

ABERDEENSHIRE COUNCIL
GARIOCH AREA COMMITTEE

GORDON HOUSE, INVERURIE ON 15 MARCH 2016

Present: Councillors F Hood (Chair), R Cowling (for items 1-12), N Cullinane, M Ford (for items 1-16), A Grant, M Kitts-Hayes (for items 1-8), S Lonchay, R McKail, P Oddie (for items 8-18), B Stuart and I Walker.

Apologies: Councillors A Allan, D Aitchison and H Vernal.

Officers: D Milne (Garioch Area Manager), S Munro, (Solicitor), B Strachan (Senior Planner), G Steel (Principal Engineer), L Watson (Engineer), L Glover (Senior Environmental Health Officer), P MacCallum (Roads Development Manager), S MacDonald (Developer Obligations Officer), P Blaxter (Team Leader, Policy), J Davidson (Integrated Land Use Project Officer), P Leiper (Roads Manager), S Walker (Senior Roads Engineer), B Duthie (Principal Building Surveyor), P Singer (Commercial Development Manager) 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 6A Councillors Lonchay and Walker as employees of NHS Grampian;
- Item 7A Councillor Stuart as his cousin is an objector to the application
- Item 8 Councillor Ford as issues were raised by Scottish Enterprise and his wife is employed by Scottish Enterprise, but would have no influence on the comments made.

Councillor Stuart left the Council Chamber whilst the application was determined. Councillors Ford, Lonchay and Walker continued to take a full part in considering the items.

2. RESOLUTION

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 23 FEBRUARY 2016

The Minute of Meeting of 23 February 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

A joint report by the Director of Infrastructure Services and Chief Officer of Health and Social Care was circulated to Members presenting the exceptional performance information for Housing and Social Work for the period October-December 2015

The Committee **agreed** to:

1. acknowledge the positive performance achieved October to December 2015, identified in Section 2.3 to the report;
2. consider those measures where performance is below expectations October to December 2015 (Quarter 3) identified in Appendix 1 to the report;
3. note the publication of the complete October to December 2015 Performance Report on Ward Pages along with a reporting rationale document for all indicators;

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

With reference to the Minute of Meeting of the Committee of 23 February 2016 (Items 7A and 7B) and following the site visits which took place on the 15 March 2016, the Committee considered the reports 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/2015/1107	Proposed Residential Development (Erection of 66 Dwellinghouses) at Land East of Greystone Road, Kemnay	Delegated Grant
B.	APP/2015/3537	Residential Development of 12 No. Flats at Land to the Rear of Commercial Hotel, Martin Road, Inch	Delegated Grant

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/2015/1874	Alterations and Extension to House Biomass Boilers at Drumdarroch House, Mill Road, Inch	Grant

B.	APP/2015/3048	Erection of Offices (Class 4), Workshops (Class 5) and Store (Class 6) with Associated Car Park, Yard Space with Landscaping, Access Roads and SUDS Basin at Site S, Midmill, South East (Phase 2), Kintore	Delegated Grant
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8. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2016: ISSUES RAISED IN RESPONSE TO THE PROPOSED SUPPLEMENTARY GUIDANCE

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

A report by the Director of Infrastructure Services was circulated detailing the responses received to the proposed Aberdeenshire Local Development Plan Supplementary Guidance and the proposed responses to these comments.

Officers gave an overview to the responses received and the proposals being put forward for consideration. They highlighted Affordable Housing and Developer Obligations as the main areas where comments had been made in response to the consultation.

Members were generally content with the proposals, but discussed the potential for brownfield sites to be the subject of discounted developer obligations. Some Councillors felt that given the potential for higher development costs and the positive benefits of brownfield sites being redeveloped that these should be incentivised. However, other Councillors indicated that this would result in development costs being borne by the taxpayer and argued that the viability of development would be taken into account in developer obligations discussions anyway.

The Committee was not able to come to a consensus on this matter and put forward two different views for Infrastructure Services Committee to consider. It also expressed a preference for the provision of more serviced sites as affordable housing provision.

