

FORMARTINE AREA COMMITTEE

TUESDAY, 23RD JANUARY, 2024

Present: Councillors I Taylor (Chair), A Hassan (Vice-Chair), J Crawley (Items 1 to 6), I Davidson, A Forsyth, P Johnston, G Lang, L McAllister (Items 1 to 6), J Nicol, G Owen, D Ritchie and A Stirling

Officers In Attendance:

Elaine Brown (Formartine Area Manager), Claire Young (Area Committee Officer), Fiona Stewart (Senior Solicitor), Ann Ramsay (Senior Planner), Kenneth Fraser (Roads Development and Transportation Principal Engineer), Alan Tait (Senior Environmental Health Officer) and Gavin King (Business Support Leader).

1 DECLARATION OF MEMBERS' INTERESTS

No interests were declared in accordance with the Councillors' Code of Conduct.

2A PUBLIC SECTOR EQUALITY DUTY

In taking decisions on the undernoted 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 and 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, and
- (2) to consider, where an Integrated Impact Assessment has been provided, its contents and to take those into consideration when reaching a decision.

2B EXEMPT INFORMATION

The Committee **agreed**, 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 9 of business, on the grounds that it involved the likely disclosure of exempt information of the class described in the paragraph 8 of Part 1 of Schedule 7A of the Act.

3 MINUTE OF MEETING OF 12 DECEMBER 2023

There had been circulated and was **approved** as a correct record the minute of the meeting of 12 December 2023.

4 FULL PLANNING PERMISSION FOR PART CHANGE OF USE FROM BANK (CLASS 2 FINANCIAL, PROFESSIONAL & OTHER SERVICES) AND ALTERATIONS TO FORM OFFICE (CLASS 4) AND ERECTION OF CAR WASH (SUI GENERIS) AT 34 BRIDGE STREET, ELLON (APP-2023-1237)

There had been circulated a report dated 9 January 2024 by the Director of Environment and Infrastructure Services, which sought consideration of the planning application outlined within.

The Senior Planner introduced the application which was recommended for approval and the Committee heard an oral representation from the agent on behalf of the applicant.

During discussion, the Members asked about access to the car wash; the type of equipment to be used; the hours of operation; how many customers were anticipated daily; whether lighting would be required on site and if a Lighting Strategy could be conditioned if considered appropriate; if the gates to the site would be locked when the business was closed; whether the site would be manned; whether people would have time to visit local businesses while their car was being washed or if they would remain on site; drainage; and for clarification on the number of car parking spaces available and whether the flats above the office had a right to use the car park.

Members also sought assurance regarding pedestrian safety and issues in cars backing up, in relation to the proposed entry and exit from Station Road, noting that much of the pavement was lost to access stairs for the adjacent day care centre. Officers advised that the anticipated levels of traffic were no more than those of the previous business, and the access lane being 4.5m was wide enough to accommodate two cars passing each other. It was further noted that the Roads Service were satisfied with the current visibility splays.

As regards any concern about noise, it was highlighted that noise levels could not be conditioned as this was a matter for Environment Health, not the Planning Service. Environmental Health had confirmed that they were satisfied with the current proposals.

Following debate, the Committee **agreed** to **defer** consideration of the application, pending a site visit to consider whether it met Policy P1 of the Aberdeenshire Local Development Plan 2023, in terms of its layout, siting and design.

5 FULL PLANNING PERMISSION FOR ERECTION OF 49 DWELLINGHOUSES (CHANGE OF HOUSETYPES AND PLOT LAYOUT TO APP/2022/1429 FOR ERECTION OF 64 DWELLINGHOUSES WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE WITHOUT COMPLIANCE WITH CONDITION 1 (OFF-SITE ROAD IMPROVEMENT WORKS) OF PLANNING PERMISSION REFERENCE APP/2019/0753) AT OP2 SITE, BONNYTON FARM, PITMEDDEN, ELLON (APP-2023-1641)

There had been circulated a report dated 21 December 2023 by the Director of Environment and Infrastructure Services, which sought consideration of the planning application outlined within.

The Senior Planner introduced the application which was recommended for approval and the Committee heard an oral representation from the applicant.

During discussion, Members asked about the Summary of Changes document which had not been available on the planning website, being assured that this was now visible and that all drawings had been available for comment during the consultation period.

Members also asked whether the revised house types had the same number of bedrooms; whether the proposed air source heating would be noisy, though commenting that the change of heating type was welcomed and querying whether this was intended for the full development; noted that there was no intention to use photovoltaic heating systems; noted that there would be no change to the Developer Obligations due; queried the change in size of height and footprint and impact on garden and driveway sizes; asked about the change in roof apex size and whether this could impact potential for flooding; sought clarity on the open space provision and plans for planting; and asked whether there were any changes to the proposed SUDS arrangements.

Thereafter, the Committee agreed to **grant** Full Planning Permission, subject to the following conditions:

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. No works in connection with the development hereby approved shall commence until the off-site road improvement works required to provide emergency access between the B999 and Ingleside have been completed and brought into public use. Details of all off-site works would require to be agreed with Aberdeenshire Council through the relevant Roads Construction Consent / Section 56 Consent process and thereafter fully implemented prior to any occupation of the development.

