

FORMARTINE AREA COMMITTEE

Tuesday 7 December, 2021

Present: Councillors I Davidson (Chair), J Gifford, A Forsyth, A Hassan, P Johnston, A Kloppert, L McAllister, G Owen, S Powell, A Stirling, and I Taylor.

Apologies: Councillor A Duncan.

Officers:- E Brown (Formartine Area Manager), K Clark (Principal Engineer, Roads Development and Transportation), A Davidson (Senior Planner), A de Candia (Solicitor), R Purley (Planner), J Bruce, (Roads Policy Officer), D Sutherland (Area Project Officer), and J McRobbie (Area Committee Officer).

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 Johnston advised, in relation to Item 4, (Planning Application No. 2021/1396) a connection by virtue of having given procedural information to local residents but having applied the objective test, had concluded he had no interest to declare.

Councillor Johnston advised, in relation to Item 6, Aberdeenshire Licensing Board Review of Statement of Licensing Principles 2022-2025, a connection by virtue of being a licensee and so would leave the meeting and take no part in the discussions on the matter.

Councillor Davidson declared an interest in Item 8, Coastal Communities Funding - Application from Newburgh SCIO, by nature of her involvement with the group and so would leave the meeting and would take no part in the discussion of that matter.

Councillor Johnston declared an interest in Item 8, Coastal Communities Funding as a Director of the Belhelvie Community Trust and so would leave the meeting and take no part in the discussion of the matter.

2. RESOLUTION - EQUALITIES

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 Integration Impact Assessment was provided to consider its contents and take these into account when reaching a decision.

3. MINUTE OF MEETING OF 16 November, 2021

There had been circulated and was **approved** as a correct record, the Minute of Meeting of 16 November 2021.

4. PLANNING APPLICATION FOR DETERMINATION

The following application was considered along with valid representations received, and requests to be heard, and was dealt with as recorded in the Appendix to this Minute.

Reference	Description	Decision
A. APP/2021/1396	Full Planning Permission for Erection of 4 Retail Units (Use Class 1) - Change of Layout to Planning Permission Reference APP/2020/0479, The Stead Inn, Manse Road, Mill of Potterton, Potterton	GRANT

5. ROADS POLICY REVIEW UPDATE

With reference to the Minutes of Meeting of the Infrastructure Services Committee of 24 August, 2021 (Item 12) and 11 March, 2021 (Item 14), there had been circulated a report dated 18 November, 2021 by the Director of Environment and Infrastructure Services, requesting Members' consideration of four policies recommended for adoption, for determination by the Infrastructure Services Committee.

There was discussion of the current varied approach taken to the naming of streets; the most appropriate location and sequencing of brown tourism signs; the proposed payment and refund criteria for tourism signs and the triggers for removal on the closure of businesses; the options for other manufacturers to provide signage, in conformity with the National Policy standards; staffing capacity to pursue actions in terms of the proposed Enforcement Policy; the scope of enforcement and its relationship with the Road Traffic (Scotland) Act; on-street locations which may be considered for the location of EV charging points, particularly in areas of existing development and included in the future developments of any new community campuses or buildings across Aberdeenshire; and the potential to consider additional fees for use of the EV charging points in public car parks for periods exceeding the charge time requirement.

The Committee **agreed** that the undernoted comments be submitted for consideration at the Infrastructure Services Committee:

- (1) in terms of the Street Naming and Numbering Policy, that the street naming policy be applied consistently: if there is a community council, that they be consulted, and their comments be given priority over Area Committees in suggesting names; and otherwise, to welcome the proposed policy;
- (2) in terms of the Signposting for Tourism Policy;
 - (a) that the proposed policy be reconsidered (page 117) to retain tourism signs where reasonably placed on route to settlements, and not only install as directional signs from within the settlements themselves;
 - (b) to agree the proposal to refund business owners or attractions in the event of signs becoming redundant by the Council's actions on road alignment and similar works;
 - (c) that manufacture of tourism signage should not be a Council monopoly, as these could be produced to meet the existing national standard, with this element removed from the proposed cost package for qualifying businesses and attractions; and
 - (d) that officers use their local knowledge to remove existing signage to attractions which are no longer in operations, to complement the information received from VisitScotland;
- (3) in terms of the Enforcement Policy:
 - (a) to welcome the proposed policy but express concerns regarding staffing provision for efficacy; and
 - (b) that the policy be monitored and an annual report/ feedback on local implementation be submitted to Area Committees; and
- (4) in terms of the EV Charging Policy and Manual:
 - (a) that the policy be taken into account in the future development of new community buildings/ campuses across Aberdeenshire, and that consideration be given to the retrofitting of EV charging points to existing locations;
 - (b) that bullet 4.2 (Page 188: "we continue to favour off-street developments") be amended to allow the establishment of the most accessible/ appropriate location: people will not be encouraged to move to electric vehicles if the charging point is not convenient;
 - (c) in terms of the charging fees, (page 117 . paragraphs 4.2.2 and 5), that consideration be given, for the levying of a premium cost for use of EV charging stations in public car park, should the time of use exceed the time required for charging; and
 - (d) that the Head of Planning and Environment report on current legislation and planning policies on the provision of EV related infrastructure, to be considered in tandem with the EV policy review.

