

FORMARTINE AREA COMMITTEE

TUESDAY, 26TH MARCH, 2024

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

Officers In Attendance:

Elaine Brown (Formartine Area Manager), Claire Young (Formartine Area Committee Officer), Fiona Stewart (Senior Solicitor), Kenneth Fraser (Roads Development and Transportation Principal Engineer), Ann Ramsay (Senior Planner) and Vicky Vaughan (Stock Condition Officer)

1 DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct the following Transparency Statements were declared:

Councillor Hassan declared a Transparency Statement in relation to Item 6, as the Committee's appointed Member to the Balmedie Leisure Centre, which was mentioned within the report. But having applied the objective test, he concluded that he had no interest to declare, and he would remain and take part in the determination of this item.

Councillor Taylor declared a Transparency Statement in relation to Item 4, as the applicant had been a member of the NFUS, which Councillor Taylor was a member of. But having applied the objective test, he concluded that he had no interest to declare, and he would remain and take part in the determination of this item.

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 Sections 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 the business on account of the likely disclosure of

exempt information of the class described in Paragraph 8 of Part 1 of Schedule 7A of the Act.

3 MINUTE OF MEETING OF 5 MARCH 2024

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 5 March 2024.

4 FULL PLANNING PERMISSION FOR CHANGE OF USE OF 3 BUILDINGS FROM AGRICULTURAL TO STORAGE (CLASS 6) AT HILLHEAD OF MURTON, WHITECAIRNS (APP-2023-1442)

There had been circulated a report dated 5 March 2024 by the Director of Environment and Infrastructure Services, which sought consideration of the application outlined within. The Senior Planner introduced the application which was recommended for approval.

During discussion, the Members sought confirmation that the handstanding for 30 cars was existing; noted that the conditions relating to visibility splays would remain as per the previous application; queried whether a time-limited grant had been considered; asked about the number of class 6 storage buildings in the area; and queried whether the Roads department had assessed the traffic movements to and from the site, highlighting that the quickest route to the AWPR was via the B999 through Milton of Potterton. It was confirmed that the Roads department, based on the information provided, did not consider that the change of use would have a detrimental impact.

Thereafter, the Committee **granted** 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. The development hereby approved shall not be brought into use unless off street parking for 30 cars have been provided within the site. The car parking areas must be surfaced in hard standing materials in accordance with Aberdeenshire Council Car Parking Standards. Once provided, the 30 car parking spaces shall in retained in perpetuity.

Reason: In the interest of road and public safety.

03. The development hereby approved shall not be brought into operation unless the junction that the proposed vehicular access forms with the public road and 5 metres on either side of the junction along the B977 carriageway shall be kerbed and the bellmouth resurfaced. Construction must be in accordance with the Council's Specification appropriate to the type of traffic which will use the access and shall be surfaced with dense bitumen macadam or asphalt. Once formed this access and bellmouth shall be retained and maintained in perpetuity.

Reason: In the interests of road and public safety.

5 APPLICATION UNDER SECTION 42 FOR CONVERSION OF STEADING TO FORM 6 DWELLINGHOUSES AND ERECTION OF 4 DWELLINGHOUSES WITHOUT COMPLIANCE WITH CONDITION 2 (ADOPTABLE ROAD) OF PLANNING PERMISSION REFERENCE APP/2020/1056 AT LAND AT TILLYCAIRN STEADING, TARVES (APP-2023-2104)

There had been circulated a report dated 7 March 2024 by the Director of Environment and Infrastructure Services, which sought consideration of the application outlined within. The Senior Planner introduced the application which was recommended for approval.

During discussion, the Members sought clarity on the recent submission from Tarves Community Council; queried the standard and length of the current access road and whether it would be suitable for school transport and refuse lorries; and sought clarity on the position regarding the household bins for the properties.

Officers clarified that the Roads department did not request that the access road to be brought up to an adoptable standard when the original application was considered, this was a condition which was added by the Formartine Area Committee. The opinion of the Service had not changed and there had been no change in circumstances. It was also highlighted that the Roads department did not intend to adopt the road, it would remain a private access road. Members noted that the policy position had been that any development with over 6 houses should have an access road which was that of an adoptable standard. The original application had come forward with a smaller development proposed and had subsequently increased. Officers clarified that should the road be brought up to an adoptable standard, there was a process to go through for it to be adopted by the Council.