The Committee **agreed**:-

1. to note the draft analysis documents on Aberdeenshire Council's proposed response to issues raised to the proposed Aberdeenshire Local Development Plan Supplementary Guidance; and
2. that the following comments go forward from Garioch Area Committee:-
 - a) Some Councillors considered that the redevelopment of brownfield sites should be encouraged as the development costs of these sites could be higher due to potential for contamination etc. They suggested that a discount on developer obligations should be considered;
 - b) Some Councillors considered discounting developer obligations for brownfield sites to be paying some of the development costs from the public purse and pointed out that legislation strictly controlled what obligations could be sought and developers could make a case for the viability of their project should the development costs be particularly high; and
 - c) More encouragement should be given to the provision of serviced sites as affordable housing provision.

9. PROPOSED ABERDEENSHIRE FORESTRY AND WOODLAND STRATEGY 2016

A report by the Director of Infrastructure Services was circulated presenting the proposed Aberdeenshire Forest and Woodland Strategy 2016 and seeking comments on the strategy.

The Committee discussed a number of elements of the strategy in particular the loss of trees through disease, the use of forestry to assist with flooding issues, the type of trees being promoted for planting, provision of woodland as carbon store.

The Committee **agreed**:-

1. to note the content of the proposed Aberdeenshire Forestry and Woodland Strategy 2016; and
2. that the following comment be provided to Infrastructure Services Committee:-
 - a) need to ensure that use of woodlands as a carbon store is not over calculated as the provision of extra woodland may displace other uses that could result in more negative carbon production; and
 - b) consideration should be given to use of some of the 40% open space in developments for the provision of orchards.

10. TOWN CENTRE HEALTH CHECKS 2015

A report by the Director of Infrastructure Services was circulated presenting the outcome of Town Centre Health Checks in 2015.

The Committee **agreed**:-

1. to note the content of the report; and
2. that the following comments be provided to the Area Manager:-
 - a) Greater consideration should be given to the accessibility of the town centres to elderly or disabled residents; and
 - b) Welcome the opportunity to compare the town centres across Aberdeenshire.

11. DEVELOPMENT PLAN SCHEME 2016

A report by the Head of Planning and Building Standards was circulated presenting the Development Plan Scheme 2016.

The Committee **agreed** to note the Development Plan Scheme 2016.

12. 2016/2017 ROAD MAINTENANCE PROGRAMME

A report by the Director of Infrastructure Services was circulated seeking approval for the 2016/2017 Road Maintenance Programme.

Concerns were raised regarding the proposed works at Hillside Road and the lack of consultation with the community. Councillors indicated that the community felt very strongly about this and had been expecting feedback prior to proposals being included in the plan. Officers pointed out that it would be possible to hold back on implementing this work to ensure

that the view of the Community Council was sought and it being brought back on to the plan once agreed. Members welcomed the energy saving measures for street lights and thanked roads officers for their response to roads issues. Members highlighted other areas of concern across Garioch for Officers to take into consideration.

The Committee **agreed** to:

1. approve the Area Road Maintenance Programme as detailed in the Appendix to the report subject to the works proposed at Hillside Road, Westhill being put on the reserve list until a consultation has been undertaken with the community;
2. delegate authority to the Head of Roads and Landscape Services to approve payments to Contractors in accordance with the Civil Engineering Method of Measurement provided any such payment is within 25% of the estimate included in the Appendix to this report; and
3. request that officers give consideration to undertaking the following works:-
 - a) rectify uneven slabs in Inverurie Town Centre;
 - b) potholes at Lyne of Skene crossroads;
 - c) rectifying flooding at B979 along from Kinmundy Crossroads;
 - d) fixing speed humps in Station Road, Newmachar;
 - e) Provision of signs warning about pedestrians at Inverurie Hospital; and
 - f) traffic calming at Alehousewells School.

13. PLANNED MAINTENANCE PROGRAMME 2016/17

A report by the Director of Business Services was circulated presenting the Planned Maintenance Programme 2016/17.

Local Members welcomed proposed works at Westhill Swimming Pool and Academy and asked that details of the proposed works at the Academy be circulated to Local Members.

The Committee **agreed** to:

1. note the programme of Planned Maintenance for 2016-2017 which is attached as appendix A to the report;
2. note the list of reserve projects which have been included as Appendix B to the report; and
3. note the progress made in delivering the 2015/16 planned maintenance programme, detailed in Appendix C to the report.

