

ABERDEENSHIRE COUNCIL
GARIOCH AREA COMMITTEE

GORDON HOUSE, INVERURIE ON 2 FEBRUARY 2016

- Present:** Councillors F Hood (Chair), R Cowling, N Cullinane, M Ford, A Grant, M Kitts-Hayes, S Lonchay, B Stuart, H Vernal, and I Walker.
- Apologies:** Councillors D Aitchison, A Allan, R McKail and P Oddie.
- Officers:** D Milne (Garioch Area Manager), S Munro, (Solicitor), B Strachan (Senior Planner), G Steel (Principal Engineer), G Cowie (Acting Head Teacher, Inverurie), L Paul (Head Teacher, Kemnay), J Fitzgerald (Deputy Head Teacher, Westhill), and A Cumming (Garioch Area Committee Officer).

1. DECLARATIONS OF MEMBERS' INTERESTS

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

- Item 7 - Councillor Lonchay as she had already expressed an opinion on the application. Councillor Lonchay indicated that she would remain in the Council Chamber, but did not take part in the discussion relating to the item.
- Item 8B - Councillor Stuart as the applicant is his cousin. Councillor Stuart left the Council Chamber whilst the application was determined.

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.

3. MINUTE OF MEETING OF 12 JANUARY 2016

The Minute of Meeting of 12 January 2016 was approved as a correct record of proceedings.

4. INTIMATION OF PUBLIC QUESTION TIME

There were no public questions intimated.

5. ABERDEENSHIRE PERFORMS

HOUSING AND SOCIAL WORK SERVICES (FORMERLY COMMUNITIES)

A report by the Director of Infrastructure Services was circulated presenting the exceptional performance information for Housing and Social Work for the period July-September 2015.

The Committee **agreed** to:

1. note the positive performance achieved July to September 2015, identified in sections 2.2 and 2.3 to the report;
2. note those measures where performance is below expectations July to September 2015 (Quarter 2) identified in Appendix 1 to the report;
3. note progress towards delivering projects listed at Appendix 2 to the report;
4. note the publication of the complete July to September 2015 Performance Report on Ward Pages along with a reporting rationale document for all indicators; and
5. advise the Chief Officer and Director of Infrastructure Services 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.

6. RESPONSES TO QUERIES PREVIOUSLY RAISED BY COMMITTEE – INFRASTRUCTURE SERVICES

A report detailing responses from Infrastructure Services to queries previously raised by the Committee was circulated.

The Committee **agreed** to note the detailed response received from Infrastructure Services.

7. PLANNING APPLICATION FOR DETERMINATION THAT WAS THE SUBJECT OF A SITE VISIT

With reference to the Minute of Meeting of the Committee of 12 January 2016 (Item 6B) and following the site visit which took place on the 2 February 2016, the Committee considered the report by the Director of Infrastructure Services on the following application and **agreed** to dispose of it as detailed in **Appendix A** to this Minute.

Reference	Application	Decision
APP/2015/3150	Erection of dwellinghouse at Hillhead of Lethenty, Inverurie	Refuse

8. PLANNING APPLICATIONS FOR DETERMINATION

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

No.	Reference	Application	Decision
A.	APP/2015/3412 And APP/2015/3413	Demolition of steading and erection of 16 no. flats at Old Steading, Marshall MacKenzie Road, Kingseat, Newmachar	Delegated Grant (both applications)

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|----|---------------|--|-----------------|
| B. | APP/2015/3579 | Demolition of existing shed and erection of dwellinghouse at site to the west of South Leylodge Steading, Kintore, Inverurie | Delegated Grant |
|----|---------------|--|-----------------|

9. CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT – RESIDENTIAL DEVELOPMENT AT LAND AT CASKIEBEN, BLACKBURN

A report by the Director of Infrastructure Services was circulated recommending that a Certificate of Appropriate Alternative Development be issued in relation to residential development at land at Caskieben, Blackburn.

The Senior Planner explained that the application did not allow for any development on site and would not alter the allocation within the Local Development Plan. He also indicated that it was not a material consideration that could be used to influence any future planning applications. He indicated that the Planning Service was recommending that a positive certificate be issued for residential, employment, retail, tourism or community facilities.

The Senior Planner showed the following the wording from the legislation in relation to Certificates of Appropriate Alternative Development:-

“Where an application is made to the planning authority for a certificate under this section in respect of an interest in land, the planning authority shall, not earlier than twenty-one days after the date specified in the statement mentioned in subsection (3)(c) of this section, issue to the applicant a certificate stating that, in the opinion of the planning authority in respect of the land in question, either:

- (a) planning permission would have been granted for development of one or more classes specified in the certificate (whether specified in the application or not) and for any development for which the land is to be acquired, but would not have been granted for any other development; or
- (b) planning permission would have been granted for any development for which the land is to be acquired, but would not have been granted for any other development.”

