

**ABERDEENSHIRE COUNCIL**  
**FORMARTINE AREA COMMITTEE**

**THE KIRK CENTRE, STATION ROAD, ELLON, 26 JUNE 2018**

**Present:** Councillors I Davidson (Chair), I Taylor (Vice-Chair), K Adam, S Duncan, A Forsyth, J Gifford, P Johnston, A Kloppert, G Owen, A Stirling and R Thomson (Items 1 to 9).

**Apologies:** Councillor A Hassan.

**Officers:** E Brown (Formartine Area Manager), C Young (Committee Officer, Formartine), M Ingram (Solicitor, Legal and Governance), A Ramsay, (Senior Planner, Infrastructure Services), C Campbell (Planner, Infrastructure Services), S Bolderson (Senior Environmental Health Officer), G Steel (Principal Engineer, Infrastructure Services), J Davidson (Environment Planner, Infrastructure Services), J Cranna (Finance Service Manager, Business Services), G Aitken (Housing Team Leader, Infrastructure Services), A Griffiths (Head of Primary Education and Curriculum Development, Education and Children's Services), A Sheridan (Waste Team Manager, Infrastructure Services), S Antill (Support Leader, Collections and Cleansing, Infrastructure Services – Attendance by Skype), J Gahagan (Estates Manager, Business Services), N McDonald (Area Commander, Police Scotland) and N Thom (Inspector, Police Scotland).

**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 Davidson declared a connection to Item 5A by virtue of the fact that she was a member of the Haddo Country Park Forum Limited. However having applied the objective test she concluded that she had no interest to declare.

Councillor Duncan declared a connection to Item 5E by virtue of the fact that he was a member of the National Farmers' Union. However having applied the objective test he concluded that he had no interest to declare.

Councillor Forsyth declared an interest in Item 5E by virtue of the fact that he had received and opened an email from the agent which he had responded to with a neutral comment. He later found out that the aforesaid email contained a previous detailed string of conversations to various parties about the application. As he felt it could be construed that his impartiality had been compromised, he stated that he would take no part and would leave the meeting for this item.

Councillor Johnston declared a connection to Item 5A by virtue of the fact that he was a member of the Haddo Country Park Forum Limited. However having applied the objective test he concluded that he had no interest to declare. He also declared a connection to Item 5D by virtue of the fact that he was acquainted with the applicant's family. However having applied the objective test he concluded that he had no interest to declare.

Councillor Kloppert declared a connection to Item 5C by virtue of the fact that she had been a member of the Friends of McDonald Park group from 2013 to 2017. However having applied the objective test she concluded that she had no interest to declare. She also declared a connection to Item 5D by virtue of the fact that she used the same solicitor as the owner of the premises to be leased to the applicant. However having applied the objective test she concluded that she had no interest to declare. She also declared an interest in Item 5F by virtue of the fact that she was a resident of Ythanbank. She stated that she would take no part and would leave the meeting for this item.

Councillor Taylor declared a connection to Item 5E by virtue of the fact that he was a member of the National Farmers' Union. However having applied the objective test he concluded that he had no interest to declare.

## 2. RESOLUTIONS

### a) Equalities

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

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.

### b) Exempt Information

That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the Meeting for Item 14 of the business on the grounds that it involved the likely disclosure of exempt information of the class described in Paragraph 9 of Part 1 of Schedule 7A of the Act.

## 3. MINUTE OF MEETING OF 5 JUNE 2018

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 5 June, 2018, subject to the following amendments: at Item 1 Councillor Kloppert revised her declaration to read "Councillor Kloppert declared a connection to Item 4C by virtue of the fact that she had used the same solicitor as the owner of the premises to be leased to the applicant..."; and at Item 4E the seconder of the motion was revised to read "Councillor Kloppert".

## 4. POLICE SCOTLAND – PERFORMANCE MONITORING AND OPERATIONAL UPDATE

There had been circulated a report dated 7 June, 2018 by the Director of Business Services which informed members of how Police Scotland were performing locally in Formartine during the period April 2017 to March 2018, compared to the same in the previous year.

The Area Commander was in attendance with the new Inspector and they provided an overview of the information contained within the performance report.

