

ABERDEENSHIRE COUNCIL
FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 22 JANUARY 2019

- Present:** Councillors I Davidson (Chair), I Taylor (Vice-Chair), K Adam, S Duncan, A Forsyth, J Gifford, P Johnston, A Kloppert, R Thomson
- Apologies:** Councillors A Hassan, G Owen, E. A. Stirling
- Officers:** C White (Area Manager), K Balina (Committee Officer, Formartine), F Stewart (Senior Solicitor, Legal and Governance), Alan W Davidson (Senior Planner, Infrastructure Services), A Wood (Partnership Manager, Aberdeenshire Health & Social Care Partnership), A McGruther (Location Manager, Aberdeenshire Health & Social Care Partnership), K Menzies (Location Manager, Aberdeenshire Health & Social Care Partnership), J Cranna (Principal Officer, Finance), G Aitken (Team Leader, Housing), J Gahagan (Estates Manager, Property & Facilities)

1. DECLARATION OF MEMBERS' INTERESTS

Members confirmed that they had no interests to declare in terms of the Councillors' Code of Conduct.

2A. STATEMENT ON 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.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching a decision.

2B. RESOLUTION

The Committee agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the meeting for the item 9 of the business on the grounds that it involved the likely disclosure of exempt information of the class described in the relevant Paragraph of Part 9 of Schedule 7A of the Act.

Item No.
9

Paragraph No.
9

3. MINUTE OF MEETING 11 DECEMBER, 2018

The Committee had before them, and approved as a correct record, the minute of the meeting of 11 December, 2018.

4. PLANNING APPLICATIONS FOR DETERMINATION

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

| Application No | Description | Decision |
|------------------------|---|-----------------|
| A APP/2018/2319 | Full Planning Permission for Installation of 2 Biomass Wood Burning Boilers and Insulated Accumulation Tank (Retrospective) at Waverley, Bruntsmithy, Turriff | Refuse |
| B APP/2018/2372 | Full Planning Permission for Erection of 2 Chalets (Short Term Letting Accommodation) at Site to the East of Dabrae, Westfield, Balmedie | Refuse |
| C APP/2018/2514 | Planning Permission in Principle for Erection of Dwellinghouse at Land at Oldmeldrum Golf Club, Kirk Brae, Oldmeldrum | Delegated Grant |
| D APP/2018/2530 | Full Planning Permission for Change of Use of Agricultural Shed into Gymnasium and Associated Car Parking at Land at South Ythsie, Tarves | Grant |

5. SCOTTISH GOVERNMENT APPEAL DECISION - PPA-110-2359 - PLANNING REF: APP/2017/2425 - MUIRTACK, ELLON

There had been circulated, and was noted, an Appeal Decision Notice dated 10 December, 2018, advising that the reporter dismissed the appeal and refused Planning Application.

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

6. ABERDEENSHIRE H&SCP PERFORMANCE & OUTCOMES FRAMEWORK QUARTER 2 REPORTING – JULY TO SEPTEMBER 2018

A report by the Partnership Manager of Aberdeenshire Health and Social Care Partnership was circulated providing details on the performance information for the period July to September 2018.

The Central Manager was in attendance with the two Location Managers for Formartine. The Members welcomed the report and, during discussion, queried the indicators provided within the report. They were also informed about the plans to provide a new health and social care unit in Ellon.

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

- (1) note the content of the Integrated Joint Board (IJB) Performance Q2 report, and
- (2) request:-
 - (a) further information on Ellon Dental Clinic,
 - (b) more detailed information on local indicators in places like Balmedie which border with Aberdeen City; and
 - (c) more information on how Aberdeenshire Council work with Aberdeen City to ensure that people living near Council boundaries with patients from both the City and Shire get the same level of service as those registered with a practice solely covering patients in the Aberdeenshire.

7. UNIVERSAL CREDIT FULL SERVICE

There had been circulated a report dated 4 January, 2019 by the Director of Infrastructure Services which detailed Universal Credit Full Service. The Members were asked to consider the work that was being carried out to support customers in receipt of Universal Credit Full Service and to discuss the activities to mitigate rent areas.

Following consideration of the information provided, the Committee **agreed** to make the following comments to the Communities Committee:

- (1) Members highlighted concerns raised by claimants on the inconsistency of advice being given to them.

