

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE

GORDON HOUSE, INVERURIE ON 26 SEPTEMBER 2017

Present: Councillors F Hood (Chair), N Baillie, M Ewenson, M Ford, V Harper, D Lonchay, R McKail, A McKelvie, G Reid, I Walker and J Whyte.

Apologies: Councillors D Aitchison, S Leslie and H Smith.

Officers: M J Cardno (Banff and Buchan Area Manager), A Overton (Senior Solicitor), Hilary Wilkinson (Planner), L Watson (Principal Engineer), R Hutchison (Community Economic Development Officer), P Blaxter (Team Leader, Local Plans), K McKay (Developer Obligations Officer) and A Cumming (Garioch Area Committee Officer).

In Attendance: J Chapman (Garioch Partnership), D Brown (Garioch Partnership).

The Chair congratulated Margaret-Jane Cardno on her appointment as Garioch Area Manager. Ms Cardno said she was looking forward to the exciting opportunities available in Garioch and working with Garioch Councillors and Officers.

1. DECLARATIONS OF MEMBERS' INTERESTS

In accordance with the Scheme of Governance, the following interest was declared:-

Item 10 - Councillor Lonchay as his wife is the Chair of the Bennachie Centre Trust. Councillor Lonchay left the Council Chamber whilst the entire item was considered.

2. RESOLUTION - 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.

3. MINUTE OF MEETING OF 5 SEPTEMBER 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. ABERDEENSHIRE PERFORMS - HOUSING

A report by the Director of Infrastructure Services was circulated detailing the exceptional performance information for the period April to June 2017.

The Committee **agreed** to:-

1. note and acknowledge the positive performance achieved April to June 2017, identified in Section 2.3 to the report;
2. note those measures where performance is below expectations April to June 2017 (Quarter 1) identified in Appendix 1 to the report; and
3. note the publication of the complete April to June Performance Report along with a reporting rationale document for all indicators;

6. PLANNING APPLICATION FOR CONSIDERATION

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

A.	APP/2017/1405	Demolition of existing cottage and outbuildings and erection of 15 flats and associated car parking at Strathburn Cottage, Middlemuir Road, Inverurie	Delegated Grant
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7. RURAL PARTNERSHIP ANNUAL REPORT 2016/2017 AND FUNDING 2017/2018 AND 2018/2020

A report by the Director of Infrastructure Services was circulated detailing the service level agreement with The Garioch Partnership and presenting The Garioch Partnership's annual report and action plan.

The Partnership representatives indicated that the failure to have a second developer officer in place was disappointing, but indicated that Dawn was now employed full-time. They welcomed the continued funding and asked Councillors to encourage community groups in Garioch to contact the Partnership should they require support.

The Committee acknowledged the good work of The Garioch Partnership within Garioch.

The Committee **agreed** to:

1. note and support the continuing development of The Garioch Partnership;
2. note the progress made on the Action Plan for 2017/2018 and the Service Level Agreement 2017/2018; and
3. note The Garioch Partnership's Annual Report 2016/2017.

8. LOCAL DEVELOPMENT PLAN 2017: SUPPLEMENTARY GUIDANCE NO.7: DEVELOPER OBLIGATIONS: METHODS FOR CALCULATION

A report by the Director of Infrastructure Services was circulated presenting proposed supplementary guidance for developer obligations.

The Team Leader explained that the original plan was to change the viability elements of the supplementary guidance. He indicated that the majority of the comments received were seeking clarity or further detail. He said that they had tried to avoid duplication between the supplementary guidance and the content of the Local Development Plan. The Developer Obligations Officer explained that there was further clarity included regarding education contributions.

Members sought clarification for a number of elements and expressed concern that there was only land requirements indicated for a secondary school of 1200 pupils. They suggested that it would be helpful to have provision for a smaller secondary school size.

The Committee **agreed** to:-

1. note the Supplementary Guidance: Developer Obligations: Methods for Calculation; and
2. forward the following comment to Infrastructure Services Committee:-

The Garioch Area Committee would like to see the inclusion of a sliding scale for land requirements for secondary schools which would allow for the development of smaller secondary schools as appropriate.

9. APPOINTMENTS TO GORDON FISHINGS MANAGEMENT COMMITTEE

A report by the Director of Education and Children's Services was circulated asking the Committee to make appointments to the Gordon Fishings Management Committee.

The Committee **agreed** to:

1. appoint Councillor Neil Baillie (representing Inverurie and District Ward) and Councillor Glen Reid (representing East Garioch Ward) to Gordon Fishings Management Committee;
2. leave the other position for Inverurie and District Ward vacant at present; and
3. note that Infrastructure Services Committee has delegated the power to replace the Councillor representatives for their Area to the Area Committee, during the term of this Council.

10. GARIOCH AREA COMMITTEE BUDGET

A report by the Director of Education and Children's Services was circulated presenting options for the allocation of the Area Committee Budget.

