

**ABERDEENSHIRE COUNCIL**

**GARIOCH AREA COMMITTEE**

**COUNCIL CHAMBER, GORDON HOUSE, INVERURIE**

**ON 25 JUNE 2019**

**Present:** Councillors F Hood (Chair), N Baillie, L Berry (Items 1-8), M Ewenson, M Ford, V Harper, D Lonchay, R McKail, A McKelvie, H Smith, I Walker (Items 1-8) and J Whyte.

**Apologies:** Councillors D Aitchison, S Leslie and G Reid.

**Officers:** M-J Cardno (Garioch Area Manager), A Overton, (Senior Solicitor), B Strachan (Senior Planner), G Steel (Principal Engineer), M Hall (Strategy Manager), P McKay (Head of Service (Roads, Landscape Services and Waste)), I Milne (Waste Support Leader), R Baxter (Waste Manager), C Menzies (Strategy Team Leader), G Dacre (Learning Estates Officer) and K Macleod (Area Committee Officer).

**1. DECLARATIONS OF MEMBERS' INTERESTS**

In accordance with the Councillors' Code of Conduct the following interests were declared:-

Councillor Ewenson declared an interest in Item 5A by virtue of being a member of the Presbytery of Buchan but having applied the objective test she concluded the interest to be remote and insignificant; therefore, she would remain and participate in the item.

Councillor Hood declared an interest in Item 5A by virtue of being a member of Newmachar Parish Church but having applied the objective test he concluded the interest to be remote and insignificant; therefore, he would remain and participate in the item.

**2. RESOLUTIONS**

**2A. 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 its decision.

**2B. EXEMPT ITEMS**

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 certain items of business on account of the likely disclosure of exempt information of the classes described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

<b>Item No.</b>	<b>Paragraph No.</b>
11	9
12	8

### **3. MINUTE OF MEETING OF 4 JUNE 2019**

In accordance with Standing Order 7.1.1, the Committee **agreed** that the Minute was a correct record of proceedings. The Minute was duly signed by the Councillor presiding over the meeting.

#### **4. MEMBER PROMOTED ISSUE – PEDESTRIAN CROSSING OLD SKENE ROAD, WESTHILL**

A report by the Director of Infrastructure Services was circulated seeking consideration of a Member Promoted Issue (MPI) in relation to the installation of a pedestrian crossing at Old Skene Road, Westhill. The report provided information on the current position and delivery timescales, the relevant policy, and an explanation in terms of the delay in service delivery.

The Strategy Manager summarised the background and reasons for the delay. It was advised that the invitation to tender for the works would close that day and a timeline for installation would be provided to Members once a contractor had been appointed. Members raised the need for improved communication and an action plan to address lessons learned and it was advised that improvements were being identified.

The Committee **agreed** to note the Member Promoted Issue and the action being taken by officers.

#### **5. PLANNING APPLICATIONS FOR DETERMINATION**

The following planning applications were considered along with any valid representations received and were dealt with as recorded in **Appendix A** to this Minute.

A	APP/2019/0292	Removal of stained glass window, metal mesh screen and brass plaque and installation of replacement window at Keithhall Church, Keithhall, Inverurie	Grant
B.	APP/2018/2681	Change of use of agricultural buildings to livery stable and formation of manège (retrospective) at Millbuie, Skene, Westhill	Grant
C.	APP/2019/0767	Change of use of agricultural ground to Use Class 6 (Industrial Storage) at Birchwood Kinellar, Blackburn	Grant
D.	APP/2018/2226	Change of use from Use Class 6 (Storage and Distribution) to Use Class 5 (General Industrial) at South Fornet Estates, Dunecht, Westhill	Delegated Grant
	APP/2019/0083	Use of Land for Class 5 (General Industrial) and Erection of Fence at South Fornet Estates Dunecht, Westhill	Delegated Grant

## 6. RECYCLING CENTRE POLICY AND PROCEDURES

A report by the Director of Infrastructure Services was circulated detailing a proposed recycling centre policy and procedures and seeking comments from the Committee for consideration by Infrastructure Services Committee.

