

## ABERDEENSHIRE COUNCIL

### FORMARTINE AREA COMMITTEE

THE KIRK CENTRE, STATION ROAD, ELLON, 26 MARCH 2019

**Present:** Councillors I Davidson (Chair), K Adam, A Duncan, A Forsyth, J Gifford (items 1-4), A Hassan, P Johnston, A Kloppert, G Owen (items 1-4), A Stirling, I Taylor, R Thomson

**Officers:** A Roe (Acting Area Manager, Formartine), K Balina (Committee Officer, Formartine), F Stewart (Senior Solicitor, Legal and Governance), Alan W Davidson (Senior Planner, Infrastructure Services), M Stewart (Planning Service Manager, Planning and Building Standards), A Ramsay (Senior Planner, Infrastructure Services), L Watson (Principal Engineer, Flood Risk & Protection), B Shand (Principal Officer, Roads, Landscape Services), I Daniels (Principal Roads Engineer, Roads, Landscape Services & Waste), P Leiper (Roads & Landscapes Service Manager, Roads, Landscape Services & Waste), G Lee (Principal Engineer Bridges, Roads, Landscape Services & Waste), G Barclay (Civil Engineer / Technician, Roads, Landscape Services & Waste), P Whalley (Early Years Estate Manager, Education and Children's Services), T Buchan (Facilities Manager – skype).

#### 1. DECLARATION OF MEMBERS' INTERESTS

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

#### 2. STATEMENT ON EQUALITIES

**Resolutions** – consider and, if so decided, adopt the following resolution:

##### (a) Public Sector Equality Duty

In line with the Council's legal duty under section 149 of the Equality Act 2010 the Committee **agree** in making decisions on the attached reports Members shall have due 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.

##### (b) Exempt Information

The Committee **agreed** in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the class described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No.
13	8
14	8
15	8
16	4

### 3. MINUTE OF MEETING 5 MARCH 2019

The Committee had before them, and approved as a correct record, the minute of the meeting of 5 March, 2019.

### 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
APP/2018/2039 (Deferred from 05.03.19)	Full Planning Permission for Erection of Dwellinghouse and Garage at Site adjacent to Kirk Brae, Tarves, Ellon	Grant
APP/2018/1814	Planning Permission in Principle (Major) for Erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure at Land at Menie Estate, Balmedie	Provide Views to Full Council
APP/2019/0121	Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Panton Blackhillock, Millbex, Fyvie, Turriff	Grant

### 5. SCOTTISH GOVERNMENT APPEAL DECISION - PPA-110-2365 - PLANNING REF: APP/2018/0651 - STALLA NERO, HILL OF MENIE, BALMEDIE

There had been circulated and was **noted** an Appeal Decision Notice dated 25 February 2019, advising that the Reporter upheld the appeal and granted Full Planning Permission.

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

## 6. LOCAL REVIEW BODY DECISION - LRB436 – APP/2018/1042 – DOVE COTTAGE, BALMEDIE

There had been circulated and was **noted** an Appeal Decision Notice dated 4 March 2019, advising that the Reporter dismissed the appeal and refused Full Planning Permission.

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

## 7. FLOOD RISK AND COAST PROTECTION PROGRAMME OF MEASURES 2019/2020

There had been circulated a report dated 11 March, 2019 by the Director of Infrastructure Services which detailed the proposed flood risk and coast protection programme of measures for 2019/2020.

During discussion, the members welcomed the report and asked about the situation in Potterton and Fyvie; asked if there was an update in relation to previous issues at Newburgh; sought an update on the issue at Turriff.

After discussion, the Committee:

- (1) **approved** the Flood Management and Coast Protection Programme of Measures for 2019/2020 as detailed in Appendix A, as it relates to the Formartine Area,
- (2) **approved** the schemes on the Reserve List of Measures within the Formartine Area, as detailed in Appendix A,
- (3) **agreed** that schemes could be brought forward from the Reserve List in the order of priority given in the event of slippage, provided that their inclusion did not result in the overall expenditure exceeding the allocated budget sum,
- (4) requested more information on a level of flood risk in Potterton (Gourdie Park),
- (5) instructed officers to keep under review the situation in Newburgh,
- (6) **agreed** to support the Landscape Services in view of them doing the drainage works at the Haughs, Turriff, and
- (7) **agreed** to escalate with Scottish Water an issue with the Fordoun Burn sewer crossing at Fyvie.