6. ABERDEENSHIRE LICENSING BOARD REVIEW OF STATEMENT OF LICENSING PRINCIPLES 2022-2025

Councillor Johnston, having declared an interest in this item of business, left the meeting, and took no part in the discussion.

There had been circulated a report dated 22 November, 2021 by the Director of Business Services advising of the three-yearly review of the Statement of Licensing

Principles 2022 – 2025 to be determined by the Licensing Board at its meeting on 9 February, 2022.

Having heard further from the Solicitor of the main changes which were proposed, as highlighted in red on the document, there was discussion of the issues to be considered in public consultation.

The Committee **agreed**, acknowledging the review under the Gambling Act 2005 and the public consultation, taking place between 24th November, 2021 and 19th January, 2022, to welcome the amendments to the Statement of Licensing Principles, and commend it, as detailed in the proposed Statement and Area Profiles as appended to the report.

7. AREA PERFORMANCE CALENDAR

With reference to the Minutes of Meeting of 18 May, 2021 (Item 8) and 21 September, 2021 (Item 13), there had been circulated a report dated 22 November, 2021 by the Director of Business Services, detailing the range of information which would be reported to the Area Committee for performance scrutiny in 2022, with an area plan update to be submitted on 18 January, 2022, and reports from each of the three directorates, as requested, from January to March, 2022.

Having heard from the Area Manager, the Committee **agreed**:-

- (1) to acknowledge the reporting schedule and scope of performance reporting;
- (2) that the Area Manager present, on 18 January, 2022, a mid-year update (April 2021 - September 2021) on progress made in relation to projects/actions within the Formartine Area Plan 2020-2022; and
- (3) to receive, between January and March, 2022, mid-year performance reports (April 2021-September 2021) relevant to the Formartine area.

8. COASTAL COMMUNITIES FUND – FORMARTINE AREA COMMITTEE ALLOCATION

Councillor Taylor took the Chair as Councillor Davidson, having declared an interest, left the meeting, and took no part in discussion of the matter.

With reference to the Minutes of Meeting of the Infrastructure Services Committee of 23 January, 2020 (Item 13) and 20 August, 2020 (Item 11), and the Formartine Area Committee of 9 June, 2020 (Item 5), there had been circulated a report dated 24 November, 2021 by the Director of Business Services, requesting Members' consideration of applications for funding from (a) Belhelvie Community Trust for feasibility work on the future development and use of the Sand Bothy, Balmedie Country Park and (b) Newburgh and Ythan Community Trust SCIO towards a funding gap identified in Phase 1 of a project to redesign and replace the existing car park at Newburgh Links as part of the Seal Viewing Project.

The Committee heard from the Area Manager of the detail of the applications, both of which could be achieved within the funds available for 2019/2020 and from the Area

Project Officer of assurances provided by the applicants that the works could be delivered to meet the timescale of the grants awarded.

The Committee **agreed:-**

- (1) to agree an allocation of £9,000, as detailed in Paragraph 4.5 of the report, to the Belhelvie Community Trust towards the Sand Bothy Development Plan; and
- (2) to agree an allocation of £20,000, as detailed in Paragraph 4.6 of the report, to Newburgh and Ythan Community Trust (SCIO) towards the Newburgh Seal Viewing Project (Phase 1).

9. STATEMENT OF OUTSTANDING BUSINESS

There had been circulated and was **noted** a report dated 29 November, 2021 by the Area Manager detailing items which had been under consideration by the Committee, but not yet concluded, including some matters which had been completed and would be dismissed from future statements.

APPENDIX

Planning Application for Determination – APP/2021/1396 - Full Planning Permission for Erection of 4 Retail Units (Use Class 1) - Change of Layout to Planning Permission Reference APP/2020/0479, The Stead Inn, Manse Road, Mill of Potterton, Potterton

Applicant: Mr J Ghaly
Agent: Raymond Simpson Associates Ltd

Prior to hearing the Senior Planner, the Chair advised that requests to speak had been received from Mrs Pirie and Mr Hopkins who had objected to the application.

Although these had not been received in the timescale stipulated in Standing Orders, given the impact which Storm Arwen in terms of restricting public access to the internet and connectivity, and exceptional weather, the Committee **agreed** to hear Mr Hopkins and Mrs Pirie.

The Committee heard from the Senior Planner of the history of planning applications for retail units on the current site, for which there was an extant planning permission, approved in June 2020 under delegated powers, and live till June 2023. The current application used the same access point and also included four retail units, as per the original application, but the proposed layout had been changed.

In terms of layout, siting, and design, there were no issues with the proposal in terms of the Local Development Plan policies and conditions had been added to include the provision of a bin store as recommended by Waste. Roads had no objections and Flood Prevention were content with the flood risk information provided.

The matter had been referred to Committee for determination solely on the basis that 12 letters of representation, 11 making objections, had been received on the application.