Members highlighted the use of the term “would have been granted” and pointed out that on the date specified within the report (13 September 2013) it was unlikely that the Committee would have granted planning permission for residential use as there were capacity issues at the school.

The Committee **agreed** to issue a negative Certificate of Appropriate Alternative Development for residential development at land at Caskieben, Blackburn stating that planning permission would not have been granted for the purpose of residential development by reason of the lack of education capacity available.

10. APPEAL DECISION NOTICES

A. UNIT 1, SOUTH FORNET, SKENE

A letter from the Scottish Government was circulated detailing the outcome of an appeal and a claim for expenses for planning permission for change of use from agriculture to storage and distribution (Class 6) at Unit 1, South Fornet, Skene.

The Committee **agreed** to note the decision of the Planning and Environment Appeals Division:-

1. to grant temporary planning permission for a period of three years subject to appropriate conditions as detailed for change of use from agriculture to storage and distribution (Class 6) at Unit 1, South Fernet, Skene; and
2. not to award expenses to the appellant.

B. 5 CAIRNIE VIEW, WESTHILL

A letter from the Scottish Government was circulated detailing the outcome of an appeal for planning permission for erection of single storey dwelling and detached double garage at 5 Cairnie View, Westhill.

The Committee **agreed** to note the decision of the Planning and Environment Appeals Division to grant planning permission for erection of single storey dwelling and detached double garage at 5 Cairnie View, Westhill.

11. ANALYSIS OF ATTAINMENT AND ACHIEVEMENT OF YOUNG PEOPLE IN GARIOCH SECONDARY SCHOOLS IN ACCREDITED AWARDS, YEAR ENDING JUNE 2015

A report by the Director of Education and Children's Services was circulated presenting the analysis of attainment and achievement in Garioch schools for the year ending June 2015.

The Committee **agreed** to note and welcome the good progress being made in improving literacy and numeracy within Garioch.

12. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children's Services was circulated presenting the items of outstanding business for the Garioch Area Committee as at February 2016.

The Committee **agreed** to note the items of outstanding business as at February 2016;

GARIOCH AREA COMMITTEE

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APPENDIX A

**PLANNING APPLICATION FOR DETERMINATION THAT WAS THE SUBJECT
OF A SITE VISIT**

Reference No: APP/2015/3150

**Full Planning Permission for erection of dwellinghouse at Hillhead of Lethenty,
Inverurie, AB51 0HU**

Applicant: John Stuart (Murrial) Ltd
Agent: Tor Ecosse Ltd

As previously indicated, Councillor Lonchay declared an interest and did not take part in determining the application. She did, however, remain in the Council Chamber whilst the item was discussed.

The Senior Planner explained that the application was for a dwellinghouse in the countryside on a brownfield site. He highlighted the more generous countryside policy now in operation and the pragmatic approach the Planning Service took to these applications. He highlighted the 6 dwellings that had been granted permission through the steading conversion, where normal practice allowed for up to three dwellings. He explained that the site could not be considered a cohesive group until the steading conversions had been completed. He pointed out that the subdivision of the site and approval of the application would result in 7 dwellinghouses at this location. He confirmed that the Planning Service had no issues with the siting or design of the dwellinghouse, but the principle of further housing in this location was not acceptable.

Some Members felt that the application was for a single house on a brownfield site and therefore was appropriate development. However other Members highlighted the other permissions previously granted and the fact that the proposals did not comply with Council policy, but pointed out that it could be appropriate development in the future should the steading development be completed and the site could be considered under the cohesive group policy.

Councillor Grant, 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 appropriate conditions on the grounds that the application is for a single house in the countryside on an appropriate brownfield site and therefore complies with Policy 3 SG Rural Development 1.

As an amendment, Councillor Ford, seconded by Councillor Walker, moved that the application be refused for the reasons detailed in the report.

The Committee voted:-

For the motion (4) Councillors Grant, Kitts-Hayes, Stuart and Vernal

For the amendment (5) Councillors Hood, Cowling, Cullinane, Ford and Walker

Therefore the amendment was carried and the Committee **agreed** to refuse Full Planning Permission for the following reason:-

The proposal for a new house in this location is not acceptable in principle as it would result in the granting of planning permission of a seventh new dwellinghouse within what is considered to be one farm complex; this would exceed small scale development under the terms of Policy 3: Development in the Countryside and Supplementary Guidance Rural Development 1: Housing and Business Development in the Countryside of the Aberdeenshire Local Development Plan 2012. There are no significant material planning considerations which indicate that planning permission should be granted as a departure from the development plan.