14. VARIATION OF LEASE OF CHARLES GORDON PARK, NEWMACHAR

A report by the Director of Business Services was circulated detailing the terms for the variation of lease of Charles Gordon Park, Newmachar.

The Committee **agreed** to approve the variation of Newmachar United Football Club's (the Club) existing lease of the pavilion at the above park to include the football pitch on the terms and conditions contained in the report.

15. PLANNING APPEAL - CHANGE OF USE FROM INCIDENTAL OFFICE SPACE TO OVERNIGHT SLEEPING ACCOMMODATION (CLASS 7) AT OLD LOCO WORKS, HARLAW ROAD, INVERURIE

A letter from the Scottish Government was circulated detailing the outcome of an appeal for change of use from incidental office space to overnight sleeping accommodation (class 7) at Old Loco Works, Harlaw Road, Inverurie

The Committee **agreed** to note the decision of the Planning and Environment Appeals Division to dismiss the appeal and refuse full planning permission for change of use from incidental office space to overnight sleeping accommodation (class 7) at Old Loco Works, Harlaw Road, Inverurie.

16. GARIOCH FLOOD RECOVERY PLANS

A report by the Director of Education and Children's Services was circulated detailing the proposed Flood Recovery Plan for Garioch.

The Committee **agreed** to:

1. to congratulate officers on the work done to support communities since the flooding in Garioch;
2. note and approve the content of the Garioch Flood Recovery Plan contained within Appendix 1 to the report subject to:-
 - a) the community priorities (appendix 3) being included within the Action Plan to ensure that they are given full consideration by Infrastructure Services Committee or Full Council; and
 - b) Milton Avenue be replaced by Milton Meadows on Page 25 of the report, and
3. officers providing regular progress reports to Area Committee.

17. 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 March 2016.

The Committee **agreed** to:-

1. note the items of outstanding business as at March 2016; and
2. discharge the item relating to enforcement action taken at Castle Fraser Moss.

18. PROPOSED SALE OF PREMISES AT SOUTERFORD AVENUE, INVEURIE

A report by the Director of Business Services was circulated seeking approval to officers enter into negotiations for the sale of premises at Souterford Avenue, Inverurie.

The Committee **agreed** to approve that officers enter into negotiations to sell the premises at Souterford Avenue, Inverurie to Scotframe Timber Engineering Limited.

GARIOCH AREA COMMITTEE

15 MARCH 2016

APPENDIX A

**PLANNING APPLICATIONS FOR DETERMINATION THAT WERE THE SUBJECT
OF SITE VISITS**

A. Reference No: APP/2015/1107

Full Planning Permission for proposed residential development (erection of 66 dwellinghouses) at land east of Greystone Road, Kemnay

Applicant: Barratt North Scotland
Agent: Halliday Fraser Munro

As previously indicated Councillors Lonchay and Walker declared interests, but continued to take a full part in determining the application.

The Senior Planner confirmed that the objection from Kemnay Community Council had been resolved and a letter detailing their updated position was appended to the report. He confirmed that the site had an agreed masterplan and explained that the key issue for the application was the approval in advance of the phase 2 status of the site which would not permit development before 2017. He explained that the phasing had been put in place due to an education constraint and since the extension to Kemnay Academy had been completed, this was no longer an issue. He confirmed that there would be 2 accesses into the site and the development would see the provision of a footpath and the widening of Bogbeth Road. He indicated that SEPA and Flood Protection Unit were content with the SUDs proposals. He explained that the Service was content with the layout and design and recommended a delegated grant as detailed in the report, but that a further delegated matter would require to be attached regarding site levels.

Local members expressed their concerns about the potential impact on the flooding issues on Victoria Terrace as a result of further housing and were keen to seek further clarification from SEPA to reassure residents that the development would not have a detrimental impact on this. They welcomed the provision of the footpath and the widening of the road.

Officers assured Councillors that the potential impact had been assessed and explained that it was not considered that the development would have any detrimental impact on the current situation on Victoria Terrace.

Other Members were happy to accept the professional advice given by statutory consultees and considered the application to be an appropriate departure from the Local Development Plan.

Councillor Stuart, seconded by Councillor Cowling, moved that authority to grant Full Planning Permission be delegated to the Head of planning and Building Standards subject to the delegated matters and conditions detailed within the report and a further delegated matter regarding site levels.

