

**ABERDEENSHIRE COUNCIL****GARIOCH AREA COMMITTEE****GORDON HOUSE, INVERURIE ON 23 JUNE 2015**

**Present:** Councillors F Hood (Chair), D Aitchison, N Cullinane, M Ford, A Grant, S Lonchay R McKail, B Stuart, H Vernal and I Walker.

**Apologies:** Councillors A Allan, R Cowling, M Kitts-Hayes and P Oddie.

**Officers:** William Munro (Kincardine & Mearns Area Manager), Sandy Munro, (Senior Solicitor), Bruce Strachan (Senior Planner), Malcolm White (Senior Planner), Douglas Rennie (Business Development Executive), Rachael Goldring (Asset Project Leader), Kevin McDermott (Strategy Development Officer), Susan Cochrane (Project Manager) and Alison Cumming (Garioch Area Committee Officer).

**In Attendance:** David Meldrum (Group Manager, Scottish Fire and Rescue Service).

**1. DECLARATIONS OF MEMBERS' INTERESTS**

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

Item 6B - Councillor McKail as he knows the applicant and objectors to the application. Councillor McKail left the Chamber whilst the application was considered.

**2. RESOLUTIONS****A. 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.

**B. 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>
14	10
15	9 and 10

### **3. MINUTE OF MEETING OF 2 JUNE 2015**

The Minute of Meeting of 2 June 2015 was approved as a correct record of proceedings.

### **4. INTIMATION OF PUBLIC QUESTION TIME**

A question was intimated and the Chair suspended the meeting to hear and respond to the question.

### **5. ABERDEENSHIRE PERFORMS**

#### **A. EDUCATION, LEARNING AND LEISURE**

A report by the Director of Education and Children's Services was circulated presenting the performance information for the period January-March 2015.

Members considered the performance management information presented and sought clarification on a number of issues.

The Committee **agreed** to:

1. note the performance achieved January - March 2015 referred to in sections 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 of the report;
2. note those measures where performance is below expectations January - March 2015; referred to in 2.4, 2.5, 2.6 and 2.7 of the report;
3. note the publication of the complete January - March 2015 Performance Report on Ward Pages; including update on progress with Service Plan projects, and
4. instruct the Director of Education & Children's Services to continue to report, by exception, to Committee quarterly performance measures against Service objectives, and on a six monthly basis the progress in delivering all aspects of the Service Plan; and
5. request:-
  - i) more information regarding whether it is primary or secondary school children involved and what action is being taken to address the issues (ref. 2.5a G);
  - ii) clarification as to why the final paragraph responses for 2.5a G and 2.5a A are different; and
  - iii) confirmation as to whether teachers are routinely offered influenza immunisation.

#### **B. COMMUNITIES**

A report by the Director of Communities was circulated presenting the performance information for the period January-March 2015.

Members considered the performance management information presented and asked that a visit be arranged to the new Care home for the Committee.

The Committee **agreed** to:

1. note the positive performance achieved January to March 2015 identified in section 2.3 to the report;
2. note the exceptional performance achieved January to March 2015 (Quarter 4) identified in Appendix 1 to the report;
3. note those measures where performance is below expectations January to March 2015 (Quarter 4) identified in Appendix 2 to the report;
4. note the publication of the complete January to March 2015 Performance Report on Ward Pages;
5. advise the Director to continue to report, by exception, to Committee quarterly on performance measures against Service objectives and six monthly on progress in delivering all aspects of the Service Plan; and
6. request that the Area Committee Officer arrange a visit to the new Care Home in Inverurie.

