

FORMARTINE AREA COMMITTEE

TUESDAY 23 AUGUST 2022

ONLINE MEETING

Present: Councillors I Taylor (Chair), J Crawley, I Davidson, A Forsyth, A Hassan, P Johnston, G Lang, L McAllister, J Nicol, G Owen (Items 1 to 8), D Ritchie and A Stirling.

Officers: E Brown (Formartine Area Manager), C Young (Area Committee Officer), A de Candia (Solicitor, Legal and People), P Blaxter, (Team Leader, Planning & Economy), L Crossan, (Policy Planner, Planning & Economy) A Ramsay, (Senior Planner, Planning & Economy), R Purdie (Planner, Planning & Economy), L Dingwall (Planner, Planning & Economy), G Steel (Roads Development and Transportation Principal Engineer, Planning & Economy), L Cunningham, (Team Manager, Planning & Economy), P Leiper (Roads & Landscapes Service Manager), I Daniels (Principal Roads Engineer), A Buchan (Senior Roads Engineer), M Hutcheon (Technician, Roads & Infrastructure) and E Wallace (Head of Service, Environment & Sustainability).

1. DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct the following interests were declared:-

Councillor Crawley

Transparency Statement for Item 5C – Councillor Crawley had commented on the application during the member consultation process. He did not feel that his comments precluded him from taking part in the item and having applied the objective test, concluded that he had no interest to declare.

Councillor Davidson

Transparency Statement for Item 5A – Councillor Davidson had a connection to the item by virtue of a Councillor colleague being one of the objectors, however having applied the objective test, she concluded that she had no interest to declare.

Transparency Statement for Item 5C – Councillor Davidson had a connection to the item by virtue of a letter of she had written when she was the Chair of the Formartine Area Committee. It was a letter in support of the principle of a skate park for the area but, at that time, no location had been decided. As the matter today was a decision regarding the location, having applied the objective test, she concluded that she had no interest to declare.

Councillor Forsyth

Transparency Statement for Item 5A – Councillor Forsyth had a connection to the item by virtue of a Councillor colleague being one of the objectors, however having applied the objective test, he concluded that he had no interest to declare.

Councillor Hassan

Transparency Statement for Item 5A – Councillor Hassan had a connection to the item by virtue of a Councillor colleague being one of the objectors, however having applied the objective test, he concluded that he had no interest to declare.

Transparency Statement for Item 5C – Councillor Hassan had a connection by virtue of him being a member of the Gordon Leisure Projects Trust which provided funding for the feasibility study which is mentioned within the report. However, having applied the objective test, he concluded that he had no interest to declare.

Councillor Johnston

Transparency Statement for Item 5A – Councillor Johnston had a connection to the item by virtue of a Councillor colleague being one of the objectors, however having applied the objective test, he concluded that he had no interest to declare.

Councillor Lang

Transparency Statement for Item 5A – Councillor Lang had a connection to the item by virtue of a Councillor colleague being one of the objectors, however having applied the objective test, he concluded that he had no interest to declare.

Councillor McAllister

Transparency Statement for Item 5A – Councillor McAllister had a connection to the item by virtue of a Councillor colleague being one of the objectors, however having applied the objective test, she concluded that she had no interest to declare.

Transparency Statement for Item 5C – Councillor McAllister had a connection to the item by virtue of a letter she had written in support of the principle of a wheeled park for the area but, at that time, no location had been decided. As the matter today was a decision regarding the location, having applied the objective test, she concluded that she had no interest to declare.

Councillor Nicol

Councillor Nicol declared an interest in Item 4 by virtue of the fact she was involved in the LDP consultation in 2020 and submitted representations. She would leave the meeting and take no part in this item.

Councillor Nicol also declared an interest in Item 5A by virtue of the fact she had been a member of the Belhelvie Community Council as a statutory consultee and so

formed a judgement on the application. She would leave the meeting and take no part in this item.

Councillor Owen

Transparency Statement for Item 5A – Councillor Owen had a connection to the item by virtue of a Councillor colleague being one of the objectors, however having applied the objective test, she concluded that she had no interest to declare.

