yellow lines, where disabled parking spaces were not available.

Following debate, the Committee:

- (1) **authorised** the commencement of the statutory procedure for the making of the Aberdeenshire Council (Disabled Street Parking – Formartine) Order 2020,
- (2) **authorised** the subsequent making of the Aberdeenshire Council (Disabled Street Parking – Formartine) Order 2020 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) **requested** that officers clarify the legalities of parking being permitted within 10m of a junction.

## 7. A947 ROUTE STRATEGY UPDATE

There had been circulated a report dated 5 October 2020 by the Director of Infrastructure Services which informed the Committee of the progress made by the A947 Member Officer Working Group and informed of the planned activity of the group going forward.

Following a full debate, the Committee:

- (1) provided the following **comments** on progress made to date in taking forward the actions identified within the A947 Route Improvement Strategy:
  - a) It was disappointing that the strategy had not been delivered and that it had not been aligned with other Council works such as roads maintenance and verge maintenance,
  - b) There had been no local consultation with residents, business users and HGV drivers,
  - c) A review of the road signage was essential,
  - d) Further information was required in relation to the opening of the AWPR,
  - e) There were other methods available to improve driver behaviours, such as average speed cameras,
  - f) Further meetings of the Member Officer Working Group should be convened, and
  - g) The Committee would welcome a further report relating to the proposals for improvements to the A947 route and an associated action plan, and
- (2) **noted** that allocations within the Council's Capital Programme would be required in future years to allow for the delivery of any major schemes.

The Committee **agreed** to Suspend Standing Order 2.1.3 to enable the meeting to

continue after 1.00pm.

## 8. AREA COMMITTEE BUDGET 2020-2021 – FUNDING APPLICATIONS

With reference to the Minute of the Meeting of this Committee of 28 April 2020 (Item 7), at which the broad allocation of the Area Committee Budget for 2020-21 was agreed, there was circulated a report dated 4 September 2020 by the Director of Business Services which outlined the applications for funding that had been received for consideration by members.

### Ellon Community Council

An application was received from Ellon Community Council, seeking a contribution towards the Ellon Christmas Lights Project.

After consideration of the information provided, the Committee **agreed to award £2,000.**

### Tarves Primary School and Nursery

An application was received from Tarves Primary School and Nursery, in association with the PTA, seeking a contribution towards the development of an outdoor learning space.

After consideration of the information provided, the Committee **agreed to award £1,533.**

## 9. 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.

## APPENDIX A

### 4A. Reference No: APP/2020/1480

#### **Full Planning Permission for Erection of 12 Affordable Dwellinghouses and Flats at Land to the South of Kinbroom House, Rothienorman, Inverurie, Aberdeenshire**

**Applicant:** Aberdeenshire Council Housing Dept  
**Agent:** Aberdeenshire Council

The Senior Planner introduced the application which was recommended for approval.

During discussion, the members sought clarification that the landscaping plans would require to be carried out and asked about the maintenance of such; asked if the proposed landscaping would affect the outlook of Kinbroom House; asked about the mitigation of the loss of amenity areas that the development would cause; queried whether the proposed SUDS basins could be extended or enlarged if required; queried whether neighbouring flooding issues had been considered during the design of the SUDS basin; asked who would be responsible for maintaining the fencing around the SUDS basin; queried whether it should be conditioned that Scottish Water adopt the SUDS basin; asked if the flooding measures to be taken would satisfy current pressures in the area; queried whether surfaces would be treated to prevent water run-off into neighbouring properties; queried the timescales for the works to be carried out by Scottish Water and whether the proposed waste water improvement works would have an affect on buildout rate for this development and therefore an impact on funding available; queried Developer Obligations collections; asked whether the proposed onstreet parking was sufficient; asked whether alternative parking would be required for those who used the current hammer-head; and queried whether there was alternative pedestrian access to the centre of the village from the development without having to use Blackford Road.

Following debate, the Committee agreed to **defer** consideration of the application for further information relating to:

1. The Scottish Water Waste-Water Growth Project and timescales for such,
2. Confirmation that the development will not create any additional drainage issues,
3. The consideration of reducing the loss of amenity that the development will create from utilising existing open space for the SUDS basin, and
4. Further consideration of how the new development could be more cohesive with the existing amenity areas in terms of the landscaping to be used.

The Committee also **requested** that the applicant consider carrying out community engagement in relation to this application.

It was **noted** that it may take two cycles for the Planning Service to bring this application back to the Committee.

### 4B. Reference No: APP/2019/2559

#### **Full Planning Permission for Installation of Wind Turbine (Hub Height 50m, Height to Blade Tip 76.45m), Access Track and Hardstanding at Land at Cairnbrogie Farm, Oldmeldrum, AB51 0BP**

**Applicant: Mountwest 838 Ltd**  
**Agent: Farm Energy Consulting Ltd**

The Senior Planner introduced the application which was recommended for approval.