#### **6. PLANNING APPLICATIONS FOR DETERMINATION**

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

<b>Item</b>	<b>Reference</b>	<b>Application</b>	<b>Decision</b>
A.	APP/2015/0759	Erection of dwellinghouse and detached double garage at land to rear of 5 Cairnie View, Westhill	Defer for Site Visit
B.	APP/2015/1118	Alterations and extension to dwellinghouse at 28 Brimmond Drive, Westhill	Defer for Site Visit
C.	APP/2015/0964	Change of use from Incidental Office Space within the Approved Heritage Centre (Class 10) to overnight sleeping accommodation (Class 7) at Old Loco Works, Harlaw Road, Inverurie	Refuse
D.	APP/2015/0634	Residential Development at land to west of Rothney Court/Commercial Road, Inch	Defer for Site Visit

#### **7. WESTHILL ACADEMY – REPLACEMENT LIGHTING AND SYSTEMS WITHIN TEACHING AREAS – CONTRACT 17778**

A report by the Director of Infrastructure Services was circulated recommending the Committee approve the property costs and authorise acceptance of the tender submitted.

The Committee **agreed** to:

1. approve the project cost of £143,394.82 inclusive of Property costs detailed within the report; and
2. authorise acceptance of the tender submitted by G & A Barnie Group Ltd in the confirmed tender amount of £ 129,769.07.

## 8. ECONOMIC ACTIVITY IN GARIOCH – APRIL 2014 TO MARCH 2015

A report by the Director of Infrastructure Services was circulated detailing economic activity in Garioch in the past year.

The Committee **agreed** to:-

1. note the economic activity in Garioch in the past year;
2. write to J G Ross and Donald Russell to congratulate them on winning their awards; and
3. request further information regarding the capital received for Inch Business Park and the potential for moving the recycling point in the centre of Inch to the Business Park.

## 9. REPLACEMENT INVERURIE MARKET PLACE SCHOOL AT URYSIDE

A report by the Director of Education and Children's Services was circulated detailing the consultation process for the replacement Market Place school at Uryside.

The Committee **agreed** to:

1. the consultation proposal attached and encourage participation within the communities that they represent.
2. accept a further paper at the end of the consultation process in late 2015 in order to submit a recommendation as part of the decision making process.

## 10. DEVELOPING ABERDEENSHIRE'S COMMUNITY LEARNING AND DEVELOPMENT (CLD) PLAN

A report by the Director of Education and Children's Services was circulated presenting the proposed Community Learning and Development Plan and seeking comments on this plan.

The Committee **agreed** to:

1. note the progress made in the formation of the Aberdeenshire Learning Communities Partnership and the roll-out of the local Learning Community Partnership model;
2. note the process to submit the CLD plan in line with the Requirements for Community Learning and Development (Scotland) Regulations 2013; and
3. note the draft CLD Plan outline included as appendix 2 to the report, but pointed out that engagement needs to be done by all services not just Community Learning and Development.

## 11. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Communities was circulated presenting the items of outstanding business for the Garioch Area Committee as at June 2015.

The Committee **agreed** to note the items of outstanding business as at June 2015.

## 12. AREA COMMITTEE BUDGET 2015/16

A report by the Director of Communities was circulated detailing applications to the Area Committee Budget.

The Committee **agreed** to:-

1. transfer £5,000 to Education, Learning and Leisure for works in connection with LeisureLend and Inverurie Menshed; and
2. transfer £5,000 to the Council's Environmental Planning service towards the costs of the upgrading and refurbishment of Drumrossie Woods paths in Insch.

## 13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR FUNFAIR

A report by the Director of Business Services for circulated to Members seeking approval to an extension to the hours of operation of the funfair at Echt Show.

The Committee **agreed** to approve the extension of hours of operation of the funfair at Echt Show. The hours of operating were agreed as follows:-

Friday 10 July 2015	1800 hrs to 2200 hrs
Saturday 11 July 2015	1000 hrs to 0030 hrs

## 14. CONTRACT 16387 – REPLACEMENT KINELLAR PRIMARY

A report by the Director of Infrastructure was circulated detailing progress made with the provision of a new primary school in Kinellar.

