

ABERDEENSHIRE COUNCIL**GARIOCH AREA COMMITTEE****GORDON HOUSE, INVERURIE ON 12 MAY 2015**

Present: Councillors F Hood (Chair), D Aitchison, N Cullinane, M Ford, A Grant, M Kitts-Hayes, S Lonchay, R McKail, P Oddie, H Vernal and I Walker.

Apologies: Councillors A Allan, R Cowling and B Stuart.

Officers: D Milne (Garioch Area Manager), S Munro (Solicitor), B Strachan (Senior Planner), Graeme Steel (Principal Engineer), C Thompson (Planner), L Geddes (Planner), E Dacre (Learning Estates Research & Analysis Project Officer) and A Cumming (Garioch Area Committee Officer).

In attendance: Chief Inspector Richard Craig and Inspector John Millar (Police Scotland).

1. DECLARATIONS OF MEMBERS' INTERESTS

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

Item 6A Councillor Ford as the Agent for the application was the architect for his own recent house extension;
Councillor Grant as she is friendly with the Applicant's family; and
Councillor Oddie as she is friendly with the Agent and her family.

Items 7D Councillor Aitchison as he knows two of the representees to the application.
and 7E

Councillor Ford left the Chamber whilst the application was considered. Councillors Aitchison, Oddie and Grant took a full part in considering the relevant applications.

2. 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.

3. MINUTE OF MEETING OF 21 APRIL 2015

The Minute of Meeting of 21 April 2015 was approved as a correct record of proceedings.

4. INTIMATION OF PUBLIC QUESTION TIME

No public questions were intimated.

5. POLICE SCOTLAND PERFORMANCE MONITORING AND OPERATIONAL UPDATE

A report by the Director of Business Services was circulated presenting the performance monitoring information relating to the Aberdeenshire component of the Aberdeenshire and Moray Division of Police Scotland.

Chief Inspector Richard Craig and Inspector John Millar gave the Committee detailed information and background to the statistical information provided. Members welcomed the reduction in crime and the improved detection rates in some areas, but expressed disappointment that road traffic collisions were still an issue in Aberdeenshire. They sought clarification as to whether there was any pattern to serious accidents in terms of location, time or driving conditions, but were assured that these accidents were sporadic, with no single cause or location identified. The Chief Inspector did point out that it was no longer 17-25 year old drivers that were the main group involved and that many of the fatalities and injuries were to pedestrians, cyclists and elderly motorists. He explained that work was continuing to target driving offences in order to encourage improved driver behaviours. Members welcomed the police patrols within Inverurie town centre and the commitment to visible policing and attending community councils.

The Committee **agreed** to:-

1. note the performance monitoring information relating to the Aberdeenshire component of the Aberdeenshire and Moray Division of Police Scotland;
2. request that the Divisional Commander continue to report to Committee quarterly on performance measures against service objectives; and
3. request that Officers provide further information to Councillors on the:-
 - i. numbers of motorcyclist and cyclists involved in the accident statistics provided; and
 - ii. numbers of stop and search undertaken and the % of these that identify a crime.

6. PLANNING APPLICATIONS FOR DETERMINATION THAT WERE THE SUBJECT OF SITE VISITS

With reference to the Minute of Meeting of the Committee of 21 April 2015 (Items 6A and 6C)) and following the site visits which took place on the 12 May 2015, the Committee considered the report by the Director of Infrastructure Services on the following application and **agreed** to dispose of them as detailed in **Appendix A** to this Minute.