The Committee congratulated Police Scotland for their recent efforts in building confidence within their communities and thanked them for the recent increased communications and community presence.

During discussion, the members asked if lessons had been learned following the incidents that had taken place in Oldmeldrum after the sports day; sought further clarity on the crimes of indecency; noted that the figures for housing-breaking within Ellon were down; noted that there had been improvements in relation to anti-social driving; questioned whether there would be organisation integration within Ellon; and noted that early intervention and preventative works were being carried out but cautioned that cognisance should be taken of the national situation and that the area would wish to protect the resource that it currently has.

Thereafter, the Committee **noted** the performance monitoring information relating to the Aberdeenshire component of the North East Division of Police Scotland.

## 5. PLANNING APPLICATIONS FOR DETERMINATION

The following planning applications were considered along with any representations received in each case and were dealt with as recorded in **Appendix A**.

Reference	Description	Decision
A. APP/2017/3199	Full Planning Permission for Provision of Outdoor Woodland Kindergarten and Siting of Yurt at Haddo Estate, Mains of Haddo, Tarves	Grant
B. APP/2017/2889	Full Planning Permission for Erection of 50 Dwellings (Two Phases of Residential Development Within Grounds of Meldrum House Hotel and Estate) at Meldrum House Hotel, Oldmeldrum	Item withdrawn by Planning Service
C. APP/2018/0878	Full Planning Permission for Removal of Condition 2 (Cycle/Footpath) of Approved Application Reference APP/2012/0421 (Full Planning Permission for Amendment to Residential Development at Castle Meadows to vary Conditions 18 & 19 of APP/2009/2460 to Replace the Permanent Access from Golf Road with Temporary Construction Traffic Road & Permanent Cycle/Footpath Route) at Site at Castle Meadow, Market Brae Ellon	Grant
D. APP/2017/3076	Full Planning Permission for Change of Use from Class 1 (Retail) to Class 3 (Food and Drink) at 21 The Square,	Delegated Grant

Ellon

- |    |               |  |        |
|----|---------------|--|--------|
| E. | APP/2018/0159 | Full Planning Permission for Change of Use of Existing Building to House Biomass Boiler including Flue (8.5m Total Height) at Ewebrae, Cuminestown   | Grant  |
| F. | APP/2018/0422 | Full Planning Permission for Erection of Dwellinghouse at Plot 13, Ythanbank, Ellon  | Grant  |
| G. | APP/2018/0518 | Planning Permission in Principle for Erection of Dwellinghouse at Site to the North of Cairnhill Farm, Turriff   | Refuse |
| H. | APP/2018/0651 | Full Planning Permission for Change of Use of Agricultural Land to Business Use and Formation of Hardstanding Area (Retrospective) at Stalla Nero, Hill of Menie, Balmedie                 | Refuse |
| I. | APP/2018/0889 | Full Planning Permission for Change of Use from Public Open Space to Residential Garden Ground & Erection of 1.8m High Fence (Retrospective) at Land Adjacent to 47 Hareburn Road Blackdog | Grant  |

## 6. UNIVERSAL CREDIT FULL SERVICE IN NORTH ABERDEENSHIRE

There had been circulated a report dated 22 May, 2018 by the Director of Business Services which detailed the work that was being carried out in respect of the Universal Credit full service rollout in North Aberdeenshire.

During discussion, the members asked about any impact on persons on existing benefits; asked if any lessons had been learned from the rollout in South Aberdeenshire; queried whether this was a positive experience for tenants; asked about the dates for full rollout; sought clarity on whether tenants could choose for their monies to be paid to the Council or direct to their landlord and whether additional support was available to vulnerable persons; asked whether mitigation was to be put in place to avoid delays with payments, which could cause tenants to fall into arrears; sought assurance that clients would be dealt with in an appropriate manner with officers seeking to engage as far as possible; and queried how the service intended to cope with the additional demands that this rollout may bring, noting that a tremendous amount of preparation works had already been carried out by the service and frontline staff should be supported.

Thereafter, the Committee:-

- (1) **noted** and **endorsed** the work that was being carried out in respect to the Universal Credit Full Service rollout in North Aberdeenshire, and
- (2) **requested** that officers provide an update in 6 months' time, or sooner if there were any issues to report.

