

**ABERDEENSHIRE COUNCIL**

**GARIOCH AREA COMMITTEE**

**GORDON HOUSE, INVERURIE ON 9 OCTOBER 2018**

**Present:** Councillors F Hood (Chair), D Aitchison (For items 1 to 6 (part)), N Baillie, L Berry, M Ewenson, M Ford (For items 1 to 12), D Lonchay, R McKail, A McKelvie, H Smith, I Walker (For items 6 to 19) and J Whyte.

**Apologies:** Councillors V Harper and G Reid.

**Officers:** E Brown (Formartine Area Manager), A Overton, (Senior Solicitor), B Strachan (Senior Planner), B Stewart (Planning Manager), A Anderson (Senior Policy Planner), A MacLeod (Housing Manager), F Chirnside (Environment Planner), J Cranna (Service Manager), G Aitken (Team Leader), M Stephen (Strategic Policy Leader), M Jones (Head Teacher, Inverurie Academy), D Rennie (Business Development Executive) and A Cumming (Area Committee Officer).

**1. DECLARATIONS OF MEMBERS' INTERESTS**

In accordance with the Scheme of Governance, the following interests were declared:-

- Item 5B – Councillor McKail as he is a member of the Nicol Sports Centre. Councillor McKail remained in the Chamber and continued to take a full part in determining the application;
- Item 6 – Councillor Hood as he is the owner of a piece of land at Blair which is a bid site under consideration. Councillor Hood left the Council Chamber for the discussion of all the landward sites;  
Councillor Whyte as a family member owns a bid site that is under consideration; Councillor Whyte left the Council Chamber for all discussion regarding bid sites;  
Councillor Ford as he knows the agent for site GR065 at Newmachar. Councillor Ford left the Chamber to allow discussion to take place regarding this particular site;  
Councillor Walker as her son lives opposite a bid site in Kirkton of Skene; and Councillor Walker left the Chamber for consideration of the Kirkton of Skene sites.
- Item 14 - Councillor Whyte as her son attends the school concerned. Councillor Whyte left the Council Chamber whilst the item was considered;
- Item 15 - Councillors Baillie, Berry, Ewenson and Whyte as they are ex officio members of Inverurie Community Council. These Councillors continued to take a full part in considering the application;
- Item 17 - Councillor Baillie as a founder member of Inverurie Events. Councillor Baillie left the Chamber whilst the application was considered; and
- Item 18 - Councillor Baillie as he is employed by the party involved in the proposed purchase. Councillor Baillie left the Chamber whilst the 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.

### 2B. EXEMPT ITEMS

"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. | Paragraph No. |
|----------|---------------|
| 18       | 9             |
| 19       | 9             |

### 3. MINUTE OF MEETING OF 18 SEPTEMBER 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. ABERDEENSHIRE PERFORMS

### A. RESPONSE FROM INFRASTRUCTURE SERVICES TO QUERIES PREVIOUS RAISED BY COMMITTEE

A report by the Director of Infrastructure Services was circulated presenting the response received to a query previously raised by the Committee.

The Committee **agreed** to note the responses from the Infrastructure Services to queries previously raised by the Committee

### B. RESPONSE FROM HEALTH AND SOCIAL CARE PARTNERSHIP TO QUERIES PREVIOUSLY RAISED BY COMMITTEE

A report by the Health and Social Care Partnership was circulated presenting the response received to a query previously raised by the Committee.

The Committee **agreed** to note the responses from the Health and Social Care Partnership to queries previously raised by the Committee

## 5. PLANNING APPLICATION FOR CONSIDERATION

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

|               |  |                  |
|---------------|--|------------------|
| APP/2018/1393 | Erection of dwellinghouse and garage and formation of access at site on Burryhillock Farm, adjacent to Mill of Barnes, Premnay | Report withdrawn |
| APP/2017/3131 | Erection of dwellinghouse at site at Westdyke Drive, Westhill  | Delegated Grant  |

## 6. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 - MAIN ISSUES REPORT

A report by the Director of Infrastructure Services was circulated presenting the Local Development Plan 2021 draft Main Issues report and seeking comments to Infrastructure Services Committee.

The Planning Manager and Senior Policy Planner set the context of the report and highlighted some key proposals in relation to policy. The Senior Policy Planner also gave an overview of the proposals in each of the settlements.