Transparency Statement for Item 5D – Councillor Owen had a connection by virtue of her landlord commenting on this application. But having applied the objective test, she concluded that she had no interest to declare.

Councillor Stirling

Transparency Statement for Item 5A – Councillor Stirling had a connection to the item by virtue of a Councillor colleague being one of the objectors, however having applied the objective test, she concluded that she had no interest to declare.

Councillor Taylor

Transparency Statement for Item 5A – Councillor Taylor had a connection to the item by virtue of a Councillor colleague being one of the objectors, however having applied the objective test, he concluded that he had no interest to declare.

2. PUBLIC SECTOR EQUALITY DUTY

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 Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching its decision.

3. MINUTES OF MEETING OF 14 AND 21 JUNE 2022 AND 19 JULY 2022

The Committee had before them, and **approved** as a correct record, the minutes of the meeting of 14 and 21 June 2022 and 19 July 2022.

4. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2022

There had been circulated a report dated 5 August 2022 by the Director of Environment and Infrastructure Services, which presented the Draft Aberdeenshire

Local Development Plan (LDP) 2022, that incorporated the findings of the Scottish Government Reporter, the “Report to Aberdeenshire Council on the Proposed Aberdeenshire Local Development Plan 2020 Examination” (the “Reporter’s Report”) following the public examination on representations to the Proposed LDP 2020. All Area Committees were being invited to scrutinise the conclusions reached in the Examination Report. Following this, Full Council, at a meeting on 21 September 2022, would be asked to make a decision to advise Scottish Ministers of the Plan that they wished to adopt. This would be the settled view of the Council on the LDP 2022.

The modifications being presented for consideration represented the conclusions of a 15-month independent examination of the proposed plan, approved by Aberdeenshire Council in March 2020, following a 3-year period of engagement with communities, stakeholders and elected members. The recommendations contained in the Reporter’s Report were largely binding and departures from these could only be made in defined circumstances, as detailed in section 3.1 of the report. Appendix 1 of the report contained a summary the Reporter’s Report, with Appendix 2 detailing some additional minor non-notifiable, and consequential modifications.

Officers highlighted the salient points from the report and ran through each settlement within Formartine to clarify any changes that had been proposed and the Chair invited questions or comments from members.

Councillor Johnson referred to the four reasons why the Council could resolve not to accept the Reporter’s Report and asked for clarification as to whether there were grounds not to accept the Report on the basis that there was a conflict with the Strategic Environmental Assessment (SEA). Mr Blaxter advised that the SEA had been published, consulted upon and amended to take account of comments made and the Reporter’s Recommendations. Analysis had confirmed that there were no conflicts with the amended SEA.

Councillor Johnston also queried whether the plan met current legislation relating to climate change and was assured that this was a matter considered by the Reporters, in the context of discussions on the Climate Change section, and the Reporter had agreed that the position adopted by the Council was appropriate as there was no current guidance requiring Local Development Plans to adopt a “Climate emergency” policy approach (a minor change was introduced by the Reporter to reinforce the sustainability of the LDP in the Climate Change introduction text).

Councillor Hassan congratulated the policy team on the comprehensive outcome from the Examination and raised questions regarding the consistency of including Potterton in the Strategic Growth Area (SGA). It was explained that housing land was calculated on the basis of the Housing Market areas and the SGA’s were a pattern that was followed to ensure delivery of Strategic Development Plan obligations. Whether Potterton was within or out with the SGA made no real difference to the allocations made. Whilst Councillor Hassan noted that the recommendations being made by the Reporter were going to be unpopular, it was noted that the principle of development on the two sites in the village were deemed to be appropriate for development and most of the issues raised by Representees could be considered in the context of the planning application that was anticipated.