Item	Reference	Application	Decision
A.	APP/2014/4382	Erection of office accommodation at land at Petmathen, Oyne	Delegated Grant
B.	APP/2014/2740	Erection of Two Wind Turbines (Hub Height 64m : Total Height 99.5m) and associated infrastructure including access road at site to the North of Hill of Rothmaise, Rothienorman, Inverurie	Refuse

7. PLANNING APPLICATIONS FOR DETERMINATION

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

Item	Reference	Application	Decision
A.	APP/2013/3415	Formation of temporary car park, access and screen bunding at site to the south of B9119 Road, Arnhall, Westhill	Refuse
B.	APP/2014/3849	Erection of 10 detached dwellinghouses at land at Hillhead of Pitbee, Westerton, Chapel of Garioch	Defer for Site Visit
C.	APP/2015/0408	Erection of 3 no. dwellinghouses and garages at land north of Premnay School, Auchleven, Inch; and	Defer for further information
	APP/2015/0443	Erection of 3 no. dwellinghouses and garages at site adjacent to Premnay Primary School, Auchleven, Inch.	
D.	APP/2015/0658	Change of use from agricultural building to storage and distribution (Class 6) without complying with Condition 1 of PP APP/2014/0320 at Unit 1, South Fornet, Skene	Defer for Site Visit
E.	APP/2015/0663	Change of use of buildings from agricultural to Class 5 (General Industrial) (Retrospective) at Units 4 and 5, South Fornet, Skene	Defer for Site Visit
F.	APP/2014/4338	Erection of sub station and formation of access track and hard standing areas at Mains of Tertowie, Kinellar	Defer until associated application ready for determination

8. WESTHILL TRAFFIC MANAGEMENT REVIEW 2015

A report by the Director of Infrastructure Services was circulated presenting details of proposed changes to traffic management in Westhill.

A Local Member asked that Officers give consideration to no waiting hatchings being provided on Discovery Drive and indicated that although the Community Council welcomed the review it continued to be concerned by parking in the business park and would welcome a public meeting being held to discuss this further.

The Committee **agreed** to:

1. authorise the commencement of the statutory procedure for the making of the Aberdeenshire Council (Westhill Traffic Management) Order;
2. authorise the subsequent making of the Aberdeenshire Council (Westhill Traffic Management) Order in the event that no valid objections are received or any received are resolved and withdrawn;
3. instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections; and
4. authorise the Director of Infrastructure Services and the Director of Business Services to undertake the necessary procedures to promote the Traffic Order required for the above proposals.

9. CONSULTATION REPORT ON THE REVIEW OF KINTORE PRIMARY SCHOOL ZONES

A report by the Director of Education and Children's Services was circulated detailing the review of catchment areas for primary school education in Kintore and asking the Committee to forward comments on the proposals to the Education, Learning and Leisure Committee.

Members highlighted the wording of the first sentence in paragraph 2.4 of the report and suggested that it did not reflect the information that was being provided at the consultation events.

The Committee **agreed** to:

1. note the formal report on the consultation regarding the review of the Kintore Primary School zones; and
2. recommend to the Education, Learning and Leisure Committee that the Council adopt the proposals, in preparation for the opening of the second school in Kintore subject to the wording of paragraph 2.4 to properly reflect the information that was provided at the consultation events.

10. NAMING OF THE SECOND KINTORE PRIMARY SCHOOL

A report by the Director of Education and Children's Services was proposing a name for the new primary school in Kintore and seeking approval for this name.

Local Members pointed out that the breakdown of responses in the consultation did not take account of groups as these were counted as one. They indicated that the Parent Council had also intimated that pupils of the current school favoured having Tuach in the name of the School. They pointed out that Tuach would be more identifiable with Kintore as there was only one Tuach Hill.

However, other Members were happy to accept the preferred option from the consultation that had taken place.

Councillor McKail, seconded by Councillor Kitts-Hayes, moved that the name of the new primary school in Kintore should be Midmill School.

As an amendment, Councillor Ford, seconded by Councillor Hood, moved that the name of the new primary school in Kintore should be Tuach Hill School.

For the motion (7) Councillors Aitchison, Grant, Kitts-Hayes, Lonchay, McKail, Oddie and Vernal

For the amendment (3) Councillors Hood, Ford and Walker

Councillor Cullinane was absent from the division.

Therefore the motion was carried and the Committee **agreed** that the name of the new primary school in Kintore should be Midmill School.