Following debate, and having considered all the information provided, the Committee thereafter **refused** the application on the grounds that the condition had been attached to the original consent for reasons of safety related to provisions for use of the road by school transport and refuse lorries, rather than them pulling into a junction from what was a very busy road. No evidence had been placed before the Committee by the applicant to address these safety concerns which therefore remained – in that school transport and refuse lorries could not use the access road if it was not of an adoptable standard.

6 FORMARTINE COASTAL COMMUNITIES FUND 2024/2025

There had been circulated a report dated 8 March 2024 by the Director of Business Services which provided an update on the progress and availability of the Crown Estate Scotland Fund for Aberdeenshire Council in Formartine.

The Committee welcomed this report, commenting on how useful the fund was for our coastal communities, and thanked the Area Team for their work in facilitating this.

After considering the information provided, the Committee:

- (1) **noted** the funding allocation of £94,404 for 2024/25,

- (2) **agreed** to continue to delegate approval of the allocation of Coastal Communities Fund awards for 2024/2025 and forthcoming years, to the Formartine Area Manager, following consultation with the Chair and Vice Chair of Formartine Area Committee,
- (3) **noted** the summary of funding awards for 2023/24 at Appendix 1 of the report, and
- (4) **noted** the application form and eligibility criteria attached at Appendices 2 and 3 of the report.

7 FORMARTINE AREA COMMITTEE BUDGET 2024/2025

There had been circulated a report dated 8 March 2024 by the Director of Business Services which outlined the proposals for the Formartine Area Committee Budget for 2024-2025 and confirmed the spends for 2023-2024.

During discussion the Members considered the current criteria and whether any changes should be made going forward, to consider more legacy projects; highlighted that any discussion on the criteria should involve our communities to seek their views; noted the benefit of the funds to our communities and the enhancements that it brought thanks to our community volunteers; and noted the importance of considering Place as we move forward.

Thereafter, the Committee agreed to:

- (1) **allocate** £20,550 to the Improving the Amenity of Towns and Villages, to promote the environment and social wellbeing of the area, using the same criteria as last year,
- (2) **allocate** £3,000 to provide grants of up to £500 to assist community groups in the preparation of Local Place Plans. This was on the basis of one application per community body and powers were delegated to the Area Manager to determine these applications. The allocation could be reviewed if demand exceeded the allocation and any funds not applied for by 31 October 2024 could be reallocated to the general applications process,
- (3) **allocate** £47,650 to the general application process, which would utilise the criteria as detailed in Appendix 1 of the report, subject to the criteria relating to Local Place Plans being revised to read “per community body” rather than “per settlement”,
- (4) **request** that the Area Manager liaise with Finance to investigate whether it would be possible to have flexibility by means of a rolling budget, where appropriate, to help support community groups in achieving the best outcomes for their projects, and
- (5) **request** that the current criteria be reviewed this year, in conjunction with local community groups, to determine whether any revisions should be made for future years, in order to utilise the funds in the best possible way to serve our communities in the long term.

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.

As the date had been set for the Stage 2 Workshop, the Committee **agreed** that Item 1 could be removed from the Statement of Outstanding Business.

9 SUPPLEMENTARY DIRECTORATE PROCUREMENT PLAN - PROCUREMENT APPROVAL

There had been circulated an exempt report dated 14 March 2024 by the Director of Environment and Infrastructure Services which detailed Environment and Infrastructure Services related procurements with a contract value of £50,000 or more that were planned for 2024-2025, which were not included within a previous plan, and which fell within the remit of the Formartine Area Committee.

After considering the information provided, the Committee:

- (1) **noted** the Supplementary Procurement Plan as detailed in Appendix 1 of the report,
- (2) **approved** the items on the Supplementary Procurement Plan identified as falling within the remit of the Committee,
- (3) **agreed** not to reserve 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, and
- (4) **acknowledged** that the Head of Property and Facilities Management had the delegated authority to award the final contract where the committee had not reserved the right to award the final contract.