

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE

GORDON HOUSE, INVERURIE ON 8 MAY 2018

Present: Councillors F Hood (Chair), D Aitchison, N Baillie, L Berry, M Ewenson, M Ford, V Harper, S Leslie (for items 6B – 9), D Lonchay, R McKail, G Reid, H Smith, I Walker and J Whyte.

Apology: Councillor A McKelvie.

Officers: M J Cardno (Garioch Area Manager), A Overton, (Senior Solicitor), A Murphy (Senior Planner), M Watt (Planner), K Clark (Principal Engineer), D Cooper (Environmental Health Manager), C Stewart (Environment Team Leader), C Taylor-Brown (Team Leader) and A Cumming (Garioch Area Committee Officer).

1. DECLARATIONS OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct.

Item 6B Cllr Lonchay indicated that he had attended a meeting in the Bothie for fact finding purposes, but had expressed no opinion on the proposals and therefore confirmed that he had no interest to declare.

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 17 APRIL 2018

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. MEMBER PROMOTED ISSUES - ACCESS TO TUACH HILL, KINTORE

A report by the Director of Infrastructure Services was circulated providing detailed information to a Member Promoted Issue regarding access to Tuach Hill, Kintore.

Officers presented the report, confirmed the activity that had taken place to date and indicated that they had identified a proposed course of action, but due to the nature of this, it would not be possible to discuss it in public.

Committee welcomed the report and agreed that it would defer consideration of the item until the end of the meeting and hold the discussion with the press and public excluded.

Officers detailed to Members the proposed course of action and thereafter, the Committee **agreed** to:-

1. support officers proposed course of action; and
2. request that a further briefing note be provided to the Committee in due course.

5. ABERDEENSHIRE PERFORMS

RESPONSE FROM EDUCATION AND CHILDREN'S SERVICES TO QUERIES PREVIOUSLY RAISED BY COMMITTEE

A report by the Director of Education and Children's Services was circulated presenting the response received to a query previously raised by the Committee

The Committee **agreed** to note the responses from the Education and Children's Services to queries previously raised by the Committee and compliment the Service on the low number of complaints received.

6. PLANNING APPLICATIONS FOR CONSIDERATION

The following planning applications were considered and were dealt with as recorded in **Appendix A** to this Minute.

APP/2018/0617	Erection of replacement dwellinghouse and garage and change of use from agricultural to domestic garden ground at 2 Heatherwick Farm Cottages, Kintore	Defer for site visit
APP/2018/0140	Approval of matters specified in conditions 1 (a phasing, b) levels, c) strategic landscaping, d) drainage connection, e) public access plan, f) travel plan), 3 (archaeological WSI), 5 (Cammie's Stone method statement), 13 (public transport accessibility) of planning permission in principle ref. APP/2015/3793 at land to west of Thainstone Business Park, Inverurie	Defer for further negotiations

7. APPEALS DECISIONS

A. LOCAL REVIEW BODY - LAND AT BROWNHILLS, NEWMACHAR

A Local Review Body decision notice was circulated detailing the appeal decision relating to the removal of condition 2 from planning permission in principle APP/2016/0611 at Brownhills, Newmachar

The Committee **agreed** to note the decision of the Local Review Body to dismiss the appeal and refuse to remove condition 2 from planning permission in principle APP/2016/0611 at Brownhills, Newmachar.

B. PLANNING AND ENVIRONMENTAL APPEALS DIVISION SOUTH FORNET ESTATES, SKENE

A letter from the Planning and Environmental Appeals Division was circulated detailing the outcome of an appeal for planning permission at South Fornet Estates, Skene.

The Committee **agreed** to note the decision of the Planning and Environmental Appeals Division to allow the appeal and grant full planning permission subject to conditions at South Fornet, Skene.

8. COMMUNITY LEARNING AND DEVELOPMENT (CLD) PLAN REFRESH (2018-21)

A report by the Director of Education and Children's Services was circulated presenting the Community Learning and Development (CLD) Plan Refresh (2018-21).

Members sought clarification regarding the plan around support for offenders and open learning opportunities. They expressed a wish to see information about the activities in Garioch and to learn about the outcomes from the mini public sessions.

The Committee **agreed** to:-

1. note the content of the report;
- 2.. request that the detail of the initiatives taking place in Garioch be provided to Garioch Councillors; and
3. request that the outcomes for mini public sessions are provided to Councillors.