## 8. LANDSCAPE SERVICES REVENUE AND CAPITAL WORK PROGRAMME 2019/2020

There had been circulated a report dated 7 March, 2019 by the Director of Infrastructure Services which detailed the proposed Landscape Services revenue and capital work programme for 2019-2020.

During discussion, the Members commended the Landscape Services team for their works in the Formartine area; sought an update on works carried out; sought clarification on the allocations for Haddo Country Park and Balmedie Country Park.

After consideration of information provided, the Committee **noted** and **approved** the Area Landscape Maintenance and Capital Programme as detailed in Appendix 1 of the report, and **instructed** officers to:-

- (1) provide more information on timescale for works carried out in Fyvie cemetery,
- (2) provide more detailed information on budgets for Haddo Country Park and Balmedie Country Park,
- (3) consider a different solution for replacing damaged trees in the Gordon Park, Ellon, and
- (4) provide more information on play areas (Open Space Strategy).

## 9. ROAD MAINTENANCE PROGRAMME 2019/20

There had been circulated a report dated 27 February, 2019 by the Director of Infrastructure Services which detailed the proposed road maintenance programme for Formartine for 2019-2020.

During discussion Members commended the Roads Services team for their works in the Formartine area; asked about the AWPR works in Foveran and queried responsibility for the traffic lights and health and safety issues; asked about the proposed timing for surface dressing works in Newburgh. It was suggested that the resurfacing work at Main Street, Newburgh be moved to Q1 from Q2, if possible.

Thereafter, the Committee:-

- (1) **approved** the Area Road Maintenance Programme as detailed in Appendix 1 of the report, and
- (2) suggested that main works in towns centres be carried out outwith commuting hours.

## 10. 2019/2020 BRIDGEWORKS PROGRAMME (ROAD NETWORK)

There had been circulated a report dated 12 March, 2019 by the Director of Infrastructure Services which detailed the proposed 2019/2020 bridgeworks within the Formartine area.

During discussion, the members thanked officers for the works carried out to date. After consideration of information provided, the Committee: -

- (1) **approved** the Formartine area 2018/2019 bridgeworks programme (road network), as detailed in Appendix A of the report,

- (2) **noted** that approval for any procurements over £50,000 in relation to the approved Formartine area 2018/2019 bridgeworks programme would be sought within the Infrastructure Service 2018/2019 procurement work plan,
- (3) requested that previous works and outcomes be added to the future reports,
- (4) requested an annual review session of works in the previous year's programme, and
- (5) suggested that consideration being given to the appropriateness of bridges for use by HGVs and potential restrictions being put on to at risk bridges.

## 11. PETITION FOR CONSIDERATION - FREEDOM TO TRAVEL

There had been circulated a report dated 4 March, 2019 by the Director of Business Services which informed the Committee of a petition that had been received from the residents of Turriff, against the pilot dial-a-bus service in Turriff.

After consideration of the information provided, the Committee:-

- (1) **agreed** not to request a report from the Head of Service for Transportation on the subject matter of the petition.

## 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.

## 13. ANNUAL WORK PLAN FOR INFRASTRUCTURE SERVICES - PROCUREMENT APPROVAL - (EXEMPT UNDER PARAGRAPH 8 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973)

There had been circulated a report dated 14 March, 2019 by the Director of Infrastructure Services which detailed the Annual Work Plan for Infrastructure Services.

Following discussion, the Committee:-

- (1) **noted** the Directorate Procurement Work Plan as detailed in Appendix 1,
- (2) **approved** the items of the Procurement Work Plan identified as falling within the remit of the Committee,
- (3) requested that contract reference numbers be added to future reports,
- (4) suggested the Service discuss their decisions with Local Members before commencement of work,
- (5) requested that Local Members be kept up-to-date with progress being made with planned works (6-monthly reports with performance outcomes), and

- (6) requested that Local Members be informed on the road closures.

**14. ANNUAL PROCUREMENT WORK PLAN FOR EDUCATION AND CHILDREN'S SERVICES DIRECTORATE - PROCUREMENT APPROVAL - (EXEMPT UNDER PARAGRAPH 8 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973)**

There had been circulated a report dated 28 February, 2019 which detailed the Annual Procurement Work Plan for Education and Children's Services Directorate and the Business Case.

Following consideration of information provided, the Committee:-

- (1) **noted** the Directorate Work Plan as detailed in Appendix 1 of the report,
- (2) **approved** the item on the Work Plan identified as falling within the remit of the Committee,
- (3) **approved** the business case attached in appendix 3 of the report,
- (4) requested a briefing on works being undertaken in all schools in Formartine area; and
- (5) requested a briefing note on local and community benefits from the apprenticeships.