11. SCHOOL ROLL CAPPING: RAYNE NORTH SCHOOL

A report by the Director of Education and Children's Services was circulated recommending the Committee to comment to Education, Learning and Leisure Committee on the proposed capping of Rayne North School.

Members were made aware of a letter from the Parent Council and agreed to adjourn the meeting to read this letter before deciding whether to take it into consideration. On reviewing the content, Members considered that the letter should be given consideration by Officers, but indicated that they were happy to agree the recommendations within the report.

The Committee **agreed** to the:-

1. proposed capping of Rayne North School at 75 pupils with effect from August 2015; and
2. proposed cap as an interim measure for one year, as the roll is forecast to peak in August 2015 and then decrease over the coming years.

GARIOCH AREA COMMITTEE**12 MAY 2015****APPENDIX A****PLANNING APPLICATIONS FOR DETERMINATION SUBJECT OF SITE VISITS****A. Reference No: APP/2014/4382****Full Planning Permission for erection of office accommodation at land at Petmathen, Oyne****Applicant: A S Mosley & Co Ltd**
Agent: Annie Kenyon Architects

As previously indicated, Councillors Ford, Grant and Oddie declared interests. Councillor Ford left the Council Chamber whilst the application was determined, Councillors Grant and Oddie continued to take a full part in considering the item.

The Senior Planner said that the proposed building was well designed, but the principle of the development, the accessibility and the impact of the proposals on the area were of concern to the Planning Service. He explained that the site lay within the Rural Housing Market Area and that the relevant policy allowed for the development of small scale businesses. He explained that the current business use at the site did not have planning permission and operated from a house and modular units. He confirmed that the proposed intensification of the business could not be considered as ancillary to the existing use. He explained that businesses of the scale proposed should be directed to allocated sites that are able to be accessed by walking or public transport and since there was no mitigation or solution to this, an objection had been received from the Transportation Section. He accepted that economic benefit was a material consideration, but indicated that this was not considered to warrant the departure from policy. He advised that a tree survey confirmed that a number of trees were proposed to be felled, but that these were not of particular value, however he explained that any grant of permission would require the investigation for squirrels' habitat and details of proposed new planting. He confirmed that reason 3 in the recommendation could now be removed.

The Chair indicated that the Committee had previously agreed to hear from parties on the application and invited Ms Annie Kenyon (agent), Andrew Mosely (applicant), and Ian Livingstone (Planning Consultant) to address the Committee. The parties gave the Committee detailed information about the design, the history to the application, the business need and the justification for the proposals.

Members sought clarification regarding loss of trees, accessibility and design and then the Chair thanked the speakers and they returned to the public benches.

Members sought clarification as to the legitimacy of the statement of support, given that the existing business was operating without proper planning consent. The Legal Officer confirmed that it was appropriate to take into account the economic benefit of the proposals, but that it could not be considered that the proposals were an extension to the business as it was unauthorised.

The Senior Planner reiterated why the Planning Service did not consider that the application complied with policy and pointed out that businesses of the scale proposed should be on sites that have been allocated within the Local Development Plan. He explained that the Supplementary Guidance indicated that small scale business was up to 0.5 hectares or

employing no more than 5 people, but that the Planning Advice, which was more recent, indicated that it was up to 0.5 hectares and no more than 5 people. He explained that the Planning Advice was proposed to be reflected in relevant policy within the emerging Local Development Plan.

Members highlighted the conflicting wording and questioned whether the current business, given the time it had been operating, could be considered as legitimate. They also pointed out that no enforcement had been taken on the site.

Local Members indicated that the road to the site was well used by walkers and cyclists and said that they were not aware of any incidents on the road that would have been of concern. Members welcomed the economic benefits of the application and the creation of jobs in the locality. They pointed out the proximity of the site to the settlement and whilst they were disappointed that the current activities did not have proper planning consent, they considered that given the specific circumstances in this particular case that the application could be considered as small scale development in the countryside.

The Committee **agreed** that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

1. appropriate conditions; and
2. a delegated matter relating to investigation of the squirrels' habitat.