9. 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 May 2018.

The Committee **agreed** to:-

1. note the items of outstanding business as at May 2018; and
2. discharge the item related to Planning Enforcement

Councillor Presiding over meeting

Print Name

Signature

Date

GARIOCH AREA COMMITTEE

8 MAY 2018

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2018/0617

Full Planning Permission for erection of replacement dwellinghouse and garage and change of use from agricultural to domestic garden ground at 2 Heatherwick Farm Cottages, Kintore, Aberdeenshire, AB51 0UQ

Applicant: Mr and Mrs Ian Aitken and Mr and Mrs Derek Duguid
Agent: Morris Tait Architectural Design

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

The Senior Planner explained that the application was for the replacement of an existing building on the same site. She explained that, although retention and refurbishment of vernacular buildings was preferred, a structural survey indicated that the current house was beyond economic repair. She confirmed that an area of agricultural land was proposed to be changed to garden ground through the proposals. She indicated that the design was a modern interpretation of the vernacular building and it related well to the nearest dwelling, although she accepted that it was not wholly in keeping with other properties in the surrounding area. She explained that an equalities impact assessment had been done as it had been intimated that the application was to accommodate and care for elderly parents, but it was noted that the family situation and reasons for submitting the application were not a planning consideration.

Members sought clarification as to the scale of the proposals and what was allowed under permitted development. They also sought clarification as to the quality of the agricultural land being changed to garden ground. The Senior Planner confirmed that the land being used was not prime agricultural land. She explained that the proposals were increasing the floor space by more than 300% of the current floor space and that permitted development allowed for around a 100% increase.

The Chair invited Joe Narducci, an objector to the application to address the Committee. Mr Narducci explained that he was speaking on behalf of his neighbours. He highlighted the significant increase in scale of the proposals and pointed out that the new garage would be bigger than the current house. He contended that the current building was worthy of retention and should be incorporated into the development, but that the current proposals did not complement the properties in the surrounding area. There were no questions.

The Chair thanked Mr Narducci and he returned to the public benches.

Councillor McKail, seconded by Councillor Harper moved to defer consideration of the application in order that Councillors can assess for themselves how the proposed building will fit in with the surrounding properties and the impact on the amenity of neighbouring properties.

As an amendment, Councillor Ford, seconded by Councillor Ewenson, moved that there be no site visit and the Committee continue to determine the application.

The Committee voted:-

For the motion (8) Councillors Hood, Baillie, Harper, Lonchay, McKail, Reid, Smith, Walker.

For the amendment (5) Councillors Aitchison, Berry, Ewenson, Ford and Whyte.

Councillor Leslie was absent from the division.

Therefore, the motion was carried and the Committee **agreed** to defer consideration of the application for a site visit in order that Councillors can assess for themselves how the proposed building will fit in with the surrounding properties and the impact on the amenity of neighbouring properties.

B. Reference No: APP/2018/0140

Approval of Matters Specified in Conditions 1 (a) Phasing, (b) Levels, (c) Strategic Landscaping, (d) Drainage Connection, (e) Public Access Plan, (f) Travel Plan, 3 (Archaeological WSI), 5 (Cammie's Stone Method Statement), 13 (Public Transport Accessibility) of Planning Permission in Principle Ref. APP/2015/3793 at land to the West of Thainstone Business Park, Inverurie, AB51 5NT

Applicant: Thainstone LLP

Agent: Halliday Fraser Munro Planning

With reference to item 1 on the agenda, Councillor Lonchay declared an interest, but continued to take a full part in considering the application.

The Chair confirmed that a request to speak had been received from an objector to the application. The Committee agreed to hear from the parties concerned.

The Planner explained that the application was to agree conditions for an application that was granted on appeal to the Scottish Government. He confirmed that further applications would be submitted relating to other conditions and that site specific details would be included within detailed planning applications for each site.

He confirmed that the application would see landscaping to provide screening from the A96 in addition to existing screening. He highlighted an area of open space that had been provided as a buffer between the site and Thainstone House Hotel. He explained that concerns were raised about the access to public transport and through the travel plan this would be mitigated through the provision of a shuttle bus to ferry people from the site to the bus stops on the A96. He confirmed that the proposals were acceptable to Transportation and that Scottish Gas had removed its holding objection.