**15. SUPPLEMENTARY WORK PLAN 2019/20 FOR BUSINESS SERVICES DIRECTORATE - PROCUREMENT APPROVAL - (EXEMPT UNDER PARAGRAPH 8 OF SCHEDULE 7A TO THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973)**

There had been circulated a report dated 14 March, 2019 which detailed the Supplementary Work Plan for 2018-2019 for the Business Services directorate.

Following discussion, the Committee:-

- (1) **noted** the Directorate Supplementary Work Plan as detailed in Appendix 1 of the report,
- (2) **approved** the item on the supplementary Work Plan identified as falling within the remit of the Committee,
- (3) **agreed** to reserve approval of the Business case for the item on the Supplementary Work Plan as detailed in Appendix 1,
- (4) requested that, where possible, any school improvements be carried out in the school holidays,
- (5) requested that Local Members be kept up-to-date with progress being made in Balmedie Primary School, and

- (6) requested more detailed information on planned works and amended work plan for community approval.

**16. ACT2 (ABERDEENSHIRE CHARITIES TRUST) APPLICATION -  
(EXEMPT UNDER PARAGRAPH 4 OF SCHEDULE 7A TO THE LOCAL  
GOVERNMENT (SCOTLAND) ACT 1973)**

There was circulated a report dated 8 March, 2019 by the Director of Business Services which detailed application that had been received for ACT2 (Aberdeenshire Charities Trust) funding.

The Committee **agreed** to:-

- (1) **award £500** from ACT 2 (Ward 8: The advancement of arts, heritage, culture or science) to the applicant.

**17. AREA COMMITTEE BUDGET 2019/2020**

There had been circulated a report dated 4 March, 2019 by the Director of Business Services which detailed the proposed allocation of the 2019 - 2020 Formartine Area Committee Budget.

After considering the information provided, the Committee:-

- (1) **agreed** to allocate **£19,000** to Improving Towns and Villages, in order to promote the economic and social wellbeing of the area, with the continuation of:
- a) the Tidy Village Grants Scheme (£12,500) which is administered by the Area Office,
  - b) the Towns and Villages Enhancement Grant (£4,000), which is administered by the Formartine Partnership Ltd,
  - c) the Formartine Partnership's Formartine in Bloom scheme (£1,500), and
  - d) the Formartine Partnership's Beginning to Blossom scheme (£1,000),
- (2) **agreed** to allocate the remaining **£61,000** to a Community Projects fund:
- a) to be allocated through an applications process, adhering to the agreed criteria for such as detailed in Appendix 1 of the report, with the following additional criteria to be added:
    - i. That a maximum of £10,000 be allocated in each financial year for Christmas Lights projects,
    - ii. That a maximum of £10,000 be allocated in each financial year for Community Resilience projects.
- (3) Requested a briefing on Participatory Budgeting and community planning.

## APPENDIX A

### 4A. Reference No: APP/2018/2039

#### Full Planning Permission for Erection of Dwellinghouse and Garage at Site Adjacent to Kirk Brae, Tarves, Ellon

**Applicant:** Mr & Mrs Greg & Sarah Cardno  
**Agent:** Annie Kenyon Architects Limited

The Senior Planner introduced the application which had previously been deferred to allow a site visit to take place. He reported on the detail of the application and responded to questions in relation to the access to the site; road safety issues; design of the house; Tarves conservation area; service water drainage.

Having heard that a request to speak had been received, the Committee **agreed** to hear from Mr Mark Andrew, on behalf of the applicant.

Mr Andrew confirmed that the house was designed to meet requirements of the Tarves Conservation Area and the project had been accepted by the Service after a couple of redrafts. He also clarified the issues with the access to the property and the car park spaces.

After discussion of information provided, Councillor Hassan seconded by Councillor Gifford **moved** that the application be **approved** as per Officer Recommendations, with the additional condition of unspecified cladding treatment.

As an amendment Councillor Davidson seconded by Councillor Forsyth **moved** that the application be **approved** as per Officer recommendations, without additional conditions.

The Members voted as follows:

For the Motion	5	Councillors Adam, Duncan, Gifford, Hassan, Johnston
For the Amendment	7	Councillors Davidson, Forsyth, Kloppert, Owen, Stirling, Taylor, Thomson

Therefore, the amendment was carried that the application be approved as per Officer recommendations subject to: -

1. Developer Obligations
2. 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 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. The vehicular access, driveway and parking area for three cars hereby approved shall not be brought into use unless all have been provided and surfaced in accordance with the details shown on the approved plans. The first five metres of the driveway measured from the back of the carriageway shall be fully paved and shall have a maximum gradient not exceeding 1:20.