The Waste Support Leader provided background information on issues in relation to business waste and highlighted the key points of the policy and procedures which included proposals to accept business waste at three waste transfer stations on three days a week; ban larger commercial vehicles from recycling centres; and introduce a permit system for certain vehicles used by householders. The Waste Support Leader and Waste Manager then responded to Members' questions.

Following a full discussion, the Committee **agreed** to provide the following comments to the Infrastructure Services Committee on the draft recycling centre policy and procedures:-

1. The Committee were very supportive of the principle of the proposals.
2. Some members were supportive of the proposed number of 12 permits and others felt this should be increased to up to 24. The number of permits should be reviewed after a year to ensure it was appropriate.
3. Digital options and the use of technology should be prioritised to ensure customer satisfaction and cost efficiency in terms of the administration process. The process must be as simple as possible.
4. Capacity in the system to account for anomalies (e.g. house clearances) was welcome.
5. Alternative options for garden waste such as composting should be encouraged.
6. The availability of trade waste collection as an option was welcome.
7. It should be ensured that staff were well trained to deal with confrontational situations.
8. The Committee was supportive of full cost recovery for trade waste.

## 7. ABERDEENSHIRE COUNCIL STRATEGIC CYCLE ROUTES: KINTORE TO BLACKBURN - OPTION 3

With reference to the Minute of Meeting of the Committee of 13 November, 2018 (Item 7), when the Committee had considered options for a cycle route from Kintore to Blackburn and agreed to progress Option 3 to a detailed design, there was circulated a report by the Director of Infrastructure Services which presented the findings of the detailed feasibility study.

Members commented on the study's conclusions, as summarised in section 2.10 of the report, and indicated that they did not feel the reasons provided should rule out Option 3 from consideration as a commuter route. It was also suggested that there should be further consultation of potential users and the Aberdeen Cycle Forum.

Following discussion, the Committee **agreed**:-

1. to note the 'Kintore to Blackburn Shared Path Feasibility Study';
2. to approve a 'leisure route' along the Option 3 alignment and further engagement with potential users, with a view to possible use as a commuter route in future;

3. to the development of a detailed design of a commuter shared use path linking Kintore to Blackburn adjacent to the A96 along the Option 2 alignment, subject to confirmation of grant funding; and
4. that officers report back to the Committee on the details of Options 2 and 3 for a final determination on a commuter route to be made.

#### **8. SCRUTINY AT ABERDEENSHIRE: STAGE 1 REPORT IN RELATION TO THE MATTER OF ROADS SERVICE DELIVERY AT NEWMACHAR**

With reference to the Minute of Meeting of the Committee of 14 May, 2019 (Item 6), when a Committee Review Process had been initiated in relation to the matter of roads service delivery at Newmachar, there was circulated a Stage 1 Scrutiny Report by the Director of Infrastructure Services setting out the relevant Council policy, the delay in service delivery, and other relevant information.

The Committee heard from the Head of Service (Roads, Landscape Services and Waste) on the lessons learned, as outlined in section 2.8 of the report.

There followed discussion around the Council's approach to speeding; timescales and managing expectations; staffing resource, the changing workload, and service structures; and improving communication including through the development of a task management system.

Following a full discussion, the Committee **agreed**:-

1. to acknowledge the matters set out in the Stage 1 Scrutiny Report that was requested by the Garioch Area Committee on 14 May 2019; and
2. that, having received assurances on lessons learned and changes being implemented, it was not required to move to Stage 2 (workshop) of the Committee Review Process.

#### **9. REVIEW OF INVERURIE PRIMARY SCHOOL CATCHMENT AREAS**

With reference to the Minute of Meeting of Education and Children's Services Committee of 30 May, 2019 (Item 9), when a statutory consultation in respect of Inverurie primary school catchment areas had been authorised, there was circulated a report by the Director of Education and Children's Services, which presented the proposal document on the review of catchment areas and explained that this would be consulted on between 5 June and 6 September, 2019.