Councillors asked for clarification as to why an Environmental Impact Assessment (EIA) or Landscape and Visual Impact Assessment (LVIA) had not been undertaken. The Planner explained that at the time of the original application, it had not been considered necessary and if there was no significant change between then and the current proposals, there would be no requirement to seek one at this point. Members sought clarification as to why the higher part of the site was being developed first and when the landscaping would be provided. The Planner confirmed he did not know the reasoning behind the proposed phasing, but that the landscaping would form mitigation for both phase 1 and phase 2 and that further landscaping would be a requirement of each individual site.

Members sought clarification as to the heritage of Cammie's Stone. The Planner indicated that it related to position where a general had been slayed in battle, but that it may already have been moved from its original position.

Members asked for further details about the provision of a shuttle bus and who would be responsible for resourcing and managing it. The Planner confirmed that it would be the responsibility of the applicant and formed part of the requirements of the travel plan.

The Chair invited Dr Paul Davison to address the Committee. Dr Davison highlighted concerns about the impact on the landscape of the proposals. He highlighted the need for the Cammie's Stone to remain in its current position. He expressed concerns about the lack of an EIA and LVIA and pointed out that the detail of the travel plan had not been made public. He questioned the process for determining applications given the interest that the Council had in part of the site.

The Chair thanked Dr Davison and he returned to the public benches.

Members sought clarification regarding the requirement for an EIA and whether this should or could have been requested as part of the current application and whether there was any issue with the decision making process. The Senior Solicitor advised that the regulations had come in to force in 2017 and read out the content of regulation 34. She confirmed that the governance of decision making within the Council took account of the different roles that the Council had and ensured that decisions that were taken were separate from one another.

Some Councillors expressed concerns about the impact of the proposals on residents and indicated that the proposals did not go far in enough to mitigate these concerns. They were concerned about the level of landscaping and screening that was proposed to the south of the site, on a site which is visible from some distance away. They also highlighted that the highest, most visible parts of the site were proposed for development at an earlier stage when less of the screening and landscaping would be in place and suggested that development of the lower parts first would be preferable.

They considered that further clarification should be sought about the travel plan and suggested that the shuttle bus would be more effective if it went on to drop passengers and the new Kintore Station. Concerns were raised about how responsibility for provision of the shuttle bus would be managed and for the safety of pedestrians trying to cross the A96. Members were keen to see the possibility of footbridge being provided across the A96 to allow a sat rout for those walking. They highlighted the importance of trying to retain the Cammie's Stone as near as possible to its current location.

However, other Councillors were content that the application was acceptable as proposed.

Councillor Ford, seconded by Councillor Reid, moved that consideration of the application be deferred in order that further negotiations can take place regarding:-

1. the provision of additional landscaping along the southern boundary of the site;
2. examination of the phasing to move the development of the higher parts of the site to phase 2 of the development;
3. retention of Cammie's Stone in situ or closer to its current site; and
4. further clarification on the travel plan and its sustainability including:-
 - a) Discussions regarding the provision of a footbridge over the A96;

- b) Whether the shuttle bus can continue to Kintore Station; and
- c) The conditions under which the shuttle bus will continue to be provided.

As an amendment, Councillor McKail, seconded by Councillor Ewenson, moved that authority to grant the Matters Specified in Conditions application be delegated to the Head of Planning and Building Standards subject to the conditions and delegated matters detailed in the report.

The Committee voted:-

For the motion (8) Councillors Hood, Aitchison, Baillie, Berry, Ford, Harper, Reid and Walker.

For the amendment (5) Councillors Ewenson, Lonchay, McKail, Smith and Whyte.

Councillor Leslie declined to vote.

Therefore the motion was carried and the Committee **agreed** to defer consideration of the application in order that further negotiations can take place regarding:-

1. The provision of additional landscaping along the southern boundary of the site;
2. Examination of the phasing to move the development of the higher parts of the site to phase 2 of the development;
3. Retention of Cammie's Stone in situ or closer to its current site; and
4. Further clarification on the travel plan and its sustainability including:-
 - a) Discussions regarding the provision of a footbridge over the A96;
 - b) Whether the shuttle bus can continue to Kintore Station; and
 - c) The conditions under which the shuttle bus will continue to be provided.