Councillor Hassan also queried the allocation of Blackdog as a Principal Town Centre but was advised that the text of the LDP allowed the Council to enforce the masterplan and site allocation text within the LDP and ensure that the overall vision for the site was maintained as a regionally significant food hall. He suggested that debate might be required at ISC relating to the issue of culverting watercourses, but he was unclear to the context that was of concern (clarification is being sought). Councillor Hassan also noted that the vision text for Potterton included reference to the Post Office and Shop and that these had closed in the recent past. He was thanked for this information and advised that a minor modification could be introduced to the plan presented to Aberdeenshire Council as a "Officer's non-notifiable recommendation" on the basis of accuracy.

Further, Councillor Hassan noted the deletion of the sites OP2 and OP3 from Belhelvie and queried whether the site reserved for a community use could be retained. He was advised that the site now benefitted from a planning consent and was now unavailable for community uses, but that policies in the plan (Policy P6 Community Facilities and Public Amenities) would allow such a use on an unallocated site on the edge of the village.

Councillor Stirling asked that the copies of the maps used in the presentation be circulated to members. She was advised that these were available on the Council's website for reference, but commitment was given to give them more promotion and draw them to the attention of Members. She also asked for advice on how the elements of the plan sought by the Reporter for site development would be delivered and whether this required instructions to other Services in the Council. She was assured that this would be accommodated by development management seeking the relevant information and compliance with the terms of the plan from prospective developers and that no direct action was required.

Following consideration of all the information provided, the Committee:

- 1) **noted** the Reporter's Report and the proposed non-notifiable modifications,
- 2) provided the following **comments**:
 - a) The plan reflects that Potterton is not in the Strategic Growth Area but there are additional allocations to promote it being within the Energetica Corridor,
 - b) It should be noted that Potterton no longer has a Post Office and Shop, and
 - c) There's a recommendation to delete the R1 allocation for a Community Centre for Belhelvie but there is a wish for this to remain in the plan, and
- 3) **requested** that the slides shown at the meeting by officers, highlighting the Settlement Statement maps and updates, be circulated to all members in advance of Full Council.

5. PLANNING APPLICATIONS FOR DETERMINATION

The following applications were considered, along with valid representations and requests to speak received, and were dealt with as recorded in the Appendix to this Minute.

Reference	Description	Decision
A. APP/2021/0546	Full Planning Permission for Formation of Quarry for Extraction of Rock Aggregate at Site to the East of Newton of Rainnieshill Cottage, Newmachar	Refuse
B. APP/2022/0711	Full Planning Permission for Alterations to First Floor of Domestic Garage to form Ancillary Residential Accommodation (Granny Flat) at Backhill of Ardo Methlick, Ellon	Delegated Grant
C. APP/2022/0186	Full Planning Permission for Formation of Cycling Tracks and Concrete Skate Park at Ellon Riverside Path, Ellon	Grant
D. APP/2021/1590	Full Planning Permission for Change of Use from Class 1 (Shops) to Sui Generis (Hot Food Takeaway) at Greens of Ellon The Square, Ellon	Grant
E. APP/2022/0460	Planning Permission in Principle for Erection of Dwellinghouse at Grainhill, New Deer, Turriff	Item Withdrawn
F. APP/2022/0875	Full Planning Permission for Erection of Boarding Cattery Unit and Partial Change of Use from Residential (Class 9) to Animal Boarding (Sui Generis) at Woodlee Quilquox, Ythanbank, Ellon	Grant

6. ROADS CAPITAL WORKS 2022-23

There had been circulated a report dated 26 July 2022 by the Director of Environment and Infrastructure Services, which asked the Committee to note the proposal agreed by Infrastructure Services Committee on 8 June 2022, for the Service to develop a method for identifying and prioritising roads related capital works schemes, and to note the roads related capital works programmes for 2022-23.