The Learning Estates Officer introduced the report and responded to Members' questions.

Thereafter, the Committee **agreed**:-

1. to note the consultation proposal on the Review of Inverurie Primary School Catchment Areas and encourage participation within the communities involved; and
2. to receive a follow up report on the consultation in November 2019 in order to submit a recommendation to Education and Children's Services Committee as part of the decision-making process.

#### **10. AREA INITIATIVES FUND 2019/20**

A report by the Director of Education and Children's Services was circulated seeking consideration of applications to the Area Initiatives Fund 2019/20 from Garioch Community Kitchen and Inverurie Parkrun.

The Committee **agreed**:-

1. to grant £1,750 to Garioch Community Kitchen towards delivering an “Eat Well for Less” cooking programme for parents and children; and
2. to grant £1,750 to Inverurie Parkrun towards purchasing event and technical equipment required to establish a weekly Parkrun.

#### **11. PROPOSED LEASE OF OUTDOOR LEARNING AREA FOR USE BY DUNECHT PRIMARY SCHOOL AT TILLYBRIG, DUNECHT, AB32 7BA**

A report by the Director of Business Services was circulated seeking consideration of the Council taking a lease of land at Tillybrig, Dunecht for use by Dunecht Primary School.

The Committee **agreed**:-

1. to approve the taking of a lease by the Council of land designated as proposed school playing field in Kirkwood Homes’ approved planning consent for 33 residential dwellings at Tillybrig, Dunecht on the terms set out in the report; and
2. to note that the Head of Legal and Governance, following consultation with the Head of Property and Facilities Management, had the delegated authority to agree the detailed terms and conditions of, and enter into, the lease.

#### **12. SUPPLEMENTARY ANNUAL WORK PLAN FOR EDUCATION AND CHILDREN’S SERVICES DIRECTORATE – PROCUREMENT APPROVAL**

A report by the Director of Education and Children’s Services was circulated seeking approval for an item on the Education and Children’s Services Directorate Supplementary Work Plan, together with the associated business case.

The Committee **agreed**:-

1. to note the Directorate Work Plan as detailed in Appendix 1 to the report;
2. to approve the item on the Work Plan identified as falling within the remit of the Committee;
3. to approve the Business Case in Appendix 2 of the report; and
4. to note that that the award of contract would be dealt with by the Head of Resources and Performance.

#### **13. MINUTE OF KINGSEAT MEMBER OFFICER WORKING GROUP**

The Committee **agreed** to note the minute of the Kingseat Member Officer Working Group.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

## GARIOCH AREA COMMITTEE

25 JUNE 2019

### APPENDIX A

#### PLANNING APPLICATIONS FOR DETERMINATION

**A. Reference No: APP/2019/0292**

**Listed Building Consent for Removal of Stained Glass Window, Metal Mesh Screen and Brass Plaque and Installation of Replacement Window at Keithhall Church, Keithhall, Inverurie**

**Applicant: Keithhall Church**  
**Agent: Mrs Pat Lawie**

The Senior Planner reported on the details of the application and made reference to the objection from Inverurie Community Council and three objections received; Keithhall Church being B-listed and no longer in ecclesiastical use; and the proposal to move the window and plaque to Fintray Church. The key issues for consideration related to the acceptability of removing the window, mesh screen and plaque, and the acceptability of the replacement window. Historic Environment Scotland and the Council's Built Environment team had no objections. It was acknowledged that there was a sensitive issue around relocation of the memorial, but this was not material in planning terms.

Members sought clarification on a number of matters and then discussed the application, acknowledging the separation between the planning matters under consideration and the issue of where the memorial would be relocated to.

Thereafter, the Committee **agreed** to grant listed building consent subject to the following conditions:-

01. No works in connection with the listed building consent hereby granted shall commence unless full details of the proposed replacement window have been submitted to and approved in writing by the planning authority. The details shall include elevational and sectional drawings at a sufficient scale to show the proposed new window detailing; dimensions, glazing patterns, ventilation and opening methods. Thereafter, the window shall be installed in accordance with the approved details.