GARIOCH AREA COMMITTEE

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APPENDIX B

PLANNING APPLICATION FOR DETERMINATION

A. Reference No: APP/2015/3412

Full Planning Permission for demolition of steading and erection of 16 no. flats at Old Steading, Marshall Mackenzie Road, Kingseat, Newmachar

The Chair indicated that a request to speak had been received on the application. The Committee agreed to hear from parties on the application.

The Senior Planner explained that the report covered two applications with the first relating to Full Planning Permission for the erection of 16 flats and the removal of a steading building currently on site. The second application was for Conservation Area Consent for the demolition of the steading. The Senior Planner explained that the removal of the steading could be considered appropriate if acceptable proposals were put forward for alternative development, but that the Planning Service did not consider that the current proposals were appropriate. He explained that the proposed development was not considered to respect or enhance the conservation area. He also highlighted the loss of trees as being unacceptable.

The Senior Planner indicated that no work had been done regarding waste or to follow up with Scottish Water given the recommendation of refusal. He explained that 4 affordable units were proposed.

The Chair invited Willie Lippe, agent for the application, to address the Committee. Mr Lippe explained the history on the site and the reasoning behind the scale and design of the proposals.

Members sought clarification regarding the choice of type of housing and whether there was a market for this in this location. Mr Lippe explained that the market had changed and smaller apartments were now more sought after. Concerns were raised regarding the loss of trees and the impact their loss would have on the character of the area. Mr Lippe explained that only a small number of trees were being removed and these would be replaced with five times more trees. He also explained that there would still be a substantial amount of trees between the site and the road. Members asked whether there was any scope for amending the materials being used. Mr Lippe said that he was happy to discuss amendments to the finishes.

The Chair thanked Mr Lippe who then returned to the public benches.

The Senior Planner explained that the proposals were overly dense on the part of the site being developed and suggested that this was because the area of land being provided as open space was potentially contaminated and not suitable for development. He also highlighted the prominent location of the site and explained that the provision of two storey accommodation would have an unacceptable impact. He also stressed the importance that the trees on site had on the character of the area.

Members generally welcomed the contemporary design, but had reservations that the design may be a little too contemporary for the location. Some Members felt that the proposals

would have an unacceptable impact on the conservation area through the scale, design and loss of trees.

However, other Councillors felt that the principle of the development was acceptable, but had some reservations about the design and finish of the buildings. They asked that negotiations take place to improve these elements prior to any approval being given.

The Senior Planner advised Councillors that changes to the design and materials could be significant and any change to the layout should be dealt with as a new application.

Councillor Ford, seconded by Councillor Cullinane, moved that the application for Full Planning Permission be refused for the reasons detailed in the report.

As an amendment, Councillor Vernal, seconded by Councillor Lonchay, moved that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

1. negotiations taking place in order to improve the design and external finishes of the buildings; and
2. appropriate conditions and delegated matters.

On the grounds that the application is considered to be on an appropriate site of an acceptable density and therefore complies with Policy 8 SG Layout, Siting and Design 4.

The Committee voted:-

For the motion	(4)	Councillors Hood Cullinane, Ford and Walker
For the amendment	(6)	Councillors Cowling, Grant, Kitts-Hayes, Lonchay, Stuart and Vernal

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

1. negotiations taking place in order to improve the design and external finishes of the buildings; and
2. appropriate conditions and delegated matters.

On the grounds that the application is considered to be on an appropriate site of an acceptable density and therefore complies with Policy 8 SG Layout, Siting and Design 4.

Reference No: APP/2015/3413

Conservation Area Consent for demolition of derelict steading at Old Steading, Marshall Mackenzie Road, Kingseat, Newmachar

Applicant: Crown Park Consultants
Agent: William Lippe Architects Ltd

Councillor Ford, seconded by Councillor Cullinane, moved that the application for Conservation Area Consent be refused for the reasons detailed in the report.

As an amendment, Councillor Vernal, seconded by Councillor Lonchay moved that authority to grant Conservation Area Consent be delegated to the Head of Planning and Building Standards subject to appropriate conditions on the grounds that an appropriate replacement scheme has been provided and the application therefore complies with Policy 13 SG Historic Environment 2.

The Committee voted:-

For the motion	(3)	Councillors Cullinane, Ford and Walker
For the amendment	(7)	Councillors Hood, Cowling, Grant, Kitts-Hayes, Lonchay, Stuart and Vernal

Therefore the amendment was carried and the Committee **agreed** that authority to grant Conservation Area Consent be delegated to the Head of Planning and Building Standards subject to appropriate conditions on the grounds that an appropriate replacement scheme has been provided and the application therefore complies with Policy 13 SG Historic Environment 2.

B. Reference No: APP/2015/3579

Planning Permission in Principle for demolition of existing shed and erection of dwellinghouse at site to the West of South Leylodge Steading, Kintore, Inverurie

Applicant: Mr Iain Mathers
Agent: William Lippe Architects Ltd

The Chair indicated that a request to speak had been received on the application. The Committee agreed to hear from parties on the application.