On the grounds that the application, can in this instance be considered to be a small scale development on a site well related to Oyne, which can be accessed by public transport and alternative travel practices. The application therefore complies with Policy 3, SGRD1, Policy 8, SGLSD2.

B. Reference No: APP/2014/2740

Full Planning Permission for erection of two wind turbines (hub height 64m: total height 99.5m) and associated infrastructure including access road at site to the north of, Hill Of Rothmaise, Rothienorman, Inverurie

Applicant: WPD Rothmaise Ltd
Agent: WPD Scotland Ltd

The Senior Planner confirmed that the application was for the erection of 2 wind turbines on a site close to the boundary with Formartine Area and had been to the Formartine Area Committee for a view prior to coming to Garioch Area Committee for determination. He explained that Formartine Area Committee recommended refusal of the application and confirmed that this view was also held by Bennachie Community Council and adjacent Community Councils in Formartine. He explained that there were a large number of turbines in the locality and referred Councillors to section 2 of the report where these were detailed. He confirmed that no objections had been received from technical consultees and that the concerns related to the impact on the landscape and the character of the area. He explained that the Planning Service was most concerned by the impact on Overhill due to the separation distances and scale and height of the turbines. He explained that no visualisations were available from this location. He confirmed that should the Area Committee be minded to approve the application that the Scheme of Delegation required that the application be referred to Infrastructure Services Committee as the 2 Areas would have conflicting views.

The Chair indicated that requests to speak had previously been agreed for the application and invited Jon Campbell-Copp, speaking on behalf of the agent, to address the Committee.

Mr Copp explained the amendments that had been made to the proposals to minimise the impact of the turbines and explained that the rolling landscape character of the area would allow for other turbines with a similar height and scale within the existing cluster.

There were no questions and the Chair thanked Mr Copp and invited Ms Linette Cormack, an objector to the application, to address the Committee. Ms Cormack explained the reasons that she and other residents had concerns regarding the impact of the turbines on the landscape and highlighted the unacceptable cumulative impact additional turbines would have.

The Committee had no questions and the Chair thanked Ms Cormack who thereafter returned to the public benches.

Members indicated that the thorough site visit had shown nothing to make them take a differing view from Officers and the Committee **agreed** to refuse Full Planning Permission for the following reason:-

The impact of the turbines within the landscape would be significantly detrimental and the proposal, in combination with other approved wind turbines in the local area, would have a significant and unacceptable cumulative impact both sequentially (along the A920 and B992) and simultaneously on landscape character and visual amenity. It has also not been demonstrated that the proposal would not have a significant overbearing impact on, and resultant significant adverse effect on the amenity of, the nearby dwellinghouse of Overhill. The proposal is therefore considered to be contrary to Policy 3: Development in the countryside and SG Rural Development2: Wind farms and medium to large wind turbines, Policy 8: Layout, siting and design of new development and SG LSD2: Layout, siting and design of new development and Policy 12: Landscape conservation and SG Landscape1: Landscape character of the Aberdeenshire Local Development Plan 2012.

GARIOCH AREA COMMITTEE**12 MAY 2015****APPENDIX B****PLANNING APPLICATIONS FOR DETERMINATION****A. Reference No: APP/2013/3415**

Full Planning Permission for formation of temporary car park, access and screen bunding at site south of B9119 Road, Arnhall, Westhill

Applicant: Westhill Developments (Arnhall) Ltd
Agent: Portico Design Architecture Ltd

The Senior Planner indicated that the application had previously been to Committee when it had been supported subject to the provision of a shuttle bus and other delegated matters. He indicated that the applicant had now confirmed that he would not be in a position to provide the required shuttle bus and the application was before Committee for further consideration on that basis. He indicated that support for the previous application was only provided on the basis that the shuttle bus would mitigate key issues with the site. He also confirmed that as the car park would be on the opposite side of the road from other development a pedestrian crossing was required and that this was still proposed to be provided. He confirmed that the Transportation Section retained its objection to the application and still considered that the crossing would have a detrimental impact on the flow of traffic and cause further congestion issues in Westhill.