Reason: In order to safeguard the special architectural character and historic interest of this listed building.

02. The works hereby approved shall be carried out in strict accordance with the Procedure of Work set out by Mr Brian Innes dated 12 June 2019 for the removal, restoration and refitting of the stained glass window as submitted and agreed as part of this application for listed building consent. Unless otherwise agreed in writing by the Planning Authority, the removal of the stained glass window and the installation of the replacement window shall be carried out in accordance with the approved details within a period of 24 hours in a single operation.

Reason: In order to safeguard the special architectural character and historic interest of this listed building.

03. The works to place the stained glass window and brass plaque within Fintray Church shall be carried out in strict accordance with the details set out in the Relocation

Methodology submitted and agreed as part of this application for listed building consent.

Reason: To ensure the appropriate re-use of original traditional building fabric in the interests of the character and appearance of the built environment.

### **Reason for Decision**

The proposed works would have no adverse impact on the character of the listed building and would comply both with HEPS and Policy HE1 of the Aberdeenshire Local Development Plan 2017. There are no material considerations which indicate that consent should be refused.

### **B. Reference No: APP/2018/2681**

### **Full Planning Permission for Change of Use of Agricultural Buildings to Livery Stable and Formation of Manège (Retrospective) at Millbuie, Skene, Westhill, Aberdeenshire, AB32 6YP**

**Applicant: Mr N Scott**  
**Agent: RJM Architectural Design**

The Committee **agreed:-**

1. that the reason for departing from the Aberdeenshire Local Development Plan 2017 be that the proposed livery and manège does not comply with Policy R2: Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017. However, it is small scale and the nature of the development is expected within a rural setting and the proposal fits successfully within the wider farm hub of the site, and therefore presents sufficient reason to support this application as a departure from the Aberdeenshire Local Development Plan. The proposal is appropriately designed and scaled and satisfies all other relevant policies of the Aberdeenshire Local Development Plan 2017.
2. to grant full planning permission subject to the following conditions:-
  1. Within six months of the date of this planning permission hereby approved, access, parking and turning areas must be provided and fully paved. The maximum gradient of the first 5m of access (measured from the edge of road or back of footway) shall not exceed 1:20 gradient and must be fully paved. Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards, and a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear. 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, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

2. Within six months of the date of this planning permission hereby approved, improvements to passing places on the C99C to the south of the site and improvements to vegetation to the north of the site at locations as shown on



Drawing No. 554 – 023 Rev C must be provided. Construction shall be to an appropriate standard to the satisfaction of the Planning Authority.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

3. Within six months of the date of this planning permission hereby approved, visibility of 45 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.

**C. Reference No: APP/2019/0767**

**Full Planning Permission for Change of Use of Agricultural Ground to Use Class 6 (Industrial Storage) at Birchwood, Kinellar, Blackburn, Aberdeenshire AB21 0SH**

**Applicant: Mr J Stewart, Ram Tubulars Scotland Ltd**  
**Agent: Ken Mathieson Architectural Design Ltd**

The Committee **agreed:-**

1. that the reason for departing from the Aberdeenshire Local Development Plan 2017 be that the proposed development is considered an acceptable departure to Policy R2: Housing and employment development elsewhere in the countryside. The detailed supporting information has demonstrated that allocated sites and other options were reviewed prior to the decision to develop the application site. The extension of the existing site is the most effective solution for the viability of the business and local economy. The proposal is an extension to an established operation in an area characterised by commercial and industrial development. The proposal includes a comprehensive landscaping scheme which ensures that the whole site will have sufficient landscaping and screening to minimise any visual impact. The proposal complies with all other relevant policies of the Aberdeenshire Local Development Plan 2017.
2. to grant full planning permission subject to the following conditions:-
  1. 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, as per drawing RTK-1904-TP. 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.

2. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

3. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme, as per drawing RTK-1904-LS 2. 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending, revoking or re-enacting these Orders the development hereby approved shall be used only for a purpose within Use Class 5 and 6 and shall not be used for any other purpose without the express grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.