8. STATEMENT OF OUTSTANDING BUSINESS

The Committee noted a report by the Formartine Area Manager, updating on matters that had previously been discussed by the Committee but remained to be resolved.

Area Manager was asked to relay concerns with the need for positive encouragement of tourism related developments to the Planning Policy team.

9. SALE OF FORMER MARKETHILL PRIMARY SCHOOL SITE, TURRIFF (EXEMPT UNDER PARAGRAPH 9 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973)

A report by the Director of Business Services had been circulated to ask the Committee to approve the sale of the former Markethill Primary School site.

The Estates Manager detailed the report and responded to questions raised by Members.

Thereafter, the Committee approved the sale of the former Marketihill Primary School site in line with recommendation within the report

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APPENDIX A

4A. Reference No: APP/2018/2319

Full Planning Permission for Installation of 2 Biomass Wood Burning Boilers and Insulated Accumulation Tank (Retrospective) at Waverley, Bruntsmithy, Turriff, Aberdeenshire, AB53 5PN

Applicant: RDM Engineering (Turriff) Ltd

Agent: No Agent

The Senior Planner introduced the application which was recommended for refusal but at least two Local Ward Members in the Ward in which the development was proposed, had requested that the application be referred to the Area Committee.

Cllr Taylor - to further investigate locality of receptors (objectors and supporters); to investigate storage facilities.

Cllr Duncan – to allow discussion on the impact on neighbouring properties.

During discussion, the Members sought clarification that planning permission was required because there were residential properties within 400m of the development; asked about the fuel type being used by the applicant and whether there had been less complaints following the change of fuel; queried whether there was evidence to link the smoke from the biomass boilers to health complaints of neighbouring residents.

Having heard that requests to speak had been received, the Committee **agreed** to hear from Mr David Meldrum on behalf of the applicants - Mr and Mrs Mackie.

Mr Meldrum said that Mr and Mrs Mackie had run their successful business for many years. They had installed two biomass wood burning boilers and insulated accumulation tank at Bruntsmithy Workshop. They chose that solution to keep the workshop building warm and safe for the staff. Both boilers had made a significant positive impact on the business and were environmental friendly.

The applicants were also informed by the company who had installed the biomass boilers that they wouldn't need a planning permission. They had invested a large amount of capital in that project and also, employed an additional person to ensure that boilers would be maintained in the optimal way. Mr Meldrum also added that emission tests were unlikely to reflect a real emission.

Mr Meldrum said that not all representations submitted had been critical. The applicants were informed about a required planning permission last year and since then only one objector had visited their property.

As there were no questions, the Chair thanked Mr Meldrum for his presentation.

Following discussion, Councillor Forsyth seconded by Councillor Davidson moved that the application be refused in line with the recommendations within the report. As an amendment, Councillor Duncan seconded by Councillor Thomson moved that the application be granted, on the grounds that this does comply with the Policy P2 and does not contravene Policy P4.

The Members voted as follows:

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|-------------------|---|--|
| For the Motion | 4 | Councillors Adam, Davidson, Forsyth and Johnston |
| For the Amendment | 4 | Councillors Duncan, Kloppert, Taylor and Thomson |

As there was an equality in the vote (4:4), the Chair used her casting vote for the Motion and the Committee **agreed** to **refuse** Full Planning Permission for the following reason:-

The application is not compliant with Policy C2 Renewable energy or Policy P4 Hazardous and potentially polluting developments and contaminated land as Environmental Health have determined that there would be an unacceptable impact upon the amenity of receptors within 400m of the site. The application is not considered to comply with the Aberdeenshire Local Development Plan 2017 and there are no positive factors in this instance that would justify supporting a departure from the plan.

4B. Reference No: APP/2018/2372

Full Planning Permission for Erection of 2 Chalets (Short Term Letting Accommodation) at Site to the East of Dambrae, Westfield, Balmedie, Aberdeenshire

Applicant: Mr R Forrest & Ms H Davidson
Agent: Taylor Design Services

The Senior Planner introduced the application which was recommended for refusal on the basis that the principle of development could not be established against both policies B3 and R2. It was also added that the proposal appeared to be a well-reasoned business case but the properties could effectively function as Dwellinghouses rather than holiday lets, due to the inability of the Planning Service to restrict their use.

The Members queried the policy supporting tourism accommodation in Aberdeenshire and a green belt policy. Area Manager was asked to relay concerns with the need for positive encouragement of tourism related developments to the Planning Policy team.