## 7. ABERDEENSHIRE COUNCIL OUTDOOR ACCESS STRATEGY 2018-2021

There had been circulated a report dated 28 May, 2018 by the Director of Infrastructure Services which detailed the Aberdeenshire Council Outdoor Access Strategy for 2018-2021.

Following a full discussion, the Committee:-

- (1) **noted** the aims and key priorities of the Outdoor Access Strategy 2018-2021 and associated Team Action Plan, and
- (2) provided the following **comments** to be considered by the Infrastructure Services Committee:-
  - a) Are there any plans to provide a standardised approach to involving community bodies as groups who can assist with maintenance,
  - b) Would consideration be given to contracting social enterprises,
  - c) Cognisance should be given to the new opportunities available through Participatory Budgeting, Community Empowerment and Participation Requests,
  - d) Are records held of successful farm land bids for funding, detailing where the associated paths have been created,
  - e) There needs to be measures in place to evaluate the outcomes achieved,
  - f) Has there been cognisance of Health & Safety implications for volunteers,
  - g) Has the sustainability of external funders been considered,
  - h) Will more information be available in relation to Aims 4 and 5 in terms of how awareness of outdoor actives is raised, and
  - i) It would be helpful to have a clear indication of the costs to community groups if responsibilities are devolved.

## 8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 - APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR FAIRGROUND EQUIPMENT AT TURRIFF SHOW, THE HAUGHS, TURRIFF

There had been circulated a report dated 6 June, 2018 by the Director of Business Services which sought approval for the extension of operating hours for fairground equipment at the Turriff Show, the Haughs, Turriff.

Following consideration of the information provided, the Committee **agreed to grant** an extension to the hours of operation, permitting the following operational hours:

Saturday, Sunday and Monday 4-6 August 2018: 10:00 – 22:00

## 9. HOUSING SERVICE QUARTERY PERFORMANCE EXCEPTION REPORTING JANUARY TO MARCH 2017 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 11 June, 2018 by the Director of Infrastructure Services which detailed exceptions in performance monitoring that were significantly above or below performance targets.

Following discussion, the Committee:-

- (1) **noted** the positive performance achieved from January to March 2018 (Quarter 4), as detailed in paragraph 2.3 of the report,
- (2) **noted** the measures where performance was below expectations from January to March 2018, as detailed in Appendix 1 of the report,
- (3) **noted** the update on work undertaken to alleviate Fuel Poverty, as detailed in Appendix 2 of the report,
- (4) **noted** the publication of the complete January to March 2018 performance report, along with a reporting rationale document for all indicators, on Ward Pages, and
- (5) provided the following **comments**:-
  - a) Could further information be provided in relation to the decrease in Fuel Poverty in Aberdeenshire, in comparison to the rest of Scotland, and
  - b) The Committee would like a local monitoring system for the both the EESH programme and the works being delivered by Hard FM.

#### **10. SCOTTISH WATER CONSULTATION – ‘SHAPING THE FUTURE’**

There had been circulated a report dated May 2018 by the Director of Infrastructure Services which provided detail of the Scottish Water consultation, ‘Shaping the Future’.

Following consideration of the information provided, the Committee:-

- (1) **noted** the consultation and, in particular, the 3 ambitions and the improvement priorities identified in the Scottish Water consultation, and
- (2) provided the following **comments** to be considered by the Infrastructure Services Committee on 23 August, 2018 which would formulate part of Aberdeenshire Council’s response to the Scottish Water consultation:-
  - a) At present, Scottish Water are causing serious constraints which are affecting delivery of developments across the area,
  - b) There needs to be a better protocol between Scottish Water and the Planning Service, to allow a more timely delivery of infrastructure,
  - c) There needs to be consideration of new policies and better engagement with the Council and other agencies,
  - d) Broken infrastructure should be replaced to prevent loss of water,
  - e) There should be better alignment to the Aberdeenshire Council Local Development Plan, and
  - f) The paragraph relating to Priority Substances, on Page 20 of the consultation document, should be strengthened.