**D. Reference No: APP/2018/2226**

**Full Planning Permission for Change of Use from Use Class 6 (Storage and Distribution) to Use Class 5 (General Industrial) at South Fonet Estates, Dunecht, Westhill, Aberdeenshire, AB32 7BX**

**Reference No: APP/2019/0083**

**Full Planning Permission, Use of Land for Class 5 (General Industrial) and Erection of Fence at South Fonet Estates, Dunecht, Westhill, Aberdeenshire, AB32 7BX**

**Applicant: South Fonet Estates Ltd**  
**Agent: Taylor Architecture and Building Consultants Ltd**

The Senior Planner reported on the details of the two applications and advised that the key issues for consideration related to the principle, siting and design, and access and amenity. The planning history including previous appeal decisions, as detailed in sections 6.3 to 6.10 of the report, was highlighted. Reference was made to Environmental Health, Transportation, and Roads Development having no objections; the issues raised by Echt and Skene Community Council and the objector; and the proposed conditions. As there had been no material change since the appeal decisions, and all other requirements had been satisfied, the application was recommended for approval.

Members then asked questions of the Principal Engineer in relation to parking spaces and passing places. The Senior Planner further addressed the issues raised within the letter of objection in relation to the site area, compliance with policy, parking, roads, and noise and light.

Following a query raised on the competence of Condition 1 of APP/2019/0083, officers recommended that the wording of the condition be amended from “within 3 months of the date of this decision notice” to “prior to the yard being brought into use”. Members also sought to add an additional condition regarding external lighting.

#### APP/2018/2226

The Committee **agreed** to delegate authority to the Head of Planning and Building Standard to grant full planning permission subject to:-

- (a) an additional condition that no additional external lighting may be installed without prior permission; and
- (b) the following condition:-
  1. Noise emitted from the site expressed as LAeq (1 hour) between 0700 and 1700 hours Monday to Saturday, excluding public holidays, shall not exceed the existing background noise level (as detailed in the noise impact assessment dated 23<sup>rd</sup> May 2019) by more than 3 dBA when measured at 3.5 metres from the external façade of any noise sensitive premises. At any other time, noise from the site shall be inaudible at such position.

Reason: In the interests of the amenity of the occupiers of residential properties.

#### **Reason for Decision**

The proposal is considered an appropriate redevelopment of a redundant building, in accordance with Policy R2: Housing and employment development elsewhere in the countryside, and is appropriately positioned and scaled, with no adverse impacts on the landscape or surrounding amenity, in compliance with Policy P1: Layout, siting and design of the Aberdeenshire Local Development Plan 2017

#### APP/2019/0083

The Committee **agreed** to delegate authority to the Head of Planning and Building Standards to grant full planning permission subject to :-

- (a) an additional condition that no additional external lighting may be installed without prior permission; and
- (b) the following conditions:-

1. Prior to the yard being brought into use, the fencing as shown on plan 153 L(90) 003 shall be fully erected.

Reason: In the interests of the visual amenity of the surrounding area.

2. That from the date on which this planning permission is granted, the external storage of materials on any part of the site shall not exceed 3m in height without the prior written approval of the Planning Authority.

Reason: In the interests of the visual amenity of the surrounding area.

3. Noise emitted from the site expressed as LAeq (1 hour) between 0700 and 1700 hours Monday to Saturday, excluding public holidays, shall not exceed the existing background noise level (as detailed in the noise impact assessment dated 23<sup>rd</sup> May 2019) by more than 3 dBA when measured at 3.5 metres from the external façade of any noise sensitive premises. At any other time, noise from the site shall be inaudible at such position.

Reason: In the interests of the amenity of the occupiers of residential properties.

### **Reason for Decision**

The proposal is considered an appropriate ancillary development to Unit 1 and in accordance with Policy R2: Housing and employment development elsewhere in the countryside, and is appropriately positioned and scaled, with no adverse impacts on the landscape or surrounding amenity, in compliance with Policy P1: Layout, siting and design of the Aberdeenshire Local Development Plan 2017.