Reason: In the interests of road safety and preserving the amenity of the village and the occupants of the proposed development.

03. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved written scheme of investigation. The written scheme of investigation shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and

approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

04. No individual dwellinghouse hereby approved shall 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 Using Resources in Buildings and the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

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 National Planning Framework 4, Policy C1 of Aberdeenshire Local Development Plan 2023 and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

05. No works in connection with the development hereby approved shall commence unless a Phasing Plan setting out the details, including the delivery of the open space and footpath links has been submitted to and approved in writing by, the planning authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.

Reason: To ensure that build-out of the development is phased so as to avoid adverse impact on local services and infrastructure and in the interests of the visual amenity of the area.

06. Prior to occupation a Residential Travel Plan detailing sustainable travel options in line with the relevant information in the Transport Assessment and locally at the time be prepared and authorised by Transportation to be included in the move in pack for each dwelling unit.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

07. No individual Dwellinghouse shall be occupied until such a time as a connection to the Public Water Supply and Sewer for that property has been secured and implemented. Thereafter said connections shall be retained in perpetuity

Reason: In the interests of public health and the amenity of the properties

08. No works in connection with the development hereby approved shall commence unless an investigation of the site has been undertaken in accordance with BS 10175:2011+A1:2013 - 'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Where it is determined by the site investigation report that remediation of the site is required no works in connection with the development hereby approved shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority.

Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

09. No works in connection with the dwellinghouses within the development hereby approved shall commence unless details of the finish proposed for the 'raised shared surfaces' marked on the site plan drawing 1958/P/000/XX/003 K of application APP/2022/1429 have been submitted and approved in writing by the planning authority. The dwellinghouses which utilise these surfaces for direct access shall not be occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

10. The Areas of Public Open Space (identifiable from the approved Landscaped Proposal and Site Plan drawings) shall not form part of the Domestic Garden Ground of any individual property, or be otherwise developed or enclosed without an express grant of Planning Permission from the Planning Authority

Reason: In the interests of the visual amenity of the development and in order to ensure an adequate proportion of the development constitutes Public Open space.

11. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

12. No individual dwellinghouse shall be brought into use until such a time as adequate parking, within the parameters set forth in the 'Aberdeenshire Council Parking Standards' dated November 2001 has been provided for that property. Thereafter that level of parking shall be retained unless altered through an express grant of Planning Permission by the Planning Authority.

For the avoidance of doubt the relevant parking standards require residential parking to be provided at the following ratio:

Properties with 3 or less bedrooms - 2 spaces
Properties with 4 or more bedrooms - 3 spaces

In order for a garage to effectively contribute to parking provision, it must measure at least 3.0m x 6.0m (internal).

Reason: In the interests of providing an adequate level of parking within the development, and in the interests of road safety.

13. Prior to the construction of any dwellinghouse, the following details must be submitted to and approved in writing by the Planning Authority:
- (a) location and details of the children's play equipment including surfacing materials of the play areas; and
 - (b) details of the long-term management of the play equipment and surfacing.

The equipment shall be installed in the agreed location prior to the completion of the penultimate house on the site and maintained thereafter in complete accordance with the approved details.

Reason: In the interests of the ensuring the timeous provision of suitable play equipment in the areas of open space in the interests of the amenity of the area.

14. No works in connection with the development hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the planning authority. The construction method statement shall include details of dust and noise mitigation during the construction process. All construction works on the site shall be carried out in strict accordance with the approved construction method statement.

Reason: In the interests of protecting the local amenity.

15. No dwelling hereby approved shall not be occupied unless all roads, footpaths, parking and turning areas within the development and serving the dwelling have been completed to the level of bottoming and binder course, including the access bellmouth and all turning heads in accordance with the Council's Standards for Road Construction Consent and Adoption.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

16. The following conditions must be adhered to:

- i) No land-raising or development shall be permitted to take place within the 0.5% AEP + climate change functional floodplain, as defined on drawing ref. 96596/2100 within the Flood Risk Assessment report.
- ii) Finished floor levels for the proposed dwellinghouses shall be set at a minimum elevation of the 0.5% AEP + climate change flood level + 600mm freeboard, or as stated on drawing ref. 1958/P/000/xx/003/K, in the interests of protecting people and property from flood risk.
- iii) Buffer strips adjacent to all watercourses and waterbodies shall be implemented and maintained, as a minimum in line with Aberdeenshire Council's guidance document.
- iv) Fences and the like shall not be constructed within the functional floodplain, or adjacent to any watercourse in such a way that they would impede flows or alter the conveyance of the watercourse/floodplain.
- v) The dwellinghouses shall not be occupied unless the proposed surface water drainage system has been provided in accordance with the approved plans (Fairhurst; Drainage Assessment; ref. 96596-DA). The surface water drainage system shall be permanently retained and maintained thereafter in accordance with the approved scheme, in order to ensure that adequate surface water drainage facilities are provided, and retained, in the interests of the amenity of the area.