## 11. NORTHERN ALLIANCE REGIONAL IMPROVEMENT PLAN: CONSULTATION

There had been circulated a report dated 25 April, 2018 by the Interim Director of Education and Children's Services which sought comments on the draft Northern Alliance Regional Improvement Plan.

Following consideration of the information provided, the Committee:-

- (1) **noted** the draft plan for the Northern Alliance,
- (2) provided the following **comments** on the content of the plan for consideration by the Education and Children's Service:-
  - a) It was clarified that on Page 5 of the draft plan, 'Emergency Literacy Programme' should read 'Emerging Literacy Programme',
  - b) It would be helpful to have more information on how Looked After Children will be assisted to increase attainment,
  - c) The plan is very educational based,
  - d) A collaborative approach is required,
  - e) It would be helpful to understand how this plan relates to the strategic priorities for the Council and how it ties in with the alliance and our communities,
  - f) There needs to be means of evaluating and monitoring outcomes,
  - g) It might be helpful to include reference to Learning Disabilities and Disorders within Priority 3,
  - h) There is no reference to young people becoming good citizens and it would be helpful to know where this fits in, and
  - i) A workshop session would be helpful later in the year once the plan is formally agreed, and
- (3) **noted** that the final version of the plan would be reported to the Education and Children's Services Committee on 30 August, 2018.

## 12. AREA COMMITTEE BUDGET 2018-2019

With reference to the Minute of Meeting of this Committee of 20 March, 2018 (Item 9), at which the broad allocation of the Area Committee Budget for 2018-2019 was agreed, there was circulated a report dated 11 June, 2018 by the Director of Business Services which detailed requests for funding that had been received from local groups.

### Haughs Redevelopment Steering Group

An application had been received from the Haughs Redevelopment Steering Group which sought a contribution towards the redevelopment of the Haughs in Turriff to encourage use of the green open space by both the local community and visitors.

After consideration of the information provided, the Committee **agreed to award £7,500.**

Turriff Community Learning and Development - Working with Young People – Learning Pathways +

Application withdrawn by applicant.

Ythan Cycle Club

An application had been received from the Ythan Cycle Club which sought a contribution towards the provision of a 3m wide cycle track within the confines of the old school site in Ellon.

Although the members were supportive of the project, there were concerns about the short term nature of the location and, on that basis, the Committee **declined** to make an award.

### 13. 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.

In relation to Item 1, the Waste Team Manager was in attendance to provide a verbal update on the street cleansing provision within Formartine and the proposed service provision review. Following discussion, the Committee **requested** that consultation take place with both the Councillors and the community, following which it would be helpful for officers to report back to Committee once the new Code of Practice was in place.

In relation to Item 2, the Committee **noted** that a revised date would be set, to follow after discussions with the Education and Children's Services Committee.

In relation to Item 5, clarification was provided by the members and the Committee **requested** that a local monitoring system be introduced for the both the EESH programme and the works being delivered by Hard FM.

### 14. DISPOSAL OF VACANT PROPERTY

There had been circulated a report dated 4 June, 2018 by the Director of Business Services which provided an update on efforts being made to dispose of land or buildings that had not been used or had been empty for over one year.

Following discussion, the Committee:-

- (1) **noted** the work being carried out regarding the disposal of vacant properties,
- (2) **noted** that the toilets in Fyvie and the sports pavilion at the Haughs were not due to be demolished at the present time, while alternative solutions were being considered, and
- (3) **requested** that the members be provided with an update on the land in Balmedie that NHSG had been considering.

## APPENDIX A

### 5A. Reference No: APP/2017/3199

Councillor Davidson declared a connection by virtue of the fact that she was a member of the Haddo Country Park Forum Limited. However having applied the objective test she concluded that she had no interest to declare.

Councillor Johnston declared a connection by virtue of the fact that he was a member of the Haddo Country Park Forum Limited. However having applied the objective test he concluded that he had no interest to declare.

#### **Full Planning Permission for Provision of Outdoor Woodland Kindergarten and Siting of Yurt at Haddo Estate, Mains of Haddo, Tarves, Aberdeenshire, AB41 7LD**

**Applicant: Mrs Marie Denise Bowie**  
**Agent: Lachlan MacDonald**

The Senior Planner introduced the application which had previously been deferred and the Committee heard an oral representation from the applicant.