Some Members felt it was unreasonable to request the provision and funding for a shuttle bus from the developer that could be used by anyone and highlighted the ongoing parking and transport issues in Westhill. They felt that further car parking was needed and the application should be approved.

Other Councillors pointed out that the car park was only acceptable with the provision of the shuttle bus and without it the siting of the car park across the carriageway was not acceptable. They indicated that the introduction of the pedestrian crossing would materially affect the flow of traffic further exacerbating congestion and without the crossing there would be significant road safety concerns. Members indicated that the provision of more car parking went against Council policies in a settlement where parking standards had already been relaxed and that the focus should be put on decreasing demand for the private car and increasing other more sustainable modes of transportation. They indicated that work should be done to seek implementation of green travel plans that the companies had signed up to and asked Officers to undertake this piece of work and report back as soon as possible.

Councillor McKail, seconded by Councillor Kitts-Hayes, moved that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

1. a legal agreement for the provision of the pedestrian crossing and the taxi and shuttle bus stances; and
2. appropriate conditions.

Councillor Ford, seconded by Councillor Walker, moved that

1. the application be refused for the reasons detailed within the report and a further reason regarding road safety and congestion issues; and
2. the Transportation Section be requested to enter into dialogue with companies in Westhill to seek implementation of the Green Travel Plans and report back to Committee on progress made with this issue as soon as possible.

The Committee voted:-

For the motion (4) Councillors Kitts-Hayes, Lonchay, McKail and Vernal

For the amendment (7) Councillors Hood, Aitchison, Cullinane, Ford, Grant, Oddie and Walker

Therefore the amendment was carried and the Committee **agreed** to:-

a) refuse Full Planning Permission for the following reasons:

1. The proposed development is contrary to Policy 3: Development in the countryside and Supplementary Guidance (SG) Rural Development 1: Housing and Business Development in the Countryside as contained in the Aberdeenshire Local Development Plan 2012 in that:
 - i) It is not of a type that would be permissible under the green belt Supplementary Guidance of the Local Development Plan;
 - ii) It is not on a site which has previously been developed and is now redundant; and
 - iii) It is not in the Rural Housing Market Area.
2. The proposed car parking provision would exceed the Council's maximum parking standards and those set out in Scottish planning Policy. It would hinder efforts to reduce the need to travel using private cars and may encourage people to shift from sustainable travel modes to using the private car which would have a detrimental impact on the local transport network. The proposed development is therefore contrary to Policy 8 Layout Siting and Design of New Development; Supplementary Guidance (SG) LSD2: Layout, Siting and Design of New Development; Policy 9 Developer Contributions and SG Developer Contributions2: Access to New Development as contained in the Aberdeenshire Local Development Plan 2012 and Scottish Planning Policy (SPP).
3. That the proposed development due to its location and requirement for a crossing, would result in a detrimental impact on the flow of traffic. If the crossing were not to be provided, the car park would not be safe or convenient for pedestrians, and therefore would be contrary to SG Developer Contributions2: Access to New Development as contained in the Aberdeenshire Local Development Plan 2012.

b) request that the Transportation Section has dialogue with companies in Westhill to seek implementation of the Green Travel Plans and report back to Committee on progress made with this issue as soon as possible.

B. Reference No: APP/2014/3849

Full Planning Permission for the erection of 10 detached dwellinghouses at land at Hillhead of Pitbee, Westerton, Chapel of Garioch, Inverurie

Applicant: Mr James Burges-Lumsden

Agent: Caroline Wardle

The Committee **agreed** to:-

1. defer consideration of the application for a site visit in order that Councillors can view the location and consider the density and the impact on neighbouring properties and the environment; and
2. hear from parties who have requested to address the Committee at the meeting following the site visit.