Members discussed the approach to maximum numbers on site. They were concerned about how this would be viewed by communities, particularly smaller settlements, for sites where the numbers were previously identified as much lower. The Senior Policy Planner assured Members that the 25 dwellings per hectare that had been identified by looking at density rates on completed development across Aberdeenshire and it was not possible to use different rates for larger and smaller settlements. She confirmed that this had been used to address some of the extra housing required by the Strategic Development Plan without having to add more sites. She also explained that where the impact on smaller settlements was considered to be unacceptable, consideration could be given to reducing the size of the allocated site. Members accepted that certainty through maximum numbers was helpful to communities, but felt that both the options detailed within the report should be used.

Members highlighted the need for affordable housing and favoured the stronger approach of the alternative option which would see “at least 25%” being provided on all developments.

The Committee **agreed** to:

1. provide the following comments to Infrastructure Services Committee relating to the main issues:-

| Section  | Comment   |
|--|---|
| Regional Issues  | Generation of renewable energy should be included.  |
| Shaping Business Development/shaping Homes and Housing | Clarification should be provided, within the business land section or the housing section, or both, relating to what is expected under mixed use development.                   |
| Housing numbers on sites - Main Issue 10               | A third option should be provided that seeks both the preferred option and the reasonable alternative as this would provide more certainty and foster better public confidence. |
| Phasing of Development (P1)                            | Work needs to be done in relation to phasing of development and master planning to ensure that infrastructure such as pavements are joined up.                                  |

|                                       |   |
|---------------------------------------|---|
| Affordable Housing<br>Main - Issue 11 | Would like to see the alternative option as the preferred option (i.e. that developers provide at least 25% of affordable housing). Note that the word “no“ may be missing from the preferred option. |
|---------------------------------------|---|

2. provide the following comments to Infrastructure Services Committee relating to the settlements:-

| <b>Settlement</b> | <b>Comment</b>  |
|-------------------|---|
| General comments  | Clarification should be provided regarding the status of reserved sites. Consideration should be given to including the word “possible” before future opportunity sites to make it clear that the reserved status does not guarantee future development. It would be helpful to have the size of sites included in reserved sites so that possible housing numbers can be calculated. |
| Auchleven         | No comment  |
| Blackburn         | Not enough employment in Blackburn. GR087 should be considered for mixed use. It is noted that 268 homes would be a 25% increase in the size of Blackburn.  |
| Chapel of Garioch | No comment  |
| Cluny and Sauchen | No comment  |
| Dunecht           | No comment  |
| Durno             | No comment  |
| Echt              | No comment  |
| Hatton of Fintray | Consideration should be given to reduce the size of the GR044 site to accommodate only the 12 homes proposed in the bid.  |
| Insch             | Planning Officers should check the position regarding the HWRC and update the introduction accordingly.   |
| Inverurie         | Officers should note that preferred sites are being used as part of the school roll forecasts for rezoning work. Site for gypsy/travellers halting site should be detailed. “Railway station” should be used rather than “train station”.   |
| Keithhall         | It should be noted that the level of proposed development may change the character of the Keithhall community.  |
| Kemnay            | Request that the need for more affordable housing be considered and added to the statement.   |
| Kingseat          | No comment  |
| Kinmuck           | No comment  |
| Kintore           | The protection for Tuach Hill should be reaffirmed.   |

|                    |   |
|--------------------|---|
|                    | Clarity is required about what is being recommended, particularly in relation to the status of the reserved site GR078b. Officers to ensure that the sites align with current planning applications. GR053 – consideration should be given to retail alongside housing development.   |
| Kirkton of Skene   | Reaffirm the need to keep Kirkton of Skene separate from Westhill.  |
| Lyne of Skene      | No comment  |
| Meikle Wartle      | It should be noted that pupils from Meikle Wartle require to be bussed to Rayne North school.   |
| Midmar             | The school has recently lost a teacher and further development in this settlement would support the school.   |
| Millbank           | No comment  |
| Newmachar          | Newmachar should be developed as a sustainable mixed community and development should support this position. Larger employment sites should be provided. The conclusion should highlight the lack of employment land. Consideration should be given to the OP3 site being retained and identified as mixed use.   |
| Old Rayne          | No comments, but Officers were asked to check the Education situation.  |
| Oyne               | No comment  |
| Westhill           | Would like to see bigger commitment for GR125 as Westhill is a high priority area for the Strategic Housing Improvement Plan. Would like to see it coming forward for affordable housing. Question the need for retail on this site. Would like the following addition within the objectives “preserving the setting of Westhill through the Greenbelt”<br>Reaffirm the need to avoid the coalescence with Kirkton of Skene. Clearly identify the need for a community sports facility to serve the 12k population. |
| Whiteford          | No comment  |
| All Landward sites | No comment  |

## 7. STRATEGIC HOUSING INVESTMENT PLAN 2019-2024

A report by the Director of Infrastructure Services was circulated presenting the draft Strategic Housing Investment Plan and seeking comments to Communities Committee on its content.