Questions were asked regarding the servicing of the proposed retail units and their cumulative sizes; whether Scottish Water was aware of proposed building over their water main asset; whether the removal of trees on site constituted the implementation of the existing permission; the classification of the road leading to the site; speed limit implications and visibility splay requirements; and car parking provision ancillary to the retail units.

The Committee then heard from Mr Hopkins of his concern that the original application was not viable, and the flood assessments incorrect, as flooding and water logging would impact on the Milton of Potterton would result. He challenged the need for a retail complex in Potterton as this was not included in the Local Development Plan 2017 and suggested the development was speculative on the potential for future housing in the area. The road servicing the site was unclassified, had blind bends and was narrow which was a safety concern, as was the lack of acknowledgement of the existing children's play area in the middle of the site. Mr Hopkins felt that the roads assessment should have taken account of OP1 and OP2 sites, which could be delivered in the next 18 months and required three major new junctions. The proposed design of the retail units was unacceptable, and no

justification had been produced for their creation, as no retail assessment had been made.

The Committee heard from Mrs Pirie of her concerns regarding the road safety, and of damage which had previously take place to roadside properties as the road was not wide enough to allow HGVs easy access without using private driveways as passing places. Permission had not been sought from the owner of Den Cottage, so this would not be assured. Scottish Water concerns regarding the mains infrastructure had been previously raised and she believed made the proposal unimplementable. She asked the Committee to review the application in detail and refuse planning permission.

Questions were asked of Mr Hopkins and Mrs Pirie regarding the flooding assessment. They were thanked for their presentations.

There was discussion of: the reasons for reporting this application to Committee for determination; officers' assessment of the application as not being a Departure from the Local Development Plan policies; road access and visibility splay provision and maintenance in perpetuity; car park permeability and the possible implications for run off outwith the site; retail unit servicing and delivery management; potential additional traffic generation on the unclassified road with no improvements required; the private play area, distinct from the car park area; the potential to define fixed sizes of the retail units; the requirement for planning permission for change of Class should the proposed use change in the future; neighbour notification processes;.

Councillor Gifford moved, seconded by Councillor Davidson, that the Committee GRANT Full Planning Permission on the terms and conditions as detailed in the report, pages 20/21.

Councillor Johnston moved as an amendment, seconded by Councillor Powell, that the application be REFUSED as it does not meet Policy P1, Layout, siting, and design, of the Local Development Plan as it has insufficient parking, turning, and loading areas, and accesses to an un-classified road, with impact on Milton of Potterton.

On a division, there voted:

For the Motion	6	Councillors Davidson, Forsyth, Gifford, Hassan, Owen, and Stirling.
For the Amendment	5	Councillors Johnston, Kloppert, McAllister, Powell, and Taylor.

The Motion was therefore carried, and the Committee **agreed:-**

1. to GRANT Full Planning Permission subject to the following conditions:-
 01. The development shall be served in accordance with the approved drawings and the following details, and will be maintained in perpetuity:
 - a) Prior to commencement of development, visibility splays, measuring 2.4m by 59m 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 permeant obstructions above adjacent carriageway level.

b) Prior to commencement of development, the junction that the proposed vehicular access forms with the public road to be kerbed to radii of 10.0m. The minimum width at the throat of the bell mouth so formed to be 6.0m. The area within the bell mouth and for a minimum distance of 5m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access and shall be surfaced with dense bitumen macadam or asphalt.

c) Prior to occupancy of development, off-street parking for 19 cars, surfaced in hard standing materials must be provided within the site.

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.

02. The development shall be served in accordance with the approved drawings and the following details, and will be maintained in perpetuity:

- a) Prior to occupancy of development, a Litter Prevention Action Plan must be submitted in writing to Waste Management for approval.
- b) Prior to occupancy of development, details of the refuse bin uplift store area shall be submitted to Waste Management for approval. The refuse bin uplift area must be located behind any visibility splay, provide three bins, and be enclosed on three sides so as to be accessible for bin uplift and secure enough to prevent empty bins from being wind-blown. The bin store shall be fully installed/erected prior to occupation and retained in perpetuity.

Reason: To ensure that the development is serviced to an appropriate standard and that associated servicing is in the interests of road safety and local amenity.

03. No individual building hereby approved shall be erected unless an Energy Statement applicable to that building has been submitted to, and approved in writing by, the planning authority. The Energy Statement shall include the following items:

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

04. 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.

05. No buildings hereby approved shall be brought into use unless the proposed surface water drainage system has been provided in accordance with the approved plans and the Drainage Assessment by Macleod and Jordan, dated 14 June 2021. The surface 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.

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

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

2. The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposed development is acceptable in principle under Policy B2 Town centres and office developments. The scale of the development is appropriate for the settlement, in that the retail units will not compete with similar provisions within nearby Town Centres or erode existing services within Potterton. The site is a well-connected 'infill' site, which complies in principle with Policy P3 Infill and householder developments (including home and work proposals). The scale and character of the proposals will not erode the character or amenity of the site and wider area, by virtue of considerate and appropriate design, siting, and external finishes. This complies with Policy P3 and Policy P1 Layout, siting, and design. All technical requirements of the proposal have been met or can be met via condition.