

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE

GORDON HOUSE, INVERURIE ON 27 JUNE 2017

Present: Councillors F Hood (Chair), N Baillie, M Ewenson (for items 1 to 12), M Ford, V Harper, S Leslie, D Lonchay, R McKail, A McKelvie, G Reid, H Smith, I Walker (for items 1 to 12) and J Whyte.

Apologies: Councillors D Aitchison and C Clark.

Officers: D Milne (Garioch Area Manager), A Overton, (Senior Solicitor), G Steel (Principal Engineer), B Strachan (Senior Planner), M Watt (Planner), F Rendall (Planner), F Stewart, (Senior Solicitor) and A Cumming (Garioch Area Committee Officer).

In Attendance: Chief Inspector M Main.

The Chair took the opportunity to pay tribute to, and thank Douglas Milne who was retiring from his post of Area Manager.

1. DECLARATIONS OF MEMBERS' INTERESTS

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

- Item 8A – Councillor Whyte as her employer had made a comment on a related application;
and
- Item 8C – Councillor Baillie as the applicant.

Both Councillors considered their interest to be clear and substantial and left the Council Chamber whilst the items were 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.

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.

Item No.

13

Paragraph No.

6

3. MINUTE OF MEETING OF 6 JUNE 2017

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

4. INTIMATION OF PUBLIC QUESTION TIME

There were no public questions intimated.

5. POLICE SCOTLAND - LOCAL AREA UPDATE

A report by the Director of Infrastructure Services was circulated detailing the performance information relating to the key Police priorities in Garioch Area.

The Chief Inspector gave further detail and context to the information provided and thereafter the Committee **agreed** to note the performance information provided and thank the Officers for their good work in Garioch.

6. MEMBER PROMOTED ISSUE – UNFINISHED DEVELOPMENT AT KINGSEAT

A report by the Director of Education and Children's Services was circulated presenting a Member Promoted Issue and seeking views on how the issue might be moved forward.

The Councillor who submitted the issue presented the report and highlighted the need for the Council to explore all avenues in order to seek resolution of the issue and assist the residents that had been affected. Members welcomed the issue being brought into the public domain and were happy to support the inclusion of community representatives in the working group in order to further explore possible resolutions to the issue.

The Committee **agreed**:-

1. to extend the officer working group to include representation from the Residents' Association, the Community Council and Local Members; and
2. that the Committee will use all of its powers and influence to get the situation at Kingseat resolved as soon as possible.

7. ABERDEENSHIRE PERFORMS - EDUCATION AND CHILDREN'S SERVICES

A report by the Director of Education and Children's Services was circulated detailing the exceptional performance information for the period January to March 2017 including the Service Plan.

The Committee **agreed** to:

1. acknowledge the performance achieved January – March 2017 referred to in paragraphs 2.4 to 2.10 to the report;

2. consider those measures where performance is below expectations January – March 2017; referred to in paragraphs 2.6 to 2.8 to the report;
3. note the progress made with projects and actions within the 2016-19 Service Plan for the Education and Children's Services referred to in paragraphs 2.9 and 2.10 to the report;
4. note the publication of the complete January – March 2017 Performance Report on Ward Pages; and
5. instruct the Director of Education and 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
6. request:-
 - a) a further update from Education regarding plans for Newmachar School (Ref 3.5b G);
 - b) the number of staff involved, the Services involved, and the reasons for absence (Ref 4.1G/A);
 - c) clarification as to whether any Garioch facilities are contributing to the reduction in satisfaction (Ref 4.4d);
 - d) that officers keep under consideration the prices against the condition of the facilities provided (Ref 4.4d);
 - e) that officers provide further detail regarding the average tariff scores and the wide range of scores detailed (Ref 1.8);
 - f) How many children involved, what happens to them and how many are looked after children? (Ref 2.1G);
 - g) updates be provided for 5.4 and 5.5 (Service Plan Priorities); and
 - h) that a seminar be organised for September 2017 detailing the work being done in Garioch by the Local Learning Community Partnerships and Aberdeenshire Life (Ref section 7 of Service Plan Priorities).

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 A** to this Minute.