The Committee **agreed** to:-

- a) note the unresolved difficulties regarding site acquisition and the ongoing compulsory purchase order; and
- b) requested that:
  - i) Officers examine all options to achieve the earliest possible opening date for the new school;
  - ii) the Council keep the school stakeholders and the Community informed about the process for providing a replacement Kinellar Primary;
  - iii) a further update report be provided to the Committee on or before 1 December 2015; and
  - iv) regular updates on the Compulsory Purchase Order process be provided to local members and Cllr McKail.

## 15. PRIMARY SCHOOL PROVISION INVERURIE URYSIDE CONTRACT 17541

A report by the Director of Infrastructure Services was circulated detailing the overall project cost, seeking approval to accept the lowest priced tender and agree the progression to Gateway Stage 4.

The Committee **agreed** to:

1. approve the overall project cost as detailed within the report in respect of the Uryside School Project;
2. authorise acceptance of the corrected lowest priced tender for the amount detailed within the report, subject to the transfer of the title to the site to Aberdeenshire Council by October 2015; and
3. acknowledge the completion of Gateway Stage 3 and authorise the progression of the project to Gateway Stage 4, Construction. (Gateway definitions are attached at Appendix A to the report).

#### **16. SCOTTISH FIRE AND RESCUE SERVICE STRATEGIC PLAN 2016-2019 DEVELOPMENT**

A report by the Director of Business Services was circulated recommending the Committee acknowledge and provide feedback on the Strategic Plan.

The Group Manager gave an overview of the work of the Fire Service and explained that the report was an opportunity for early input into the new strategic plan. He highlighted the importance of Councillor involvement, given that the strategic plan priorities would influence the local plans. He responded to questions regarding recruitment, home fire safety visits, how the Community Empowerment Bill and Climate Change legislation would impact on the Fire Service and the work being done with regard to defibrillators. Members were particularly interested in the work to assist with out of hospital cardiac arrests and asked what the Council was doing in this regard.

Members pointed out that the inclusion of the word "more" within the second aim for the Service may imply that there is not currently an equity of service, however the Group Manager explained that this was in relation to specialised services and ensuring that the same provision of these specific services was available across Scotland.

The Committee **agreed** to:

1. note the attached report relating to the development of The Scottish Fire and Rescue Service (SFRS) Strategic Plan 2016-19;
2. request that an update be provided regarding the Council's involvement in the provision of defibrillators and dealing with out of hospital cardiac arrests and
3. suggest that the word "more" be removed from Aim number 2.

**GARIOCH AREA COMMITTEE****23 JUNE 2015****APPENDIX A****PLANNING APPLICATIONS FOR DETERMINATION****A. Reference No: APP/2015/0759**

**Full Planning Permission for erection of dwellinghouse and detached double garage at land to rear of, 5 Cairnie View, Westhill, Aberdeenshire**

**Applicant: Mr & Mrs Jason Begg, 5 Cairnie View, Westhill**  
**Agent: G S Architecture, Langavat House, Old Skene Road, Westhill**

Councillor McKail, seconded by Councillor Stuart moved that consideration of the application be deferred for a site visit in order that Councillors can see the site in the context of the surrounding area.

As an amendment, Councillor Ford, seconded by Councillor Walker, moved that the Committee proceed to determine the application without a site visit.

For the motion (7) Councillors Hood, Aitchison, Grant, Lonchay, McKail, Stuart and Vernal

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

Therefore the motion was carried and the Committee **agreed** to:

1. defer consideration of the application for a site visit in order that Councillors can see the site in the context of the surrounding area; and
2. hear from parties who have requested to address the Committee at the Committee meeting on 25 August 2015

**B. Reference No: APP/2015/1118**

**Full Planning Permission for alterations and extension to dwellinghouse at 28 Brimmond Drive, Westhill, Aberdeenshire, AB32 6SZ**

**Applicant: Mr P. Fletcher & Ms E. Percival**  
**Agent: J.V. Carroll**

As previously indicated, Councillor McKail declared an interest and left the Council Chamber whilst the application was considered.