Following consideration of the information provided, the Committee:

- 1) **noted** that the data driven processes would be developed for producing and prioritising roads related capital works programmes,
- 2) **noted** that the Service would move to a live and transparent method of scheme identification and prioritisation to replace annual roads maintenance works programmes reporting,
- 3) **noted** that road asset maintenance would be considered across Aberdeenshire as a whole,
- 4) **noted** the agreed programmes of roads related capital works for 2022-23 as detailed in Appendix 2 of the report,
- 5) **requested** an informal session with officers to discuss the matters within this report in more depth, and
- 6) provided the following **comments** in relation to the draft questionnaire, as detailed in Appendix 1 of the report, which would allow Members to inform the Service of factors that should be considered when assigning a roads maintenance hierarchy designation to a section of road or footway:
 - a) We seem to be moving away from communities and should perhaps be asking them directly what they think the priorities should be,
 - b) The survey does not reflect some of the rural areas of our communities where there are no facilities, yet they still require a robust network,
 - c) Whatever is put in place requires to be monitored very closely as there will be areas that will not reach the list as a priority,
 - d) The information we are gathering may not accurately reflect the actual need in terms of where and when we need a robust network,
 - e) Members of the public may not understand the data set and why certain issues are not considered a priority,
 - f) In page 358 of the papers, Eigie Road in Balmedie is in Ward 8, not Ward 9,
 - g) In page 367 of the papers, Aitkenshill is in Ward 9, not Ward 8,
 - h) Within the questionnaire on page 355, there are no options for strongly agree, which should come first on the list of options,
 - i) Who determines which streets are considered to be side outlying streets?
 - j) There's a fair amount of duplication in the questionnaire,
 - k) Who are we sending the questionnaire out to?
 - l) What do we hope to find out by sending out this questionnaire?
 - m) Will the list be updated daily with new information as it comes in?
 - n) Everything is very roads orientated, we need to consider issues for users who may be pedestrians as they may be adversely affected by uneven surfaces just as much as vehicular users,
 - o) There are not many signed cycle routes in our area, so this may lead to a warped sense of priority,
 - p) It would be worthwhile to share the questionnaires further, as widely as possible, including to Parent Council groups,

- q) It would be useful to have the ability to leave comments, rather than tick boxes only,
- r) Councillors want to be able to log the issue with officers, not only via the website, as they often need a response to go back to constituents,
- s) It would be helpful to clarify to users that priorities may change, and
- t) It would be helpful to add the weighting of replies too.

7. FORMARTINE DISABLED PERSONS' PARKING PLACES

There had been circulated a report dated 18 July 2022 by the Director of Environment and Infrastructure Services, which sought authority for the commencement of the statutory consultation process for a traffic order in relation to disabled street parking spaces in Formartine, with a view to updating the current Order.

Following consideration of the information provided, the Committee **agreed** to:

- 1) authorise the commencement of the statutory consultation process for the making of the Aberdeenshire Council (Disabled Street Parking – Formartine) Order 2022, and
- 2) instruct 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.

8. ABERDEENSHIRE COUNCIL ROUTE MAP 2030 AND BEYOND

There had been circulated a report dated 11 August 2022 by the Director of Environment and Infrastructure Services, which contained the draft of Aberdeenshire Council's Route Map 2030 and Beyond which had been developed by consultants with the support of Aberdeenshire Council officers. The report went before the Sustainability Committee on 15 June 2022 where it was recommended that the report to be presented to all Area Committees for consideration and comments.

Following consideration of the information provided, the Committee:

- 1) **noted** the amendments to the estimated Capital investment which had been made since the 15 June 2022 Sustainability Committee, as detailed in Appendix 2 of the report, and
- 2) provided the following **comments** on the Aberdeenshire Council Route Map 2030 and Beyond Sustainability Committee report, as detailed in Appendix 1 of the report:
 - a) Where does School Transport fit into this as we have no control over this,
 - b) How many computer monitors were left on in schools over the summer holidays, as this would be something easily resolved,
 - c) On page 423 of the papers, in terms of making the fleet electrical, we are not currently including the figures if we move towards garden waste, and so the figures are likely to increase,

- d) How are we measuring our output of CO2? Figure 5 on page 417 of the papers shows a pie chart and how widely does this consider our usage? and
- e) At paragraph 4.3.2 of the report, it is mentioned that works are still required – we need to note that the figures are large and financial assistance will be required from other sources.