The Committee **agreed** to grant:-

1. £25,000 towards the upgrade of Carnie All-weather pitch;
2. £5,000 to the Kingseat Member Officer Working Group to support its work; and
3. £10,000 to the Bennachie Centre Trust towards the upgrade of the Bennachie Centre

Councillor Presiding over meeting

Print Name

Signature

Date

DRAFT

GARIOCH AREA COMMITTEE

26 SEPTEMBER 2017

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2017/1405

Full Planning Permission for Demolition of existing cottage and outbuildings and erection of 15 flats and associated car parking at Strathburn Cottage, Middlemuir Road, Inverurie

Applicant: Craigdon Construction
Agent: William Lippe Architects + Planners

The Chair indicated that a request to address the Committee had been submitted. The Committee agreed to hear from the parties who had requested to speak.

The Planner explained that the application for 15 flats and associated car parking was being reported to Committee as there was an unresolved objection from the Community Council and there were more than 6 representations to the application. She explained that the site (currently with a cottage and outbuildings) was in a central location in a residential area. She confirmed that the application would see the removal of all of the current buildings on site and these would be replaced by two blocks of flat. She said that Block A was two storey dropping to a single story and Block B two storey facing the public road with a staggered design.

The Planner indicated that the Strath Burn ran along the northern end of the site and was culverted down the eastern side of the site. She confirmed that the site had a history of flooding, but that the replacement of a wall with an embankment to increase the capacity of the burn alongside the provision of four underground flood storage tanks formed part of detailed flood plans for the site. She confirmed that the design, materials and access arrangements were satisfactory and there would be only minor changes in overshadowing of neighbouring properties. She confirmed that the most recent application on the site was refused on flooding and overdevelopment grounds, but said that the scaled back proposals, revised layout and flood plans addressed the previous concerns and the application was recommended for approval.

The Chair invited William Lippe, the applicant's agent, to address the Committee. Mr Lippe provided further clarification about the proposed flooding solution and highlighted the reduction in scale and massing of the proposals.

Members sought further clarification regarding the geocellular tanks. The applicant's engineer explained that the tanks were plastic crates that allowed water in and then slowly release. He said that the removal of the wall would allow the tanks to come into operation sooner. He confirmed that the proposed solution would result in an improvement to the flooding issues on site.

The Committee acknowledged the efforts to address the concerns raised against previous applications and welcomed the improved flood plans and scale of proposals.

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

- a) satisfactory conclusion of a legal agreement to secure the affordable housing and developer obligations; and
- b) the following conditions:

- 1. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan 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 Monuments Record for Scotland and in the local Sites and Monuments Record.

- 2. Before commencement of any development or preparatory site works other than the demolition of existing buildings, a full 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 also be submitted and approved in writing by the Planning Authority. The approved scheme of remediation shall be carried out, in its entirety, before the development is occupied. Any areas of hardstanding 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: In the interests of the amenity of the area.

- 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/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.

4. That no works in connection with the permission hereby approved shall take place unless the trees marked for retention on drawing MRI-1705-TP on the approved plans have been protected by fencing in accordance with BS5837:2012, drawing MRI-1705TP and Astell associates report dated 23rd May. The works shall be carried out in accordance with protective fencing details that have been submitted. 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 on the site during the construction of development, and in the interests of the visual amenity of the area.

5. Prior to the commencement of development, a sample and 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
- Windows / door colour and specification
- 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 local area.

6. Prior to the construction of any dwellinghouses an Energy Statement applicable to those dwellinghouses 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.

- 7. The development shall be served in accordance with the approved drawings and the following details:
 - a) Prior to occupancy of development, a drop kerb footway crossing must be formed at the new driveway.
 - b) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
 - c) Prior to occupancy of development, first 5m of driveway (measured from edge of road or back of footway) to be fully paved.
 - d) Prior to occupancy of development, Off-Street parking for 23 cars, surfaced in hard standing materials must be provided within the site.
 - e) Prior to commencement of development, a confirmation letter from the Registered Social Landlords /Housing Association confirming that they will manage the affordable flats must be submitted to Roads Development.
 - f) 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.
 - 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 and shall be secure enough to prevent empty bins from being wind blown. Details must be submitted to Roads Development for approval.

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.

- 8. That the compensatory flood storage arrangements are constructed as outlined in the Supplementary Flood Statement of August 2017 and Drawing A/16931/900 rev 4.

Reason: In order to minimise flood risk.

- 9. That the proposed surface water drainage system shall be carried out in accordance with the approved plans, A/16931/900 rev 4 and Drainage Statement, prepared by Cameron and Ross, May 2017 the proposed development shall not be occupied unless its approved drainage system has been completed and certified as such by a qualified drainage engineer to the

satisfaction of the Planning Authority. Following provision of the drainage system it shall thereafter be retained in perpetuity and maintained by the developers or their successors in accordance with the approved maintenance scheme. Certification (from an appropriately qualified professional) that the maintenance regime has been implemented shall be provided on an annual basis thereafter, or as otherwise agreed with the Planning Authority.

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

Reason for Decision

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

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