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

1. the delegated matters and conditions detailed within the report and a further delegated matter regarding site levels: and
2. receipt of confirmation in writing from Scottish Water that sufficient capacity exists in the existing sewer in Victoria Terrace to service the additional 66 houses.

The Committee voted:-

For the motion (8) Councillors Hood, Cowling, Cullinane, Ford, Kitts-Hayes, McKail, Stuart and Walker

For the amendment (2) Councillors Grant and Lonchay

Councillor Oddie was absent from the division.

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

1. that the reason for departing from the Aberdeenshire Local Development Plan 2012 is that the proposed development constitutes a residential development on a site allocated for housing development in second phase (post 2017) of the Aberdeenshire Local Development Plan 2012. The early draw down of the site is considered appropriate in this case as the rationale for being a second phase site was based on an educational constraint at Kemnay Academy and this is now resolved. The Planning Service considers the proposal to be acceptable in all other respects and there are no material considerations which indicate that permission should be refused; and
2. that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-
 - a) submission of an updated Street Engineering Review (SER) and updated Quality Audit (including Access Audit);
 - b) submission of drawings showing existing and proposed site levels;
 - c) conclusion of a legal agreement to secure the contributions; and
 - d) any conditions arising from the above and the following conditions:
 - (1) That notwithstanding requirements under the Roads (Scotland) Act 1984, prior to the commencement of development, the proposed road widening and footpath shown on approved drawing 82678/1011 C shall be constructed in its entirety and to the satisfaction of the Planning Authority.

Reason: In order to provide a safe and convenient access to the development site and in the interests of road safety for other users.
 - (2) The development shall be served in accordance with the approved drawings and the following details:
 - a) Prior to occupancy of development, first 5m of driveway (measured from edge of road or back of footway) to be fully paved.
 - b) Proposed garages must be set back at least 6m from the rear of the footway and garage doors must not overhang the footway at any point in its travel.

- c) Prior to occupancy of development, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards.
- d) Prior to commencement of development, visibility splays measuring 4.5m by 59m to be formed on either side of the junction of the vehicular access with the public road (Leschangie Road). The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

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) Prior to the commencement of any development or preparatory site works an investigation of the site shall be undertaken in accordance with BS 10175:2011 + A1:2013 "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.

The approved scheme of remediation shall be carried out, in its entirety, before the development is occupied.

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

- (4) That no works in connection with the permission hereby approved shall take place unless the trees marked for retention on approved drawing BRKP-1510-TP dated 14 October 2015 have been protected by fencing in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. The specification of the protective fencing shall be as shown in the Tree Survey of the same date submitted by Astell Associates. 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.

Reason: In order to ensure adequate protection for the trees/hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

- (5) That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works 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 the two areas shown as 'Possible Future Access' shall be finished and landscaped along with the rest of the landscaping approved under condition 5.

Reason: To ensure provision of a quality landscaping scheme in the interests of the visual amenity of the area.

- (7) That prior to commencement of development, details of the access to, design of and timing of provision of the proposed seating area adjacent to Plot 21 and street furniture adjacent to the SUDS pond shall be submitted for the written approval of the Planning Service. Thereafter, the access, seating area and street furniture shall be provided according to the agreed specification and timing.

Reason: In order to secure the provision of these features.

- (8) That no works in connection with the permission hereby approved shall commence unless a detailed site-specific construction method statement (CMS) and related site plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA.

The CMS should address as a minimum all the issues listed in para. 4.2 of the SEPA consultation response dated 11 June 2015. Once agreed, all construction works on the site shall be carried out in accordance with the approved construction method statement unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of preventing risk of water pollution during construction.

- (9) That the surface water drainage shall be in accordance with the approved plans and drainage assessment (Fairhurst - January 2016), and the development shall not 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 recommended maintenance regime.

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

- (10) That the proposed foul water drainage systems shall be carried out in accordance with the approved plans and the dwellinghouses hereby approved shall not 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 drainage facilities are provided, and maintained, in the interests of the amenity of the area.

- (11) Prior to the commencement of development, details and colour of the following elements of the proposed external finish of the development shall be submitted to and approved in writing by the Planning Authority:

- Wall finish
- Roof finish

The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area, to ensure that the external finishing materials are appropriate to the character of the area.