During discussion, the members noted that the car park was not included within the red line boundary and therefore the access could not be conditioned; queried whether the proposed woodland path would be on Haddo Estate land; queried whether the proposed access path would be accessible for all; and asked about restoration of the site, should the yurt no longer be required.

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

1. The development hereby approved shall not be brought into use unless the proposed footpath is constructed with either a gravel or woodchip finish to the surface (final details to be approved in writing by the Planning Authority). Once provided, the footpath shall thereafter be permanently retained as such for as long as the development remains on site.

Reason: To ensure safe access for pedestrians and in the interests of the appearance of the development and to preserve the visual amenity of the designed landscape and nearby listed buildings and to ensure that the access has been supplied to a suitable standard.

2. 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.

### **Reason for departing from the Local Development Plan**

The principle of the proposal was supported as a departure from Policy P6 Community infrastructure of the Aberdeenshire Local Development Plan 2017 as the nursery would not be located within a settlement but was justified as it was an alternative type of childcare which required a rural setting. The proposed development was also compliant with Policies P1 Layout, siting and design, HE1 Protecting historic buildings sites and monuments, HE2 Protecting historic and cultural areas and RD1 Providing suitable services as the layout, siting and design was considered suitable in this location and that a yurt was an appropriate structure for a country park. There was sufficient screening provided by existing trees and woody plants and the development was best located near the existing car park which was less sensitive to build change. The proposed compostable toilet was accessible for all disabled users. There were no excavations planned and therefore no anticipated impact upon existing trees.

**5B. Reference No: APP/2017/2889**

**Full Planning Permission for Erection of 50 Dwellinghouses (Two Phases of Residential Development within Grounds of Meldrum House Hotel and Estate) at Meldrum House Hotel, Oldmeldrum, Aberdeenshire, AB51 0AE**

**Applicant: CALA Management Ltd + Meldrum House Estates Ltd**  
**Agent: CALA Management Ltd + Meldrum House Estates Ltd**

Item withdrawn by the Planning Service.

**5C. Reference No: APP/2018/0878**

Councillor Kloppert declared a connection by virtue of the fact that she had been a member of the Friends of McDonald Park group from 2013 to 2017. However having applied the objective test she concluded that she had no interest to declare.

**Full Planning Permission for Removal of Condition 2 (Cycle/Footpath) of Approved Application Reference APP/2012/0421 (Full Planning Permission for Amendment to Residential Development at Castle Meadows to vary Conditions 18 & 19 of APP/2009/2460 to Replace the Permanent Access from Golf Road with Temporary Construction Traffic Road & Permanent Cycle/Footpath Route) at Site at Castle Meadow, Market Brae, Ellon, Aberdeenshire**

**Applicant: Scotia Homes Ltd & Barratt North Scotland Ltd**  
**Agent: Burness Paull LLP**

The Senior Planner introduced the application which had previously been deferred. During discussion, it was highlighted that it had not been possible to identify an alternative path route which would meet the necessary roads and construction design standards, as part of this application, within the red line boundary, however the applicant had indicated that they would be open to further dialogue in relation to alternative routes, out with this application.

The members expressed their disappointment that it had not been possible to identify an alternative route and allocation of budget, but welcomed the willingness of the applicant to enter into further dialogue out with this application, noting that there was a desire in the community to have connectivity in that area.

Thereafter, the Committee **agreed to grant** Full Planning Permission.

#### **Reason for departing from the Local Development Plan**

The removal of the condition would represent a departure from Policy P1 Layout, siting and design and Policy P2 Open space and access in new development of the Aberdeenshire Local Development Plan 2017; however, the Service is satisfied that the applicant has made all reasonable efforts to comply with the condition and Roads Development have provided comments but not objected to the proposals.

#### **5D. Reference No: APP/2017/3076**

Councillor Johnston declared a connection by virtue of the fact that he was acquainted with the applicant's family. However having applied the objective test he concluded that he had no interest to declare.

Councillor Kloppert declared a connection by virtue of the fact that she used the same solicitor as the owner of the premises to be leased to the applicant. However having applied the objective test she concluded that she had no interest to declare.