The 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, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate offstreet parking facilities, all in the interests of road safety.

3. 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 25 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 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.

4. 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.

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

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

6. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the Planning Authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction);
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas;
- d) An arboriculture impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation;
- e) An arboriculture method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained;
- f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

**4B. Reference No: APP/2018/1814**

**Planning Permission in Principle for Erection of 550 Dwellinghouses (Up to 500 Residential Units and a Minimum of 50 Leisure/Resort Units), Community Facilities (Class 10 Non-residential Institutions and Class 11 Assembly and Leisure), Development Falling Within Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink), Landscaping and Supporting Infrastructure at Land at Menie Estate, Balmedie, Aberdeenshire, AB23 8YE**

**Applicant: Trump International Golf Links Ltd  
Agent: CMS Cameron McKenna**

The Committee was asked to provide preliminary views to Full Council for its consideration when determining the application.

The Committee first heard from the Senior Planner who briefly explained the nature of the application. She confirmed the details of the proposed Chapters (phases) in terms of the quantity, types and design of the houses within the development. Members were informed about the amendments which had been made to the original proposal (included in paragraphs 2.13 and 2.14) for Chapters 1 and 2. It was noted that the current application was a significant departure from the allocation in terms of the original phasing (as per the LDP 2017 Settlement Statement & outline planning permission APP/2006/4605) and Section 75 agreement but met the requirements of other key policies.

The Senior Planner explained that there was missing information in paragraph 4.23. The comment relating to the table should have read "5 of the 23 x 2 bed cottages to be used by the hotel as lodges".

The Scottish Environment Protection Agency (SEPA) still maintained objections to engineering activities in the water environment and disruption of Groundwater Dependant Terrestrial Ecosystem. Following an assessment of the updated Flood Risk Assessment (FRA) there were still issues where further information was required to assess the risk to the site. The information had been provided to SEPA and Flood Risk and Coast Protection and the Planning Service was awaiting responses.

Members were also informed that, whilst the site was covered by pockets of prime agricultural land, chapters 1A and 1B didn't include those pockets. As such the proposed development was not in conflict with that section of the policy and it was not considered as a departure from PR1 Protecting Important Resources.

It was noted that both NHS and Developer Obligations were seeking a contribution towards a new Health Facility in Ellon. NHS had stated that due to availability of workforce, demographics and affordability there was no plan to establish a new practice at Balmedie and any new patients from the Menie Estate would be expected to register in Ellon.

Members then asked questions in relation to the access to the development; impact on existing and proposed roads network; a grade separated junction; outstanding objections from statutory consultees including Infrastructure Services (Transportation and Roads Development) and SEPA; tree protection and compensatory planting; coastal protection; protection of natural environment and protected species; affordable housing; tourist accommodation on site; economic benefits; Ecological

Impact Assessment; implications for primary and secondary school provision; and location of recreation areas within the development.

It was noted that the site was currently accessed directly from the old A90 (now the B977 as of 1 April) to the northwest of the site. A new access point was proposed to the southwest of the site and would provide direct access to the old A90 with no direct links to the new A90 (B997). Particular reference was also made to the importance of the requirement to have 2 access points to the development which the developer had allowed for.

Transport Scotland had no objections to the proposals and had not requested a grade separated junction however, Infrastructure Services (Transportation and Roads Development) continued to have concerns regarding phasing and remoteness of the site. Additionally, further information on access for the refuse vehicles was also required, including a swept path analysis, to ensure sufficient space for manoeuvring vehicles. The developer had been advised of the additional information required. To date only indicative waste storage locations had been provided for Chapter 1B.

Members also emphasised that the development site was unable to provide walking access to local amenities and opportunities for cycling were limited. They expressed their dissatisfaction that the proposal failed to include the grade separated junction on the new Balmedie to Tippetty dual carriageway and that the development would inflict heavy traffic in Balmedie. It was noted that the further information on road layout, access to the development and grade separated junction would be provided to Full Council.

The Senior Planner clarified the issues connected to the loss of trees and protected species. In response to questions on tree removal and protection of ancient woodland, Members were informed that the Environment Team had recommended conditions to protect the existing trees during construction work and a compensatory planting plan would be provided by the applicant.

Members were also informed that a further Bat Survey would be required in the spring / summer. Additionally, repeat surveys would be required for Otters and Badgers. It had been requested to carry out a survey for Icelandic pink footed geese. Members expressed their disappointment about the lack of complete information on the impact of the development on protected species.