The Senior Planner indicated that the application was for a house in the countryside to replace an existing redundant building. He explained that the Planning Service considered the existence of a building on site enough to justify the proposed house. He explained that no objections had been received regarding the historic monument and all technical matters had been considered.

The Chair invited George Simpson, agent for an objector, to address the Committee. Mr Simpson explained his clients concerns about the design and scale of the development and suggested that a single storey development would be more in keeping with the character of the area.

There were no questions, so the Chair thanked Mr Simpson who then returned to the public benches.

Members indicated that as the application was for planning permission in principle, there was no information provided about design and that appropriate development on site would be considered at the matters specified in conditions stage. They considered that the principle of development on site was acceptable.

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

- (i) payment of developer obligations; and
- (ii) the following conditions:-

1. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.
 - (a) Full details of the layout and siting of the proposed development;
 - (b) Full details of the external appearance and finishing materials of the proposed development. The dwelling house shall be limited to 1½ storey, i.e. with any upper floor accommodation achieved substantially within the roof space; The roof shall be finished in slate and the external wall materials shall comprise a smooth render or wet harl unless otherwise agreed in writing with the Planning Authority. The windows and doors shall be constructed in timber and of a design which shall be subject to the prior agreement of the Planning Authority.
 - (c) Full details of all existing and proposed landscape features, including trees to be retained and planted;
 - (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
 - (e) Full details of the proposed car parking/vehicle turning area for the development;
 - (f) Full details of all boundary treatments and enclosures (to comprise mixed native hedging and/ or post and wire fencing and/or drystone walling);

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The development shall be served in accordance with the approved drawings and the following details:
 - a) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
 - b) Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved.
 - c) The proposed garage must be set back at least 6m from the rear of the footway
 - d) Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Councils Parking Standards
 - e) Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45 splays to be formed on frontage of the site & the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Development.

- f) Prior to commencement of development, visibility splays measuring 2.4m x 120m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
- g) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift & shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.
- h) Prior to occupancy of development 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.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

- 3. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service.

The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

Reason: To record items of archaeological interest.

- 4. Prior to the commencement of any development or preparatory site works (other than the demolition of existing buildings) an investigation of the site shall be undertaken in accordance with BS 10175:2011 - "Investigation of Potentially Contaminated Sites - Code of Practice" and a report shall be submitted for the consideration and written approval of the Planning Authority.

Where it is determined by the site investigation report that remediation of the site is required an appropriate remedial scheme shall be submitted and approved in writing by the Planning Authority prior to the commencement of any development or preparatory site works (other than the demolition of existing buildings) . The approved scheme of remediation shall be carried out, in its entirety, before the development is occupied. Any areas of hardstanding or clean cover within the application site boundary which are used as a part of the agreed remedial scheme shall be retained as such in perpetuity. No disturbance to such areas shall take place without the further written agreement of the planning authority in consultation with Environmental Health.

Reason: To ensure any potential contamination of the site is dealt with appropriately.

5. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works (as required by condition 1 above) has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
- i. Existing landscape features and vegetation to be retained.
 - ii. The location of new trees/shrubs/hedges/grassed areas/water features.
 - iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density.
 - iv. The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment.
 - v. An indication of existing trees, shrubs and hedges to be removed.
 - vi. A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. 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.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure the implementation 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 and to ensure that the landscaping is managed and maintained in perpetuity.

6. That notwithstanding the provisions of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any other amending, revoking or re-enacting that Order, no development falling under Classes 3A, 3B and 3E shall be undertaken within the curtilage of the dwellinghouses without the express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development and the surrounding area.

7. That the proposed foul and surface water drainage systems shall be carried out in accordance with the approved details as contained within the drainage assessment (Cameron and Ross - November 2015) and as detailed on the stamped approved plans. The dwellinghouse hereby approved shall be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by

the developers or their successors in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate surface water drainage facilities are provided, and maintained, in the interests of the amenity of the area.

8. That the development shall be connected into the public mains water supply and the dwellinghouse hereby approved shall not be occupied unless it is connected to and fully operational within the public water system.

Reason: To ensure the implementation of adequate potable water to serve the proposed development in the interests of amenity.

9. Prior to the construction of any dwellinghouse, an Energy Statement applicable to the dwellinghouse must be submitted to and approved in writing by the Planning Authority, including the following items:
 - (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - (ii) 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out 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 Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

10. That unless otherwise agreed in writing with the Planning Authority, from the date on which this planning permission is granted all stone dykes shall be retained in their entirety. Stone dykes shall not be removed or disturbed in any way without the prior written consent of the Planning Authority.

Reason: To ensure the retention of important landscapes features and retain the existing amenities of the site.