Reason: To ensure that there is no increased risk of flooding as a result of the development.

17. No individual dwellinghouse hereby approved shall be occupied unless the driveway and parking area for that dwellinghouse have been provided in full. The maximum gradient of each access shall not exceed 1:20 gradient and the first 5 metres of the access shall be fully paved.

Once provided, all parking 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.

18. No individual dwellinghouse hereby approved shall be occupied unless provision has been made for an electric vehicle charging point, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of making provision for the use of electric vehicle to reduce carbon emissions in line with Policy C1 of the Aberdeenshire Local Development Plan and Policy 2 of NPF4.

6 FULL PLANNING PERMISSION FOR ERECTION OF OUTBUILDINGS AND CHANGE OF USE OF AGRICULTURAL LAND TO FORMATION OF FOREST SCHOOL/OUTDOOR LEARNING PLAY AREA AND ASSOCIATED WORKS AT LAND AT BOUDIESTONE, OLDMELDRUM (APP-2023-0353)

There had been circulated a report dated 8 December 2023 by the Director of Environment and Infrastructure Services, which sought consideration of the planning application outlined within.

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

During discussion, the Members asked about the arrangements for water provision; and how many jobs the proposal would create. Members sought clarity on whether the site was accessible by foot and the Roads Service confirmed that the route would not be considered suitable for walking or for inexperienced cyclists. As this was a very small-scale development, it was considered unreasonable to ask the applicant to install a footpath and bus-stop but it was noted that the roads and parking available onsite could accommodate a minibus, should this be considered an appropriate alternative to access by private cars only, and on this occasion a departure from the Council's Transport Policy was being sought.

Councillor Ritchie, seconded by Councillor Hassan, **moved** that the application be granted in line with the recommendations in the report.

Councillor Johnston moved as an **amendment** that the application be refused on the grounds that the access arrangements were contrary to the Council's Transport Policy, with unsafe walking and cycling routes to the site, and no public transport options available. There being no seconder, the amendment fell.

Therefore, the Committee agreed to **grant** Full Planning Permission subject to the following conditions:

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) The location of new trees, shrubs, hedges, grassed areas and water features;
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- c) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;

- d) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

03. 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 90 metres in a northerly direction and 120 metres in a southerly direction 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.

04. The development hereby approved shall not be brought into use unless its parking area for 16 cars has been provided and surfaced in accordance with the details shown on the approved plans. Once provided, all parking areas shall thereafter be permanently retained as such. In addition, the maximum gradient of the first 5 metres of the new access shall not exceed 1 in 20 and the first 5 metres shall be fully paved.

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.

7 NEWBURGH (SITE OP3) MASTERPLAN (ENQ-2023-1525)

There had been circulated a report dated 4 January 2024 by the Director of Environment and Infrastructure Services, which sought consideration of the Masterplan outlined within.

The Senior Planner introduced the report and welcomed questions from the Committee. Members asked whether there was a pedestrian link to the OP2 site; queried why a new wetland area was to be created when the current wetland area was natural and attracted many birds; sought confirmation that the proposed play area

could take any form and did not have to be that of the traditional type of play area, given it's close proximity to one in the area already; asked whether the Masterplan could provide details of opportunities for different zones – for example orchards, community gardens etc, but noted that this information was detailed within NPF4 and could be available during any pre-application discussions with the Planning Service; noted that if the Masterplan was agreed it would become supplementary guidance for any future planning applications; and commented that the third phase of the development was in the middle of the site, but accepted that changes could not be made at this stage and the Committee had to determine whether to agree or to not agree the Masterplan that had been provided.

Following consideration of the information provided, the Committee:

- (1) **agreed** the Masterplan for Site OP3 Newburgh as the context for the general layout and approach for subsequent planning applications, and
- (2) **agreed** the Masterplan for Site OP3 Newburgh to be used as a material consideration in the determination of any subsequent planning applications.

8 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.

After noting the verbal updates provided, the Committee **agreed** to discharge Item 1; and again, reiterated the importance of Item 2 progressing as soon as possible.

9 ENVIRONMENT AND INFRASTRUCTURE SERVICES 2024/2025 PROCUREMENT PLAN

There had been circulated a report dated 10 January 2024 by the Director of Environment and Infrastructure Services, which detailed the proposed Service Procurement Plan for 2024-2025, for procurements with a contract value of £50,000 or more that were planned for the coming financial year, subject to budget approval, and which fell within the remit of Formartine Area Committee.

The Business Support Leader introduced the report, clarifying that the estimated end date for the first two projects at Appendix 2 was 31 March 2025, not 2024 as detailed within the report.

Following consideration of the information provided, the Committee:

- (1) **noted** the Directorate Procurement Plan as detailed in Appendix 2,
- (2) **approved** the items on the Procurement Plan identified as falling within the remit of the Committee, and
- (3) **agreed** not to reserve the approval of the Procurement Approval Form for any item on the Procurement Plan where the value of the matter was between £50,000 and £1,000,000.