Having heard that request to speak had been received, the Committee **agreed** to hear from Mr Steven G. Morris, on behalf of the agent.

Mr Morris briefly explained the nature of the application. He said that the current proposal was a resubmission of an application which had been refused in 2017. Feedback from the previous application process had also given a great detail of insight in how to enhance the design of the properties.

Mr Morris advised when the applicants originally sought planning advice, it was during the previous plan. The policy had subsequently changed since 2016. The new policy is more restrictive for these types of proposals. The circumstances were also changed due to changes to main trunk road. Delays were also caused by the creation of the wildlife pond and woodside walks.

Mr Morris said it was an ideal setting for such investment and that the proposed holiday accommodation was not a competition to the local hotels, it was a great alternative for large families or groups of friends. Unfortunately the investment could not be fully realised due to the changes in the Policy.

Following discussion, Councillor Davidson, seconded by Councillor Duncan moved that the application be approved as it meets the Policy R1 and to accept the departure from the Policy R2.

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

The Members voted as follows:

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|-------------------|---|--|
| For the Motion | 4 | Councillors Adam, Davidson, Duncan and Thomson |
| For the Amendment | 4 | Councillors Forsyth, Johnston, Kloppert and Taylor |

As there was an equality in the vote (4:4), the Chair used her casting vote for the Amendment and the Committee **agreed** to **refuse** Full Planning Permission for the following reason:-

Tourist Lets in rural areas must comply with both Policy B3 Tourist facilities and Policy R2 Housing and employment development elsewhere in the countryside, as the Planning Service is unable to restrict the occupancy of the properties. The proposal fails to meet any of the criteria of Policy R2 within the Aberdeenshire Local Development Plan 2017 as it is not the remediation of brownfield land, and it would not involve the refurbishment or replacement of an existing building, or constitute additions to an existing cluster of housing in the Rural Housing Market Area. It would not otherwise meet any of the greenbelt criteria, or involve an addition under Organic Growth to an Appendix 4 settlement, and the proposed properties are not related to the retirement succession of a viable farm holding.

4C. Reference No: APP/2018/2514

Planning Permission in Principle for Erection of Dwellinghouse at Land at Oldmeldrum Golf Club, Kirk Brae, Oldmeldrum, Aberdeenshire, AB51 0DJ

Applicant: Oldmeldrum Golf Club
Agent: Patricia Ramsay

The Senior Planner introduced the application which was recommended for refusal for the following reason: -

The land has never been developed and as such is not considered to be previously developed or brownfield land. The development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, contained in the Aberdeenshire Local Development Plan 2017.

The Members were informed that the application had received 149 valid representations, all of which were in support of that application.

Having heard that request to speak had been received, the Committee **agreed** to hear from Patricia Ramsay, the agent.

Ms Ramsay said that the Oldmeldrum Golf Club was in financial difficulties, among others, due to the bad weather which had contributed to a fall in the membership. The Club had already cut expenditure, staff and generated additional income thanks to the donations from members and fundraisers, however outstanding debt had still prevented the Club from moving forward. The only asset that the Club could dispose was an unused piece of land which was located near to existing houses.

Ms Ramsay highlighted that the Oldmeldrum Golf Club had been a local employer for many years. They had also used and supported local suppliers. The Club was perceived as a community asset and they didn't want to make money easily - a sale of the site would provide a chance for escape from a difficult situation.

Councillor Kloppert asked whether the management of Oldmeldrum Golf Club had prepared a long term business plan.

Ms Ramsay replied that it was very difficult to plan for longer than a year as they did not know how many members would they have. She also added that the Club appointed a new Committee and they continued to make a lot of good changes.

Councillor Johnston suggested that the reason for financial difficulties could be the fact that Oldmeldrum Golf Club was a private members club.

Ms Ramsay explained that Oldmeldrum Golf Club had 500 members who owned the Club although they had been open to the visitors and to different clubs which used the golf course. They had not considered to open the golf club for non-members.

Councillor Forsyth asked about the capacity to continue selling the land.

Ms Ramsay said it was the only piece of land they could sale, she added that hopefully they would not have to consider it again.

As there were no further questions, the Chair thanked Ms Ramsay for her presentation.

After discussion, Councillor Johnston seconded by Councillor Adam moved that there be a **delegated grant** subject to standard conditions for houses in the countryside, the reason for departure being that the proposal will secure a tourist facility which will provide community and economic benefits.