9. ANNUAL SCRUTINY AND IMPROVEMENT REPORT 2021-22

There had been circulated a report dated 25 July 2022 by the Director of Business Services. The Scrutiny and Improvement at Aberdeenshire Guidance in Part 4 of the Scheme of Governance required each Committee to consider an Annual Scrutiny and Improvement Report. The report included highlights of key scrutiny activity undertaken by the Committee over the past year and outlined areas for inclusion in the scrutiny programme for the coming year.

Following consideration of the information provided, the Committee:

- 1) **noted** the activities detailed in the report,
- 2) **agreed** the proposed programme of scrutiny activity for 2022-23, as detailed in Appendix 1 to the report, and
- 3) **requested** that the following additional topics be added to the programme of future activity:
 - The Cost-of-Living crisis and associated impact on our communities,
 - Scrutiny of Health and Social Care within Formartine, and
 - The Regeneration Programme

10. ELLON COMMUNITY COUNCIL

There had been circulated a report dated 2 August 2022 by the Director of Business Services which advised the Committee of the dissolution of Ellon Community Council and outlined the necessary actions required as a result.

After consideration of the information provided, the Committee **acknowledged** that Ellon Community Council had dissolved.

11. AREA COMMITTEE BUDGET 2022-23 – APPLICATIONS FOR FUNDING

With reference to the Minute of the Meeting of this Committee of 26 April 2022 (Item 8), at which the broad allocation of the Area Committee Budget for 2022-23 was agreed, there was circulated a report dated 15 July 2022 by the Director of Business Services which outlined an application for funding that had been received for consideration by members.

After considering all the information provided, the Committee **agreed to award** £961.75 to the Meldrum Amenities Improvement Group, towards the renewal of the plastic cover on their main polytunnel.

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 Area Committee Officer highlighted the updates that had been provided in relation to Items 3 and 4 on the Statement of Outstanding Business and it was **noted** that these items would now be removed.

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APPENDIX 1

5A. Reference No: APP/2021/0546

Councillor Nicol declared an interest in this item by virtue of the fact she had been a member of the Belhelvie Community Council as a statutory consultee and so formed a judgement on the application. She left the meeting for the duration of this item and took no part in its determination.

Full Planning Permission for Formation of Quarry for Extraction of Rock Aggregate at Site to the East of, Newton of Rainnieshill Cottage, Newmachar, Aberdeenshire

Applicant: JKR Contractors Ltd
Agent: Johnson Poole and Bloomer

The Planner introduced the report and the Committee then heard oral representations from the applicant and 4 objectors. The speakers all confirmed that they had received a fair hearing.

During discussion the members asked for clarification on the maximum depth of the proposed quarry; asked whether there had been an officer inspection of the unclassified road to the north of the site, to consider culverts and road edges; asked whether there had been a risk assessment carried out for the proposed pedestrian walkway; sought clarity on the visibility map provided; asked whether the face of the quarry on the east side would be visible from the minor road to the bridge and, if so, would it therefore emit noise; queried whether it would be possible to control traffic movements if restrictions were placed on the B999; sought clarification on what could be done to condition noise and dust emissions as well as speed of vehicles; sought clarification on the timings of phase 1 of the proposed development, specifically initial construction and formation of the new access; queried the route to be used during the initial short term construction phase; asked whether the elements of the phase 1 construction could be broken down and made clearer within the conditions; and asked whether the number of lorries entering and exiting the development, per day, could be conditioned.

Councillor Taylor stated that whilst the application had some detrimental aspects, there was mitigation available to limit any impacts. On those grounds he **moved** that Full Planning Permission be granted, with additional conditions to 1) limit the usage of the secondary access to a short time period; and 2) reinforce the proposed walkway from Newton of Rainnieshill, to allow safe pedestrian access. There was no seconder to the motion.

Councillor Ritchie had **moved** and it was thereafter **agreed** by the Committee that Full Planning Permission be **refused**, in line with the views of the Garioch Area Committee, on the grounds that:

1. there would be a significant and demonstrable adverse impact on the landscape given the prominence of the site (Policy E2),

2. there would be an unacceptable and detrimental adverse impact on the amenity of neighbouring properties given their proximity to the access and the site (Policy R3), and
3. the principle of development had not been established given the limited information about current reserves. Therefore, the need for the proposed development had not been demonstrated (Policy R3).