The Committee **agreed** to:-

1. pass its thanks to officers for the work done in relation to the Strategic Housing Investment plan;

2. request that an annual report be brought to Committee to provide an update on delivery of housing; and
3. forward the following comment to Communities Committee:-

The wording relating to the provision of gypsy traveller sites needs to be strengthened to increase the degree of confidence that these will be delivered. These sites should also be larger and less seasonal.

#### **8. TREE PRESERVATION ORDER NO. 15 (2018) SAUCHEN**

A report by the Director of Infrastructure Services was circulated seeking confirmation for a modified Tree Preservation Order in Sauchen.

The Environmental Planner gave an overview of the process and the proposals before the Committee for consideration.

The Chair indicated that a request to speak had been received for this item and the Committee agreed to hear from the party concerned.

The Chair invited Charles Dingwall to address the Committee. Mr Dingwall highlighted the issues that residents of the area were having with the presence of rooks in the trees concerned and their lack of success in finding a solution to this issue. Members sought clarification about the process for works to be carried out to trees that were subject of a TPO and the Officer confirmed that it was possible to undertake maintenance, but that all works would have to be formally authorised.

Members were sympathetic to the plight of the residents and acknowledged the issues that come along with having rooks present, but they highlighted the nature of these birds and the difficulty in moving them on from a place where they have settled. They considered that not granting the TPO, in itself, would not resolve the issue as it would require the removal of all of the trees and there was little evidence to suggest that the owners would wish to do that. They also indicated that it was likely that the rooks would merely displace to other trees nearby.

The Committee **agreed** to confirm the Tree Preservation Order AC TPO 15 (2018) Sauchen, as modified.

#### **9. TREE PRESERVATION ORDER NO. 80 (2018) DRUMROSSIE, INSCH**

A report by the Director of Infrastructure Services was circulated seeking confirmation for a Tree Preservation Order in Inch

The Environmental Planner gave an overview of the process and the proposals before the Committee for consideration.

Councillor Lonchay, seconded by Councillor Smith, moved that AC TPO 80 (2018) not be confirmed.

As an amendment, Councillor Whyte, seconded by Councillor McKail, moved that AC TPO 80 (2018) be confirmed without modification.

The Committee voted:-

|                |     |                                      |
|----------------|-----|--------------------------------------|
| For the motion | (3) | Councillors Berry, Lonchay and Smith |
|----------------|-----|--------------------------------------|

|                   |     |  |
|-------------------|-----|--|
| For the amendment | (8) | Councillors Hood, Baillie, Ewenson, Ford, McKail, McKelvie, Walker and Whyte |
|-------------------|-----|--|

Councillor Aitchison was absent from the division.

Therefore the amendment was carried and the Committee **agreed** to confirm the Tree Preservation Order AC TPO 80 (2018) Drumrossie House, Inch without modification.

#### **10. LOCAL REVIEW BODY DECISION NOTICE - SITE TO THE NORTH EAST OF LOGIE HOUSE, LOGIE HOME FARM ROAD, PITCAPLE, INVERURIE**

A Local Review Body decision notice was circulated detailing the appeal decision relating to the erection of 4 dwellinghouses at site to the north east of Logie House, Logie Home Farm Road, Pitcaple, Inverurie.

The Committee **agreed** to note the decision of the Local Review Body to dismiss the appeal and refuse the application to erect 4 dwellinghouses at site to the north east of Logie House, Logie Home Farm Road, Pitcaple, Inverurie.

#### **11. UNIVERSAL CREDIT FULL SERVICE IN ABERDEENSHIRE**

A report by the Director of Business Services was circulated to update the Committee on the work being carried out in relation to Universal Credit rollout.

Officers provided an overview of the preparatory works that had been done and explained that this had been made easier for experience gained from other areas implementing Universal Credit. They provided clarification with regard to the processes involved and the support provided.