As an amendment Councillor Taylor seconded by Councillor Duncan moved that the application be refused in line with the recommendations within the report.

The Members voted as follows:

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|-------------------|---|---|
| For the Motion | 7 | Councillors Adam, Davidson, Duncan, Forsyth, Johnston, Kloppert and Thomson |
| For the Amendment | 1 | Councillor Taylor |

Therefore the motion was carried that the application be **granted** subject to standard conditions for houses in the countryside, the reason for departure being that the proposal will secure a tourist facility which will provide community and economic benefits.

4D. Reference No: APP/2018/2530

Full Planning Permission for Change of Use of Agricultural Shed into Gymnasium and Associated Car Parking at Land at South Ythsie, Tarves, Aberdeenshire

Applicant: Ms Rachel Combe
Agent: Lippe Architects & Planners Ltd

The Senior Planner reported on detail of the application which was recommended for refusal for the following reasons: -

1. The proposed development does not include an adequate pedestrian access and bus stop facilities to allow the site to be safely accessed by means other than by the private car. The proposal fails to comply with Policy B2 Town centres and office development and Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.
2. The proposal does not comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 as the proposal is for a gymnasium (Use Class 11) and not for Use Classes 4, 5, and 6 (Employment) which is a requirement of this policy.

The applicant sought full planning permission for the change of use of an agricultural shed into a gymnasium and associated car parking in land at South Ytsie in Tarves. A total of 92 representations had been received, all in support for the application. Both Roads Development and Transportation objected to the planning application and requested the implementation of road upgrades and installation of bus facilities.

The main issues for consideration were the location of the gymnasium and whether the development could be adequately accessed.

The Members queried the access to the gymnasium and car park facilities. They were informed that the site was accessed via a minor road and was bound by agricultural fields to the east, south and west and by access road to the north.

Having heard that two requests to speak had been received, the Committee **agreed** to hear from Lesley Tierney, on behalf of the agent and from Rachel Combe, the applicant.

Ms Tierney said she had been working in the fitness business for many years and she had identified a gap in the market in Tarves.

She mentioned that she was told that the proposal did not fully comply with Policy B2 and the Planning Service raised concerns over the accessibility of the site. She added that Policy B2 should not be taken into account as Tarves had no defined Town Centre.

She also said that Policy RD1 advised that new development must be located close to the public transport and be convenient for cyclists and pedestrians. She noted that the site was close to the public transport, was convenient for the cyclists, maybe not for pedestrians but they would do their best to improve the access to the gymnasium.

She highlighted that the application has received a great support from members of the public and that location was key for application. She also said that Aberdeenshire Council supported the local business and economic development; social health and benefits should be taken into account, as well.

Ms Tierney also said that the objection received from the Roads Department did not take into account the cost required to provide improvements to the road by way of footpaths; £70,000 was prohibitive and she did not have sufficient resources to upgrade the existing access.

Councillor Duncan asked about a footpath that could be constructed along the road.

Ms Tierney confirmed that a footpath could be created from the site to B999 road. That solution would allow a safe passage to the bus stop.

As there were no further questions, the Chair thanked Ms Tierney for her presentation.

Ms Combe said she operated the fitness studio and was looking for permission to convert it to a state of the art studio. She mentioned about a need for such development in the Tarves area.

She said the premises she used had reached full capacity in 2018 and she had already had to create a waiting list for personal trainings for 2019. Residents in the area had to travel to Inverurie or Aberdeen to use sports facilities. Though the main focus of the new facility was a gym, in the longer term she was hoped there would be an external training space as well as a children's play area.

Councillor Forsyth asked how many people the applicant wants to employ.

Ms Combe confirmed she was looking to employ two additional personal trainers and one instructor.

Councillor Johnson asked whether there were other available properties in Tarves which would be appropriate for Applicant's business.

Ms Combe confirmed there was no other available property in Tarves.

As there were no further questions, the Chair thanked Ms Combe for her presentation.

Following discussion Councillor Johnson seconded by Councillor Adam **moved** that the application be approved subject to conditions ensuring a footpath to the bus stop, two passing places and a bus stop are created at the site.

The Members did not move the amendment therefore the motion was carried and the application was **granted** subject to conditions ensuring a footpath to the bus stop, two passing places and a bus stop are created at the site.

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