- (12) Prior to the construction of any dwellinghouse(s)/building(s) etc * an Energy Statement applicable to that dwellinghouse(s)/building(s) 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.

B. Reference No: APP/2015/3537

Full Planning Permission for residential development of 12 no. flats at land to the rear of Commercial Hotel, Martin Road, Inch

Applicant: Drumrossie Land Development Company
Agent: Michael Gilmour Associates

The Senior Planner explained that the application for 12 flats in Inch had been the subject of 9 representations and an objection from the Community Council. He confirmed that the proposals were of an appropriate scale and design with access coming from Martin Road. He indicated that the preferred action to take account of difficult visibility in the location was to stop up the northern part of Martin Road and this was proposed to be a delegated matter on the application.

Some Members were concerned by the stopping up of Martin Road and were concerned that the implications would not be fully understood until it was done. They suggested that a temporary order to allow this to be better assessed would be more appropriate. There were also some concerns raised as to whether the proposals were appropriate for the site.

However, other Councillors pointed out the high quality design and the improvement that the proposals would make to the area. They were content that the consultation process would have to be completed and the outcomes reported to Committee before any planning permission could be granted. They did however, ask officers to see if the developer would extend the paved area beyond the northern boundary.

Councillor Lonchay, seconded by Councillor Grant, moved that consideration of the application be deferred until a consultation and temporary stopping up of Martin Road can take place and be assessed.

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

1. the conditions and delegated matters detailed in the report;

2. a further delegated matter requiring the Planning Service to discuss the possibility of extending the paving beyond the northern boundary; and
3. the inclusion of the words “at the Developer’s expense” in delegated matter (a)

The Committee voted:-

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

Councillor Oddie was absent from the division.

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:

- (a) the conclusion and approval of the Traffic Order for stopping up of Martin Road at the Developer’s expense;
- (b) the Planning Service discussing with the applicant the possibility of extending the paving beyond the northern boundary
- (c) receipt of developer obligations or a legal agreement to secure the contributions;
- (d) any conditions arising from the above and the following conditions:

1. 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) Prior to occupancy of development, Off-Street parking for 17 cars, surfaced in hard standing materials must be provided within the site.
 - d) Prior to commencement of development, the Road Traffic Regulation Order shall require to be in place for the stopping up of Martin Road and the revision to the existing one-way system including and any additional waiting restrictions which are deemed necessary by Roads Development
 - e) Prior to commencement of development, a Visibility Splay, measuring 2.4m by 25m to be formed on the north side of the junction of the vehicular access with the public road. The visibility splay so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.

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.

2. For the avoidance of doubt, the pavior surfacing on the east side of Martin Road as detailed on site layout plan 1240/100 Rev C is not approved. No residential flat in this development shall be occupied unless all roads, footpaths, parking and turning areas within and serving the development have been completed to the level of bottoming and bitmac base course, including the access bell-mouth and all turning heads to the current Aberdeenshire Council road construction standards or such other standard that may be subject of the prior agreement in writing with the Planning Authority. Once provided, all parking and turning areas

shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety.

3. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works 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;
 - 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. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme. 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.

4. No development in connection with the permission hereby granted shall take place unless details of all of the proposed means of enclosure to be provided in the proposed development have been submitted to and approved in writing by the Planning Authority. The development shall not be occupied until all of its means of enclosure have been provided in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

5. Prior to the commencement of development an Energy Statement shall 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.

6. No development shall commence unless, a sample and/or details/specification and colour of the following elements of the proposed external finish of the development have been submitted to and approved in writing by the Planning Authority:
- Wall finish
 - Roof finish
 - Design and finish of the windows/doors/garage doors/roof-lights.
 - Architectural dressings (including margins, tabling and base-course)
 - Stain or colour of the timber cladding/windows/doors
 - Rainwater goods

Reason: In the interests of the appearance of the development and the visual amenities of the area, to ensure that the external finishing materials are appropriate to the character of the existing pattern of development in the settlement.

7. That notwithstanding the provisions of Class 4A of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) Block 1 hereby approved shall not be occupied unless all of the windows on the north facing gable elevation of the building have been fitted with obscure glazing. Once installed, the obscure glazing shall be permanently retained thereafter and the windows shall not be altered in any way and no new windows shall be installed on the north facing elevation of the building without the prior express granting of planning permission by the planning authority.