#### **Full Planning Permission for Change of Use from Class 1 (Retail) to Class 3 (Food and Drink) at 21 The Square, Ellon, Aberdeenshire, AB41 9JB**

**Applicant: BrewDog Plc**  
**Agent: Taylor Design Services**

The Planner introduced the application which had previously been deferred to allow a site visit to take place. Officers highlighted an error in the report, clarifying that no objections had been received in relation to the overlooking of Caroline's Cottage. It was further highlighted that previous applications that had been refused in this area were for alternative use classes; each application was considered on its own merits; the control of outside noise was not a material planning consideration; the provision of disabled access facilities would be a matter for building standards to address, should the application be successful; and the site visit had demonstrated the siting of the proposed waste bins.

During discussion, the members asked for clarification of the difference between use class for food and drink and use class for a bar; asked whether there was enforcement available in terms of use class; queried whether the proposed hours of operation included preparation and cleaning time; noted that any issues raised in relation to the hours of operation could be dealt with by way of enforcement by Environmental Health; clarified that a separate licence would be required in order for the proposed establishment to serve alcohol; queried whether the recommendation would still be one of approval if the applicant proposed to store their waste within the premises;

noted that there were options available for alternative waste bin sizes and waste collection regime; queried whether any of the land considered on the site visit was privately owned; and questioned whether internal works had already commenced on site.

Following debate, Councillor Owen, seconded by Councillor Stirling, **moved** that the Committee refuse the application on the grounds that the proposed change of use would be detrimental to the amenity of the neighbouring residential properties, due to increased noise, and was therefore contrary to Policy P1, Layout, siting and design. It was also considered that the proposed development was within a quiet residential area on the edge of the town centre, and the proposed long opening hours would erode the character and amenity of the area.

As an **amendment**, Councillor Thomson, seconded by Councillor Kloppert, **moved** that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards, in line with the recommendations within the report, with an additional condition that the applicant provide a satisfactory Waste Management Plan which did not allow for the external storage of waste at the site.

The members voted as follows:

For the Motion:	<b>2</b>	Councillors Owen and Stirling
For the Amendment:	<b>9</b>	Councillors Adam, Davidson, Duncan, Forsyth, Gifford, Johnston, Kloppert, Taylor and Thomson

Therefore **the amendment was carried** that authority to **grant** Full Planning Permission be **delegated** to the Head of Planning and Building Standards, subject to:

- a) A condition that the applicant provide a satisfactory Waste Management Plan which does not allow for the external storage of waste at the site, and
- b) The following conditions:-
  1. Prior to the development being brought into use, a suspended ceiling shall be constructed as detailed in approved drawing number 10606 109 and thereafter retained in perpetuity.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

2. Prior to the development being first brought into use, the proposed extraction system shall be installed and available for use.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

### Reason for Decision

The development complied with Policies B2 Town Centres and Office Development, P3 Infill Householder Developments within Settlements (Including Home and Work Proposals, P1 Layout, siting and design and RD 1 Providing Suitable Services contained within the Aberdeenshire Local Development Plan 2017.

Councillors Owen and Stirling asked that their dissent be recorded.

### 5E. Reference No: APP/2018/0159

Councillor Duncan declared a connection by virtue of the fact that he was a member of the National Farmers' Union. However having applied the objective test he concluded that he had no interest to declare.

Councillor Forsyth declared an interest by virtue of the fact that he had received and opened an email from the agent which he had responded to with a neutral comment. He later found out that the aforesaid email contained a previous detailed string of conversations to various parties about the application. As he felt it could be construed that his impartiality had been compromised, he stated that he would take no part and he left the meeting for this item.

Councillor Taylor declared a connection by virtue of the fact that he was a member of the National Farmers' Union. However having applied the objective test he concluded that he had no interest to declare.

### **Full Planning Permission for Change of Use of Existing Building to House Biomass Boiler including Flue (8.5m Total Height), at Ewebrae, Cuminestown, Aberdeenshire, AB53 8JB**

**Applicant: Mr Colin Sievwright**

**Agent: James G Ironside Limited**

The Senior Planner introduced the application which had previously been deferred. Officers highlighted an amended condition, for consideration by the Committee, should the members be minded to grant the application.