A.	APP/2017/0932	Alterations to shop front and installation of 2 extract grilles at Scottish Hydro Electric, 5 Market Place, Inverurie	Delegated Grant
B.	APP/2017/0615	Alterations and extension to hall at Milne Hall, Kirkton of Skene, Westhill	Defer for Site Visit
C.	APP/2017/1047	Erection of summerhouse and shed at St James's Court, St James's Place, Inverurie	Grant
D.	APP/2017/0753	Erection of 3 dwellinghouses at land at West Lodge, Westhall, Oyne	Defer for Site Visit
E.	APP/2017/0536	Demolition of steadings and erection of 2 no. dwellinghouses and formation of	Delegated Grant

vehicular accesses at site at Westerton,
Kemnay

9. PLANNING APPEALS

A. LAND TO WEST OF THAINSTONE BUSINESS PARK, INVERURIE

A notice of intention from the Planning and Environmental Appeals Division was circulated detailing the proposed decision relating to an appeal against refusal for planning permission in principle for commercial development to include Class 4, 5 and 6 uses with associated infrastructure and landscaping at land to west of Thainstone Business Park, Inverurie.

The Committee **agreed** to note the intention of the Planning and Environmental Appeals Division to approve planning permission in principle for commercial development to include Class 4, 5 and 6 uses with associated infrastructure and landscaping at land to west of Thainstone Business Park, Inverurie subject to the signing of a planning obligation to secure funds towards the proposed Kintore Railway station and other conditions.

B. EAST TORRYLEITH, NEWMACHAR

A decision notice from the Local Review Body was circulated detailing the decision relating to an appeal against refusal for full planning permission for the erection of a house and garage at East Torryleith, Newmachar.

The Committee **agreed** to note the decision of the Local Review Body to refuse planning permission for the erection of a house and garage at East Torryleith, Newmachar.

10. 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 June 2017.

The Committee **agreed** to:-

1. note the items of outstanding business as at June 2017;
2. discharge item 4; and
3. request that an update from Landscape Services and Flood Prevention Unit be provided regarding the works at Davidson Field (particularly regarding the reseeding and maintenance of the valve)

11. AREA COMMITTEE BUDGET 2017/18

A report and addendum to the report by the Director of Education and Children's Services was circulated asking the Committee to consider five applications to the Area Committee Budget.

The Committee noted that a late application had been received and the details circulated as an addendum to the agenda papers.

The Committee **agreed** to:

1. a grant of £4,500 to Wartle Community Association for upgrading existing toilets and replacement of two fire exit doors;

2. award £8,202 to Westhill District Amateur Swimming Club to purchase equipment which will enhance training across the district;
3. a grant of £599.16 to Millbank and Tillyfourie Playing Field Committee to purchase electricity generator;
4. award £3,555.35 retrospectively to Kemnay Church Centre for emergency repair works carried out to a key community path; and
5. award up to £10,000 towards the improvement of the Westhill Old School and Schoolhouse buildings in order to meet the Care Commission's Standards for out-of-school care premises.

**12. CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT LICENCE –
REQUEST FOR EXTENSION OF OPERATING HOURS FOR FUNFAIR AT ECHT
SHOWGROUND, ECHT**

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

The Committee **agreed** to grant the extension of the hours of operation for the funfair as follows:-

Friday 7 July 2017	1800hrs – 2330hrs
Saturday 8 July 2017	1000hrs – 0000hrs

**13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982
APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE**

A report by the Director of Business Services was circulated asking the Committee to consider an application for the renewal of a later hours catering licence.

The applicant and objector had been cited to attend, but only the applicant was in attendance.

The Senior Solicitor indicated that the Committee required to firstly consider the validity of the objection submitted. She confirmed that the legislation required that any objection required to have the name and address of the objector and their signature. The Senior Solicitor indicated that this was not the case for the objection received and asked the Committee to take a view on whether the objection was competent. She further confirmed that should the objection not be considered competent, that the application could be granted by officers under delegated powers.

The Committee **unanimously agreed** that the objection was not competent in terms of the requirements of paragraph 3(1) of Schedule 1 to the Civic Government (Scotland) Act 1982 and notes that there is no requirement for the hearing to proceed, the application for the renewal of the Late Hours Catering Licence being capable of being granted by the Head of Legal and Governance in terms of Section D 8.8 of Part 2B – List of Officer Powers of the Scheme of Governance.

Councillor Presiding over meeting

Print Name

Signature

Date

GARIOCH AREA COMMITTEE

27 JUNE 2017

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2017/0932

Full Planning Permission for alterations to shop front and installation of 2 extract grilles at Scottish Hydro Electric, 5 Market Place, Inverurie, Aberdeenshire, AB51 3PU

Applicant: Greggs PLC

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

The Senior Planner explained that application was for the provision of grilles, with new doors and fascia also proposed, but that the application was the subject of an unresolved objection from the Community Council. He explained that there was a separate application for advertisement consent. He explained that a change of use for the premises was not required as the use would predominantly be retail. He confirmed that Environmental Health had requested further information regarding the impact of noise on neighbours, but that this was being dealt with as a delegated matter.