Members expressed their disappointment about insufficient information on the implication of the development on the required provision of a primary school. It was confirmed that the proposed development made no provision for affordable housing onsite. The Senior Planner confirmed that Aberdeenshire Council's Housing Service was not seeking onsite contributions for Chapters 1A and 1B. 25% affordable housing in the form of a commuted payment was agreed as a preferred option to provide much needed affordable housing in the Ellon Academy catchment area. Onsite affordable housing may be deemed as acceptable for future chapters and that would be assessed at the appropriate time.

In terms of economic benefits, the Senior Planner noted that the changes in phasing of the development (including the delay in the development of the proposed hotel accommodation) and the provision of residential housing before tourism infrastructure made it less attractive economically. It was confirmed that an Economic Impact Assessment had been submitted but the applicant was looking to provide more information to be considered by the Full Council.

During the discussion, Cllr Johnston **moved** a motion to advise Full Council to **refuse** the application as it was a major departure from the Local Development Plan. There was no seconder for the motion so it could not be debated further.

After discussion, the Committee did not reach a consensus view on the application. Following consideration of the information provided, the Committee **agreed** to advise Full Council that members of the Committee had a mix of supportive, negative and neutral views on the application.

The Committee **agreed** to advise Full Council of the following matters discussed at Committee:

1. The planning application is a departure from Local Development Plan (LDP) and it fails to comply with the approved Masterplan.
2. The report to Full Council to provide further information on:
  - (a) economic benefits of the development,
  - (b) road layout, access to the development and grade separated junction,
  - (c) impact of the development on Icelandic pink-footed geese.
3. That opportunities highlighted by the Aberdeenshire Design Review Panel were not taken up by the applicant
4. The lack of affordable housing on site
5. Development in the area of ancient woodland should be avoided
6. There are outstanding objections from statutory consultees (SEPA, Scottish Natural Heritage (SNH) and Transportation)
7. Concerns are raised over accessibility and connectivity in line with national and local transport policies
8. Ability of the development site to provide active travel including walking accessibility to local amenities and connectivity in relation to cycling
9. General concerns over continued lack of information

The Committee **agreed** to request that further, more detailed information, be provided to Full Council on the:

1. economic impact of the development,
2. explicit view of Transport Scotland on the requirement for a grade-separated junction on the A90 Balmedie Tipperty dual carriageway,
3. impact of the development on any protected species,
4. provision of primary school ,
5. construction traffic management plan (in particular to reroute the construction traffic away from Balmedie),
6. compensatory tree planting and further consultation with Forestry Commission,
7. greater population of appendices 12 and 13,
8. clarification of Transportation input to the Local Development Plan with regards to the site.

**4C. Reference No: APP/2019/0121**

**Planning Permission in Principle for Erection of Dwellinghouse at Site Adjacent to Panton, Blackhillock, Millbrex, Fyvie, Turriff, AB53 8NB**

**Applicant: Mr B Panton and Ms A Davies**  
**Agent: Baxter Design Company**

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

The proposal is not supported by Policy R2 Housing and employment development elsewhere in the countryside or Policy R1 Special rural areas, as only accommodation for a primary industry worker is permitted and only where an onsite presence is necessary. Furthermore in terms of the criteria for retirement succession, this only applies where the business is a viable farm holding. The proposal does not accord with the relevant policies from the Aberdeenshire Local Development Plan 2017.

Having heard that a request to speak had been received, the Committee **agreed** to hear from Ms Joan Harper of Baxter Design Company Ltd on behalf of applicants Mr B Panton and Ms A Davies.

Ms Harper said that the family business had been run for many years; they provide service, repair and sale of agricultural vehicles. The majority of clients show up in their workshop without an appointment as they can't stop their work and usually need an immediate help. The applicants would like to stay onsite to run their business in a more efficient way.

The Councillors discussed the information provided. The main issues to consider were whether a dwellinghouse could be accommodated on the site without detriment to the character and amenity of neighbouring properties and the wider area. The Members also sought clarification on the security issues, number of buildings on site and justification of departure.

After consideration of information provided, the Committee **agreed** that the authority to **grant be delegated** to the Head of Planning and Building Standards to subject to appropriate conditions.

The Committee was satisfied that there was sufficient material to justify a departure to Policy R2 Housing and employment development and Policy R1 special rural areas on the basis that, the accommodation was required for a primary industry and was a viable, diversified farm holding; that there would be no loss of amenity to the area and the proposed building is not out of character with the surrounding area.