The Committee **agreed** to:-

1. defer for a site visit in order that Councillors can assess the impact of the proposals on the neighbouring properties; and
2. hear from parties who have requested to address the Committee at the meeting on 25 August 2015.

**C. Reference No: APP/2015/0964**

**Full Planning Permission for change of use from incidental office space within the approved heritage centre (Class 10) to overnight sleeping accommodation (Class 7) at Old Loco Works, Harlaw Road, Inverurie, Aberdeenshire, AB51 4FH**

**Applicant: Garioch Heritage Society**

**Agent: William Lippe Architects**

The Senior Planner explained that the application was for a change of use to provide overnight sleeping accommodation, but that it had attracted more than five valid objections and an objection from the Community Council. He explained that the tourism use was appropriate for the town centre location and that it was acceptable to have a mixed use development in this location. He also pointed out that the application was in line with the development brief for the site. He explained that the application had been amended from the previously refused application and now only incorporated 20 rooms and included a lounge, dining and kitchen facilities. He confirmed that there was no access into the heritage centre from the accommodation unit and that access to the courtyard would be for emergency only with the door being alarmed. He confirmed that a management strategy and code of conduct for residents had been drawn up to mitigate some of the concerns previously raised.

Members sought clarification as to the class use and whether the accommodation could more appropriately be referred to as hostel accommodation. The Senior Planner confirmed that the class use for both descriptions was the same. Members asked about parking provision and were informed that no dedicated parking was provided as part of the application, but that the heritage centre and nearby overnight accommodation previously given planning permission would provide parking for the development. Members asked whether the same reception would be used for both accommodation units. The Senior Planner said that it had been indicated that the two buildings would be operated as separate entities, but that it would not be possible to be sure that they would not use a share reception in the future.

Some Members were concerned by the impact on the residents of the area given that similar accommodation had recently been approved close by. They highlighted the parking issues and expressed concern that the use of the accommodation could turn out to be 24/7 even though initial proposals only indicated use during the working week. They questioned the enforceability of the management plan and code of conduct and suggested that residents would not have expected to have this type of use next door when they purchased their properties. They highlighted the provision of similar accommodation in the canteen building and suggested that the cumulative impact of the second building with the same use would be unacceptable.

However, other Councillors felt that the use was appropriate to the Town Centre where mixed use was encouraged and pointed out that nobody could be sure what development will take place in the future. They indicated that the impact of the development was reasonable and proportionate and that any behaviour issues could be dealt with by the Police or Environmental Health. They confirmed their support for the recommendation put forward by Officers.

Councillor Stuart, seconded by Councillor Vernal, moved that the application be refused on the grounds that the proposal is considered to have a significantly detrimental impact on the amenity of the area and its residents and will have a detrimental cumulative impact when taken alongside the previously approved accommodation nearby. The planning application therefore does not comply with Policy 1 Business Development and SGBus4.

As an amendment, Councillor Ford, seconded by Councillor Walker, moved that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to the conditions and delegated matters detailed within the report.

The Committee voted:-

For the motion (6) Councillors Hood, Grant, Lonchay, McKail, Stuart and Vernal

For the amendment (4) Councillors Aitchison Cullinane, Ford and Walker

Therefore the motion was carried and the Committee **agreed** to refuse Full Planning Permission on the grounds that the proposal is considered to have a significantly detrimental impact on the amenity of the area and its residents and will have a detrimental cumulative impact when taken alongside the previously approved accommodation nearby. The planning application therefore does not comply with Policy 1 Business Development and SGBus4.

**D Reference No: APP/2015/0634**

**Full Planning Permission for residential development at land to west of Rothney Court/Commercial Road, Inch**

**Applicant: Drumrossie Land Development Company**

**Agent: Michael Gilmour Associates**

The Committee **agreed** to:-

1. defer for a site visit in order that Councillors can assess the traffic and access issues relating to the application; and
2. request that Officers seek an updated transport statement including the proposed improvements to railway provision.