5B. Reference No: APP/2022/0711

Full Planning Permission for Alterations to First Floor of Domestic Garage to form Ancillary Residential Accommodation (Granny Flat) at Backhill of Ardo, Methlick, Ellon, Aberdeenshire, AB41 7HS

Applicant: Mr & Mrs S Bruce

Agent: Colin Thompson Chartered Architect

The Planner introduced the report, and the Committee then heard an oral representation from the applicant. The speaker confirmed that he had received a fair hearing.

During discussion the members asked for clarification on the policy position, noting that there had been a similar building on the site in previous years; asked whether it could be conditioned that the proposed accommodation remain ancillary and, if so, whether that would be enforceable as a condition; sought clarification on whether it was previously queried whether the accommodation could be used for a Bed & Breakfast; sought clarification on whether this could be considered a replacement building on the grounds that the original second address was still on the Council's system; and asked whether the proposed accommodation had its own water and power supply.

Following debate, Councillor Stirling, seconded by Councillor Lang, **moved** that authority to grant Full Planning Permission be delegated to the Head of the Planning and Environment Service, subject to a condition that the residential use of the development remained ancillary to use of dwellinghouse Backhill of Ardo, on the grounds that it was a justifiable departure from Policy R2 as:

1. there had previously been a similar building on the site and the phasing of the current building works had led to the situation whereby like for like was not being built as the garage had been phase 1,
2. there were no objections from statutory consultees, and
3. the proposed development would have no adverse impact on amenity or sustainability.

Councillor Taylor, seconded by Councillor Hassan, moved as an **amendment** that the application be refused in line with the officer recommendations in the report.

The Members voted as follows:

For the Motion:

11

Councillors Crawley, Davidson, Forsyth,
Hassan, Johnston, Lang, McAllister, Nicol,

Owen, Ritchie and Stirling

For the Amendment: 1 Councillor Taylor

Therefore, the **motion was carried** that **authority to grant Full Planning Permission be delegated** to the Head of the Planning and Environment Service, subject to a condition that the residential use of the development remained ancillary to use of dwellinghouse Backill of Ardo.

5C. Reference No: APP/2022/0186

Full Planning Permission for Formation of Cycling Tracks and Concrete Skate Park at Ellon Riverside Path, Ellon

Applicant: Ellon Community Council
Agent: Alan Jones Associates

The Senior Planner introduced the report and clarified that the application was listed as being at Ellon Riverside Path as this was the nearest address to the site using the easting and northings provided on the application form, however the proposed development would wholly be within Gordon Park.

The Committee then heard oral representations from a supporter on behalf of the applicant and from an objector. The speakers both confirmed that they had received a fair hearing.

During discussion the members asked about the height of the proposed development; whether it could be ensured that there would be no traffic congestion issues by users of the development; sought clarification on the nearest toilet facilities; queried who was responsible for health and safety and insurance; asked how often events were likely to be held which would prevent usage by other users and how people would be made aware of such events; asked why there were no proposals to fence the site in, like other similar developments in other areas; sought clarification on the extent of the parking survey that had been carried out; sought clarification on notice of this planning application; and asked about access for construction.

Following debate; Councillor Owen, seconded by Councillor Crawley, **moved** that the application be refused on the grounds that the siting within Gordon Park would have a significant adverse impact on the surrounding area and neighbouring properties, and therefore was contrary to Policy PR1 Protecting important resources.

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

The Members voted as follows:

For the Motion: 4 Councillors Crawley, Lang, Owen and

Ritchie

For the Amendment: 8 Councillors Davidson, Forsyth, Hassan, Johnston, McAllister, Nicol, Stirling and Taylor

Therefore, the **amendment was carried to grant Full Planning Permission**, subject to the following conditions:

01. No works in connection with the permission hereby approved shall commence unless a scheme of compensatory tree planting and biodiversity planting of wild flowers has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- a) The location of the compensatory tree and biodiversity planting
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- c) A programme for the implementation, completion and subsequent management of the proposed compensatory planting.