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

8. That the proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans and no flat shall be occupied unless the approved drainage systems have been implemented in these forms, 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 drainage impact assessment (reference A/15284 by Cameron + Ross, dated November 2015).

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

9. That the development shall be connected into the public mains water supply and no flat hereby approved shall 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.

10. That no works in connection with the development hereby approved shall take place unless details of the communal bin storage enclosure (including surfacing materials) is submitted and approved in writing by the planning authority. No residential flat hereby approved shall be occupied unless the communal bin storage area has been implemented in full on site and made available for use in accordance with the approved details.

Reason: To ensure that adequate waste provision is made on site to serve the development in the interests of amenity

Reason for Decision

The proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.

GARIOCH AREA COMMITTEE

15 MARCH 2016

APPENDIX B

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2015/1874

Full Planning Permission for alterations and extension to house biomass boilers at Drumdarroch House, Mill Road, Inch, Aberdeenshire, AB52 6JA

Applicant: Priority Care Group
Agent: John Wink Design

As previously indicated Councillor Stuart declared an interest and left the Council Chamber whilst the application was determined.

Councillor Grant, seconded by Councillor Lonchay, moved that consideration of the application be deferred for a site visit to be undertaken in order that Councillors can better understand the impact of the proposals on neighbouring properties.

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

The Committee voted:-

For the motion (4) Councillors Cowling, Grant, Kitts-Hayes and Lonchay

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

Councillors Oddie and Stuart were absent from the division.

Therefore the amendment was carried and the Committee **agreed** to determine the application without a site visit.

The Senior Planner explained that the design complemented the scale and materials of the current building. He said that there would be 3 flues visible to the west that would be 3.73 metres in height and that there would be a distance of 10.5 metres between the new building and the neighbouring properties. He confirmed that representations had been received from neighbours many of which expressed concerns about noise and toxic emissions. The Senior Planner confirmed that Environmental Health had looked at the proposals in some detail and had come to the conclusion that any issues could be satisfactorily addressed through conditions

Members sought clarification as to whether there would be smoke belching from the flues or any noise nuisance as suggested within letters of representation. The Senior Environmental Health Officer indicated that the release of smoke would be minimal and the type of fuel would result in less emissions than from fossil fuels. She also indicated that although there would be some noise created through the combustion process, the noise would be no greater than the current system.

The Committee **agreed** to grant Full Planning Permission subject to the following conditions:-

1. That the biomass boilers hereby approved shall be installed, operated and maintained entirely in accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the submitted emissions certificate.

Reason: To ensure that emissions from the development would not result in undue loss of amenity for surrounding properties.

2. That the exhaust stacks hereby approved shall be erected entirely in accordance with the details shown on the approved plans and shall not be varied in height or design without a separate express grant of planning permission by the local planning authority.

Reason: In the interests of the visual amenities of the area and to ensure that emissions from the development would not result in undue loss of residential amenity for surrounding properties.

3. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order, the extension hereby approved shall not be extended or altered in any way and no external lighting shall be attached to the extension under the terms of Class 9C of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the residential amenities of the surrounding dwellinghouses.

Reason for Decision

The proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.

B. Reference No: APP/2015/3048

Full Planning Permission for the erection of offices (Class 4), workshops (Class 5) and store (Class 6) with associated car park, yard space with landscaping, access roads and SUDS basin at Site S, Midmill, South East (Phase 2), Kintore

Applicant: Mr Malcolm Allan
Agent: Norman P Lawie

The Senior Planner explained that the application for the erection of offices and workshop was a major development in Midmill on a site that had been allocated for significant expansion in the Local Development Plan. He explained that the site was subject of a development framework and masterplan and the application broadly complied with both. He said the mass of the building had been broken up through an attractive façade and it was considered that the building would integrate well into the landscape. He confirmed that following initial concerns, Environmental Health was now content with the use of conditions. He explained that conditions 7, 8, and 9 were to be removed, condition 12 to be reworded and a new condition included regarding compliance monitoring. The Senior Planner explained that access was through Tofthills Avenue and a roadway around the site. He confirmed that 2 improvements to the network road and a travel plan were required as part of the application.