Members sought clarification regarding the operating hours, litter management and the use classification.

Members pointed out that the application was for changes to the shop frontage, but that most of the comment made in representation related to the impact on other businesses. They did not consider that there was any valid reason for refusal and agreed with officer recommendations.

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

a) the submission of a noise assessment, a satisfactory consultation response from Environmental Health and any conditions arising; and

b) the following condition:

The premises shall not operate unless the odour control system has been installed in accordance with the approved details and its operation has been demonstrated to the planning authority. The approved odour control system shall be permanently retained thereafter.

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/2017/0615

Full Planning Permission for alterations and extension to hall at Milne Hall, Kirkton of Skene, Westhill, Aberdeenshire, AB32 6XE

Applicant: Milne Hall Committee
Agent: Mike Mair Architectural Services

The Chair indicated that a request to speak had been received for the application. The Committee **agreed** to hear from the parties that had requested to address the Committee.

The Senior Planner confirmed that the application was not considered to be appropriate due to the design of the extension and the impact that this would have on the setting of the church and churchyard. He expressed concern at the loss of another traditional window to extension as there had already been extensions that had affected this and indicated that the proposed design was not considered to fit in well.

The Chair invited Ken Freeman to address the Committee. Mr Freeman explained the need for the extension and the reason that the proposals had been developed. He confirmed the benefit in terms of usable space and better flow to the building that would result from the extension.

Members sought clarification regarding the reuse of the playing field and the situation regarding the lease of the building. Thereafter, Mr Freeman returned to the public benches.

Committee **agreed** to:-

1. defer consideration of the application for a site visit in order that Councillors can see for themselves the impact of the loss of the window, the different roofs and the impact on the adjoining church and churchyard

C. Reference No: APP/2017/1047

Full Planning Permission for erection of summerhouse and shed at St James's Court, St James's Place, Inverurie, AB51 3TE

Applicant: Mr Neil Baillie

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

The Committee **agreed** to grant Full Planning Permission.

Reason for Decision

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

D Reference No: APP/2017/0753

Planning Permission in Principle for erection of 3 dwellinghouses at land at West Lodge, Westhall, Oyne, Inch, Aberdeenshire

Applicant: Mr Jon Rogers
Agent: RJM Architectural Design

Committee **agreed** to:-

1. defer for a site visit in order that Councillors can assess for themselves the pedestrian safety and the design and location of the footpath; and
2. to hear from parties that have requested to address the Committee at the meeting immediately following the site visit

E. Reference No: APP/2017/0536

Full Planning Permission for demolition of steadings and erection of 2 no. dwellinghouses and formation of vehicular accesses at site at Westerton, Kemnay, Aberdeenshire, AB51 5JY

Applicant: Mr G Sutherland
Agent: John Wink Design

The Planner explained that the application would see the replacement of steading buildings with 2 dwellinghouses and that the proposals would see the dwellings orientated to replicate the footprint of the steading. She confirmed that the principle of development was acceptable under policy R2 as a structural survey had indicated that the steading was not suitable for renovation. She confirmed that there was no impact on neighbouring properties and no objections had been received from consultees.

Members sought clarification regarding the appropriateness of the development being outwith the footprint of the current steading. The Planner confirmed that policy required that the replacement building be on the same curtilage and reflect the layout, but it did not necessarily require to be on exactly the same footprint.

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

- a) payment of developer obligations; and
- b) the following conditions:
 1. No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.

2. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could

extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

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

3. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - b) 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.

The development shall not be occupied unless it has been constructed 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.

4. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be erected on the boundary between each dwellinghouse have been submitted to and approved in writing by the planning authority. The dwellinghouses hereby approved shall not be brought into use unless the means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the residential amenities of the neighbouring properties and the visual amenities of the area.

5. The vehicular access, driveway and parking area hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans and the drop kerb footway crossing has been formed at the new access. The first five metres of the driveway measured from the back of the carriageway shall be fully paved and shall have a maximum gradient not exceeding 1:20. The access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access, driveway and parking area shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking area to an adequate standard; to prevent the carriage of loose driveway

material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

6. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Drainage Assessment (Macleod Jordan, January 2017). The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

7. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

8. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

9. 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 no means of enclosure, other than that approved under condition 4 shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

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

Reason for Decision

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