The compensatory tree planting shall be carried out in complete accordance with the approved scheme and any planting which, within a period of 10 years from the completion of the compensatory tree planting, 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: In order to maintain woodland cover in accordance with the aims of local and national planning policies.

02. Prior to the commencement of development, full details of the proposed surface water drainage shall be provided for further written approval, and the development shall not come in to use until the surface water drainage scheme has been installed as per the agreed details.

Reason: In the interests of public health and safety.

5D. Reference No: APP/2021/1590

Full Planning Permission for Change of Use from Class 1 (Shops) to Sui Generis (Hot Food Takeaway) at Greens of Ellon, The Square, Ellon, Aberdeenshire, AB41 9JB

Applicant: Mr Gorkem Gorur
Agent: Mantell Ritchie

The Senior Planner introduced the application, advising that additional conditions were available for consideration, should members wish to approve the application.

During discussion the members asked where the bins were to be located; asked about the proposed additional condition in relation to the opening hours and whether the applicant could revise these in the future; sought clarity on the term 'hours of operation' and suggested that this should be revised to 'hours of trading', should the revised conditions be agreed; and queried the arrangements for delivery vehicles.

Following debate, Councillor Owen, seconded by Councillor Stirling, **moved** that the application be refused on the grounds that it would have an unacceptable impact on the amenity of neighbouring residential properties in terms of parking issues, noise and smells, therefore it was contrary to Policy P1.

Councillor Johnston, seconded by Councillor McAllister, moved as an **amendment** that the application be granted as per the officer recommendations within the report.

The Members voted as follows:

For the Motion:	4	Councillors Davidson, Owen, Ritchie and Stirling
For the Amendment:	8	Councillors Crawley, Forsyth, Hassan, Johnston, Lang, McAllister, Nicol and Taylor

Therefore, the **amendment was carried to grant Full Planning Permission**, subject to the following conditions:

01. Noise from the premises shall not exceed Noise Rating Curve 25 when measured at a point outside any noise sensitive building at least 3.5m from any reflecting surface other than the ground or within a habitable room of any noise sensitive dwelling.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

02. The premises shall not be brought into use unless details of an odour controls system to be installed in the premises have been submitted to and approved in writing by the Planning Authority. The design of the proposed system shall have regard to the EMAQ guidance document 'Control of Odour and Noise from Commercial Exhaust Systems'. The premises shall not open for business/operate unless the odour control system has been installed in accordance with the approved details and its operation has been demonstrated to the Planning Authority. Once provided, the approved odour control system shall be permanently retained thereafter.

Reason: To ensure that odour from the development does not result in undue loss of amenity for surrounding properties.

03. No works in connection with the development hereby approved shall take place unless details of a suitably sized and positioned grease trap have been submitted to and approved in writing by the Planning Authority. The

development hereby approved shall not be brought into use unless the grease trap has been installed in accordance with the approved details.

Reason: To prevent excessive amounts of grease, oils and food from the premises entering the public foul sewer and thereby ensuring there is no adverse impact on the public foul sewer from the development.

5E. Reference No: APP/2022/0460

Applicant: Mr E Hosie
Agent: Baxter Design Company

Item Withdrawn.

5F. Reference No: APP/2022/0875

Full Planning Permission for Erection of Boarding Cattery Unit and Partial Change of Use from Residential (Class 9) to Animal Boarding (Sui Generis) at Woodlee, Quilquox, Ythanbank, Ellon, Aberdeenshire, AB41 7TQ

Applicant: Mr James Shulver
Agent: No Agent

The Senior Planner introduced the report.

During discussion the members sought clarity on the times of operation; whether the applicant would be permitted to board any animals other than cats; queried the height of the proposed development in relation to the boundary bushes; and sought confirmation that the animals would be secure.

Following debate, the Committee **agreed to grant Full Planning Permission**, with a condition that the business would only be permitted to accept cats for boarding and no other types of animals.