The Committee then heard an oral representation from the applicant who was present should members have any queries.

During discussion, the members asked about the tests that had been carried out on site, seeking assurance from Environmental Health that the service was satisfied with the results.

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

1. No later than 27th July 2018 the following equipment: 'Hager Intelligent KNX Weather Station Control' and the 'Domovea User Interface Unit' or an alternative system as agreed in writing by the Planning Authority in consultation with Environmental Health, must be fitted to the biomass

boiler hereby approved and be fully operational. The equipment must shut down the combustion process of the boiler hereby approved during Southerly winds predicted between 170 degrees and 190 degrees (covering the property Bogside) and Easterly winds predicted between 80 degrees and 100 degrees (covering the property Ewebrae Cottage). Once operational the aforementioned equipment must remain in operation at all times and be maintained for the lifetime of any boiler.

Reason: To ensure that emissions from the development do not result in the undue loss of amenity for surrounding neighbouring properties by way of a nuisance through odours and smoke.

### **Reason for Decision**

The Planning Service was satisfied that the proposal now complied with Policy C2 Renewable Energy of the Aberdeenshire Local Development Plan 2017 as Environmental Health were prepared to withdraw their objection to the biomass boiler on the grounds that a 'Hager Intelligent KNX Weather Station Control' is fitted to the biomass boiler in association with a 'Domovea User Interface Unit', which would control the combustion process of the said boiler during specified wind directions thereby avoiding smoke and odour from affecting neighbouring properties by the shutting down of the boiler during such wind directions.

### **5F. Reference No: APP/2018/0422**

Councillor Kloppert declared an interest by virtue of the fact that she was a resident of Ythanbank. She stated that she would take no part and she left the meeting for this item.

### **Full Planning Permission for Erection of Dwellinghouse at Plot 13, Ythanbank, Ellon**

**Applicant: Mr Andrew Ritchie**  
**Agent: Tinto Architecture Ltd**

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

Following consideration of the information provided, the Committee **agreed** to **grant** Full Planning Permission, subject to the following conditions:-

1. The dwellinghouse hereby approved shall not be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:
  - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

2. 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 59 metres in both directions 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.

3. The dwellinghouse hereby approved shall not be occupied unless its driveway, parking for 3 cars and turning area (7.6 x 7.6m) has been provided and fully paved in accordance with the approved plans. The maximum gradient of the access shall not exceed 1:20 gradient, the first 5 metres of the driveway (measure from the edge of road or back of footway) shall be full paved and access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. 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.

4. The development hereby approved shall not be occupied unless a 2-metre wide public footpath designed and constructed in accordance with the Council's Standards for Road Construction Consent and Adoption has been provided in its entirety throughout the frontage of the site. Once provided, the footpath shall thereafter be permanently retained as such.

Reason: To ensure safe access for pedestrians to the existing footpath network.

5. 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.

6. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans. The foul and 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.

### **Reason for departing from the Aberdeenshire Local Development Plan 2017**

The development was an acceptable departure from Policy R2 Housing and employment development elsewhere in the countryside contained in the Aberdeenshire Local Development Plan 2017. The site had previously gained planning permission in principle for the erection of a house which had recently expired. This site in context with recent development to the West and East would leave a notable gap within the built pattern that would conflict with the character of the settlement. This application would complete the development previously planned and agreed for Ythanbank. In addition the proposed development was well designed and would be a successful addition to the progressive character of Ythanbank.

#### **5G. Reference No: APP/2018/0518**

#### **Planning Permission in Principle for Erection of Dwellinghouse at Site to the North of Cairnhill Farm, Turriff, Aberdeenshire, AB53 5TN**

**Applicant: Mr S Norrie**  
**Agent: Baxter Design Company (Old Deer) Ltd**

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

During discussion, the members clarified that the site was already a field in its own right which was in use for agricultural purposes; noted the proposed landscaping; and noted that the report stated that there were more appropriate areas for the siting of the desired dwellinghouse, but that the labour calculation did not support the requirement for a dwellinghouse.