C. Reference No: APP/2015/0408

Planning Permission in Principle for erection of 3 no. dwellinghouses and garages at land north of Premnay School, Auchleven, Insch

Applicant: Mr Ian Gilbert

Agent: Norman P Lawie Ltd

Reference No: APP/2015/0443

Planning Permission in Principle for erection of 3 no. dwellinghouses and garages at site adjacent to Premnay Primary School, Auchleven, Insch

Applicant: Mr Ian Gilbert

Agent: Norman P Lawie Ltd

Reference No: APP/2015/0408 & APP/2015/0443

The Planner confirmed that the applications were for a total of 6 dwellinghouses on a site adjacent to the Primary School. She explained that there continued to be an objection from the Education Service due to issues with capacity, although she indicated that Education had intimated that consideration was being given to replacing the current temporary locatable unit and the potential for a more long-term solution. She confirmed that policy allowed for up to 20% organic growth and that the application complied with that. She explained that indicative layouts were in line with the pattern of development already in Auchleven and that strategic landscaping areas would be available for public use. She explained that permission had already been granted for development of 3 houses on one part of the site and that revocation of this consent would be required in order to ensure that it could not be implemented in addition to the revised proposals. She confirmed that the dwellings were proposed to be connected to the public sewer and whilst Scottish Water has indicated that it has limited capacity, planning consent was a requirement for funding for further growth to be considered.

Members were concerned that the Education Service had not withdrawn its objection given that an indication had been given regarding a resolution for which contributions could be sought from the developer. However, they indicated some concern as to whether the works were able to be fully funded and pointed out that it was not only the teaching areas that were under pressure, but that the dining area was tiny and there was no hall available for gym. Members were concerned about taking a decision on the application given the lack of

information regarding education provision proposals and agreed to defer consideration of the application to get further information and clarification.

The Committee **agreed** to defer consideration of the application in order that clarification can be sought regarding the education issues at Premnay School and confirmation can be provided that resources are available to provide the extra capacity at Premnay School.

D. Reference No: APP/2015/0658

Full Planning Permission for change of use from agricultural building to storage and distribution (Class 6) without complying with condition 1 of Planning Permission Reference APP/2014/0320 at Unit 1, South Fornet, Skene

Applicant: South Fornet Estates Ltd
Agent: William Lippe Architects

As previously indicated, Councillor Aitchison declared an interest, but continued to take a full part in considering the application.

The Committee **agreed** to:-

1. defer consideration of the application for a site visit in order that Councillors can view roads and access issues and get an understanding of activities already on site; and
2. hear from parties who have requested to address the Committee at the meeting following the site visit.

E. Reference No: APP/2015/0663

Full Planning Permission change of use of buildings from agricultural to Class 5 (General Industrial) (retrospective) at Units 4 and 5, South Fornet, Skene

Applicant: South Fornet Estates Ltd
Agent: William Lippe Architects

As previously indicated, Councillor Aitchison declared an interest, but continues to take a full part in considering the application.

The Committee **agreed** to:-

1. defer consideration of the application for a site visit in order that Councillors can view roads and access issues and get an understanding of activities already on site; and
2. hear from parties who have requested to address the Committee at the meeting following the site visit.

F. Reference No: APP/2014/4338

Full Planning Permission for erection of sub station and formation of access track and hard standing areas at Mains of Tertowie, Kinellar, Blackburn

Applicant: John McIntosh
Agent: William Lippe Architects

The Senior Planner indicated that the application was retrospective and had an unresolved objection from the Community Council. He explained that the elements could have been

granted at the same time as the turbines as they could have formed part of the approved turbine scheme and are ancillary. He explained that another application had been submitted regarding removal of a condition on the wind turbine approval, but he felt that the application could still be considered. He indicated that the condition on any approval required to be slightly amended.

Members accepted that the application was able to be determined separately, but indicated concern about this happening and the perception of a decision being taken on this without resolution of the other application issues. They said that it was debatable as to whether consent had actually been granted for the wind turbines as their provision was granted clearly for a specific purpose, which has not been developed.

The Committee **agreed** to defer consideration of the application in order that it can be determined alongside the separate application for variation of a condition on the wind turbines.