During discussion, the members asked about previous approved applications where conditions had been overturned by the Reporter; confirmed that there had been no formal objection from the Ministry of Defence but this was subject to appropriate conditions; queried the loss of agricultural land; noted that the three turbines already approved in the area had not yet been erected; asked whether this application had been assessed on the basis of four turbines or one additional turbine; and clarified that the cumulative impact of all four turbines had been assessed in terms of noise and visual amenity.

Following debate, Councillor Adam, seconded by Councillor Hassan, moved that the application be approved in line with the recommendations in the report.

Councillor Gifford, seconded by Councillor Johnston, moved as an amendment that the application be refused on the grounds that the application was premature as the full impact of the already approved three turbines in the area was unknown as they had not yet been erected; not all concerns had been allayed and there were further concerns that any mitigating conditions could potentially be removed at a future date; and that the cumulative impact of the four turbines would create a significant visual impact which was contrary to Policy C2 Renewable Energy.

The Members voted as follows:

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

Therefore the **amendment was carried to refuse** Full Planning Permission on the grounds that the application was premature as the full impact of the already approved three turbines in the area was unknown as they had not yet been erected; not all concerns had been allayed and there were further concerns that any mitigating conditions could potentially be removed at a future date; and that the cumulative impact of the four turbines would create a significant visual impact which was contrary to Policy C2 Renewable Energy.

#### **4C. Reference No: APP/2019/2740 and APP/2020/1070**

**Full Planning Permission and Listed Building Consent for Refurbishment and Extension of Existing Outbuilding to Form Garage at Arnage Castle, Ellon, Aberdeenshire, AB41 8PY**

**Applicant: Mr Gareth Jones**  
**Agent: Raymond Canale**

The Senior Planner introduced the applications which were recommended for approval.

During discussion, the members asked whether the proposed garage doors would be similar to the existing doors; asked whether the attractive stonework around the existing lower floor windows would be replicated and if not whether the new works would be inkeeping; asked whether the new lintles would be replaced like for like; and asked about the central personal door and whether the door itself would be replaced to match the garage doors.

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

01. No works in connection with the development hereby approved shall commence unless a sample or full details of the type of wood to be used for the garage doors as part of the approved development and a sample of the cladding to be used on the extension has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason: In order to ensure the materials used are appropriate to the architectural character and historic interest of this listed building.

02. 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.

#### **Reason for Decision (Full Planning Permission)**

The Planning Authority considers that the planning application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The development is acceptable in principle under Policy R2 Housing and employment development elsewhere in the countryside, in that it forms alterations and an extension to an existing building. On balance, the proposal is acceptable under Policy HE1 Protecting historic buildings, sites, and monuments, in that the design is not considered to have a significant impact on the character of the building or impact on the setting or integrity of Arnage Castle. The proposed scale, detailed design and materials used in the proposal are of a high quality and would allow the building to be retained in active use which is appropriate to the building's location within the grounds of Arnage Castle.

And **agreed to grant** Listed Building Consent subject to the following conditions:-

01. No works in connection with the development hereby approved shall commence unless a sample or full details of the type of wood to be used for the garage doors as part of the approved development and a sample of the cladding to be used on the extension has been submitted to and approved in writing by the Planning Authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason: In order to ensure the materials used are appropriate to the architectural character and historic interest of this listed building.

02. 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.

#### **Reason for Decision (Listed Building Consent)**

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. On balance, the proposal is acceptable under Policy HE1 Protecting historic buildings, sites, and monuments, in that the design, on balance, is important to the active use of the building and this out weights the impacts on the character of this building in the context of its curtilage listing. The proposal is not considered to have a significant impact on the character or the setting or integrity of Arnage Castle. The proposed scale, detailed design and materials used in the proposal are of a high quality and would allow the building to be retained in active use which is appropriate to the building's location within the grounds of Arnage Castle.

#### **4D. Reference No: APP/2020/1373**

#### **Full Planning Permission for Change of Use to Hotfood Takeaway at Former Public Convenience, Duff Street, Turriff, Aberdeenshire, AB53 4AX**

**Applicant: Cater Corporation Ltd.**  
**Agent: Neil Rothnie Architecture**

The Senior Planner introduced the application which was recommended for approval.

During discussion, the members asked how likely the users of the proposed takeaway were to use the nearby car parks and if it could it be ensured that they did; queried where potential noise would be emanating from and what the impact of this might be; and asked whether there would be access to the rear of the property.

Following debate, the Committee agreed to **refuse** Full Planning Permission on the grounds of road safety issues; no rear access resulting in trade and waste being dealt with at the frontage of the property causing additional road issues; the outstanding objection from Environmental Health; and that the application did not respect the character and amenity of the area and would cause a detrimental impact on the amenity of the neighbouring properties.

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