Following debate, Councillor Duncan, seconded by Councillor Taylor, **moved** that authority to grant Planning Permission in Principle be delegated to the Head of Planning and Building Standards, subject to appropriate conditions to be stipulated by the Planning Service, on the grounds that: the application met the requirements of Policy R2 Housing and employment development elsewhere in the countryside, as the labour calculation demonstrated the need for a worker and it was beneficial to have them onsite; the information provided demonstrated that the area required was an awkward corner of the field which would not be detrimental to the remaining prime agricultural land and, further, the garden ground would increase biodiversity, so this was not contrary to Policy PR1 Protecting important resources; and the scale of the site complied with Policy P1 Layout, siting

and design as it was not considered to be excessive and was a well-designed site with appropriate landscaping.

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

The members voted as follows:

For the Motion:	<b>2</b>	Councillors Duncan and Taylor
For the Amendment:	<b>9</b>	Councillors Adam, Davidson, Forsyth, Gifford, Johnston, Kloppert, Owen, Stirling and Thomson

Therefore **the amendment was carried** that the application be **refused** for the following reasons:-

1. The application failed to meet the requirements of Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017, in that the supporting information did not adequately demonstrate the need for an essential on-site worker, and full consideration of alternative development sites had not been demonstrated.
2. The application was non-compliant with Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017, in that the submitted justification and supporting information did not demonstrate that the benefits of the proposed development outweighed the loss of important environmental resources (prime agricultural land).
3. The scale of the site was considered to be excessive and did not respect the pattern of development in the local area and was therefore considered to be non-compliant with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.

**5H. Reference No: APP/2018/0651**

**Full Planning Permission for Change of Use of Agricultural Land to Business Use and Formation of Hardstanding Area (Retrospective) at Stalla Nero, Hill of Menie, Balmedie, Aberdeenshire, AB23 8YD**

**Applicant: Mr & Mrs Neil Black**  
**Agent: No Agent**

The Senior Planner introduced the application which was recommended for refusal. The applicant was in attendance but, as no valid request to speak had been received, he was not permitted to address the Committee.

During discussion, it was noted by members that there were several outstanding issues and a lack of information provided by the applicant to the Planning Service.

Following debate, the Committee **agreed** to **refuse** Full Planning Permission for the following reasons:-

1. The application failed to comply with Policy R2 Housing and employment elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 in that the new business is located within the countryside, on greenfield land and within the Aberdeen Housing Market Area.
2. The application failed to comply with Policy P1 Layout, siting and design and Policy P4 Hazardous and potentially polluting developments and contaminated land of the Aberdeenshire Local Development Plan 2017 in that the potential effects from dust and noise upon nearby neighbours have not been determined and no information relating to the past use of the site has been sent to the Contaminated Land Unit.
3. The application failed to comply with Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017 in that the potential effect upon the nearby water course has not been determined.

**5I. Reference No: APP/2018/0889**

**Full Planning Permission for Change of Use from Public Open Space to Residential Garden Ground & Erection of 1.8m High Fence (Retrospective), at Land Adjacent to 47 Hareburn Road, Blackdog, Bridge of Don, Aberdeenshire, AB23 8AR**

**Applicant: Mr and Mrs Youssef Elsheikhi**  
**Agent: No Agent**

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

During discussion, the members queried access for neighbouring properties for oil deliveries; asked whether the open spaces in the area were owned collectively by all the dwellinghouses in the development; and noted that the area of land was not a public right of access.

Officers highlighted that a person did not have to have ownership of a piece of land in order to obtain planning permission, ownership was a legal issue and a responsibility for the applicant to deal with in order to implement any planning permission granted. Further, the applicant had advised within their application that they had served notice to all neighbours.

Following debate, the Committee **agreed** to **grant** Full Planning Permission.

**Reason for Decision**

The principle of development could be established under Policies P1 Layout siting and design and P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017 on the basis that it would involve the change of use of an area of land that was a gap site within the settlement boundary, with no defined use. It was not defined as public open space on any previous planning approvals, it no longer functioned as a footpath, and it

would not appear to have any "civic function". The change to domestic garden ground was acceptable on the basis that the site was located in a residential area, adjacent to domestic properties.

Draft