Members sought clarification regarding the proposed road improvements and whether traffic lights would cause congestion as previously happened when roadworks were in place.

Officers confirmed that the road improvements were the most appropriate given the current situation and assured members that traffic lights would be set appropriately to manage traffic flow particularly at peak times.

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

- a) receipt of a satisfactory drawing showing the proposed B987/B994 Tumulus Way signalised junction as required in the Transport Assessment dated September 2014;
- b) receipt of developer obligations or a legal agreement to secure the contributions;
- c) any conditions arising from the above and the following conditions:

- 1. That the surface water drainage shall be in accordance with the approved plans and drainage assessment (Cameron and Ross – September 2015), and the development hereby approved shall not 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 recommended maintenance regime.

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

- 2. No development shall commence on site until a site specific Construction Method Statements (CMS) has been submitted and approved in writing by the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CMS unless otherwise agreed in writing with the Planning Authority.

Reason: In order to minimise the impacts of necessary construction works on the environment.

- 3. 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 new access must not exceed 1 in 20.
 - b. Prior to occupancy of development, first 5m of driveway (measured from edge of road or back of footway) to be fully paved.
 - c. Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards
 - d. Prior to commencement of development, visibility splays, measuring 2.4m by 59m 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.

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.

- 4. Prior to the occupation of the development hereby approved, the proposed alteration to the following junction shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland (TS-TRBO):

a) A96 / B987 Broomhill Roundabout, generally as illustrated in Jacobs Drawing No.KU049800_001.

Reason: To ensure that the standard of infrastructure modification proposed to the trunk road complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

5. No part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

6. That prior to the commencement of development, the materials proposed to be used in the construction of the buildings shall be submitted for the written approval of the planning authority in consultation with Environmental Health. Once approved the construction shall take place in accordance with the approved details.

Reason: In order to ensure the construction accords with measures to minimise noise impact and to protect the amenity of nearby and adjoining residents.

7. Prior to installation, further details regarding the acoustic screen shall be submitted to demonstrate that level of protection that it will provide. Once approved the screen will be installed in accordance with the approved details.

Reason: In order to protect the amenity of nearby and adjoining residents.

8. Prior to installation, further details on the type and location of louvres within the building will require to be submitted for consideration. Once approved the louvres will be installed in accordance with the approved details.

Reason: In order to protect the amenity of nearby and adjoining residents.

9. Noise emitted from the site expressed as LAeq (1 hr) between 0700 and 1900 hours Monday to Friday and between 0700 and 1200 on Saturdays, or as LAeq (15 mins) at any other time, including Bank and other public holidays, should not exceed the existing background noise level by more than 5 dBA when measured at 3.5 metres from the external façade of any noise sensitive premises.

Reason: In order to protect the amenity of nearby and adjoining residents.

10. Within 6 months of the approved development being brought into use the developer shall employ an independent consultant to measure the level of noise emitted from the site at the nearest noise sensitive receptors with the results being submitted to the Planning Authority. Prior to the measurements being undertaken the methodology and the exact location of where they will be taken from shall be agreed in writing with

the Planning Authority. The measurements shall then be undertaken fully in accordance with the approved methodology.

Reason: In order to monitor the noise emissions of the approved development to help protect the amenity of nearby and adjoining residents

11. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
 - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In the interest of safeguarding the habitat of a protected species.

12. Prior to the commencement of development, simple plank footbridges shall be provided across the burn as detailed in the Protected Species Survey dated 21/01/2015.

Reason: In the interest of safeguarding the habitat of a protected species.

13. Prior to the commencement of development, 10 bird boxes as outlined as detailed in the Protected Species Survey dated 21/01/201 will be provided at appropriate locations within the development.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

14. All soft and hard landscaping proposals shall be carried out in accordance with the approved Landscape Maintenance and Management Proposals Scheme dated 16 September 2015, Landscaping Specification notes relating to Landscape Drawing 344-19, 34428A and 34415A, and drawings 344-19, 34428A and 34415A 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.

15. Prior to the construction of the building an Energy Statement applicable to that building 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.

16. On site management of waste shall be carried out in accordance with the Elmar Waste Proposal dated 25/09/2015.

Reason: To ensure that waste on the site is managed in a sustainable manner

Reason for Decision

The proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.