The Committee **agreed** to note and support the work that is being carried out in respect of Universal Credit Full Service rollout in Aberdeenshire.

#### **12. REVISED PARTNERSHIP WORKING POLICY**

A report by the Director of Business Services was circulated presenting the draft Partnership Working Policy for comment.

The Officer explained the context of the policy and provided some clarification to queries raised.

The Committee **agreed** to:

1. note the revised Partnership Working Policy;
2. provide the following comments to Business Services Committee:-  
  
Page 10 – consider and revise the guidance and procedure for the declarations of interest of all participants in the partnership to ensure that they are robust;
3. request that training on Pentana be provided for Garioch Councillors; and
4. note the accompanying Partnership Working Procedure and assessments attached in the appendices.

**13. CIVIC GOVERNMENT (SCOTLAND) ACT 1982  
APPLICATION FOR GRANT OF TEMPORARY PUBLIC ENTERTAINMENT  
LICENCE – REQUEST FOR EXTENSION OF OPERATING HOURS FOR JENSON  
CODONA, FUNFAIR AT THAINSTONE AGRICULTURAL CENTRE, INVERURIE  
ON 4 NOVEMBER 2018**

This application had been withdrawn prior to the start of the meeting.

**14. EDUCATION SCOTLAND INSPECTION - INVERURIE ACADEMY**

A report by the Director of Education and Children's Services was circulated to Committee detailing the outcome of a recent inspection of Inverurie Academy.

The Committee noted that the summary report from the inspection had been circulated to Councillors by the Committee Officer.

The Head Teacher gave an overview of the inspection process and explained some of the issues that had been encountered. He explained the approach being taken at the school to develop and improve and welcomed the opportunity to discuss these with Councillors.

Members acknowledged the progress that had been made to date and congratulated the Head Teacher and staff on their work to improve all aspects at Inverurie Academy.

The Committee **agreed** to:

1. note the contents of the Inverurie Academy Education Scotland Inspection Report published 26 June 2018;
2. acknowledge the positive progress made in school improvement at Inverurie Academy and congratulate the Head Teacher and his staff on this progress;
3. endorse the Service's continuing efforts in support of its schools in the Education Scotland inspection process and in the raising of standards of attainment in all aspects of school life; and
4. to further reports on Education Scotland school inspections being presented.

**15. AREA INITIATIVES FUND 2018/19**

A report by the Director of Education and Children's Services was circulated asking the Committee to consider an application to the Area Initiatives Fund.

The Committee **agreed** to grant £794 to Inverurie Community Council towards leaflets to promote two heritage walks in Inverurie.

**16. 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 October 2018.

The Committee **agreed** to note the items of outstanding business as at October 2018.



### **17. STRATEGIC GAC BUDGET – WE ARE INVERURIE CHRISTMAS MARKETING CAMPAIGN**

A report by the Director of Infrastructure Services was circulated asking the Committee to consider an application to the Strategic GAC Budget.

The Committee **agreed** to:-

1. approve the award of a £5,500 grant towards the costs of the We Are Inverurie Christmas marketing Campaign from the Area Committee Strategic Budget; and
2. request that the officer concerned report back to Committee on the evaluation of the event including visitor numbers and feedback.

### **18. THE SALE OF ST JAMES PLACE, KILLEWALKER, INVERURIE**

A report by the Director of Business Services was circulated seeking approval for the sale of St James' Place, Killewalker, Inverurie

The Committee **agreed** to approve the sale of St James Place, Killiewalker Inverurie to Inspire (Partnership Through Life) Ltd for the sum detailed within the report.

### **19. LEASE AGREEMENT FOR NEW ELECTRICITY SUB-STATION AT INVERURIE COMMUNITY CAMPUS, INVERURIE**

A report by the Director of Business Services was circulated seeking approval for a lease for an electricity sub-station at Inverurie Community Campus.

The Committee **agreed** to approve a lease to Scottish Hydro Electric Power distribution PLC (SSE) on the terms and conditions contained in the report in relation to the formation of an electricity sub-station.

#### **Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

**GARIOCH AREA COMMITTEE**

**9 OCTOBER 2018**

**APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

**A. Reference No: APP/2018/1393**

**Full Planning Permission for erection of dwellinghouse and garage and formation of access at site on Burryhillock Farm, Adjacent to Mill of Barnes, Premnay, Inch, Aberdeenshire**

**Applicant: Mr Mark McKain**  
**Agent: Strutt And Parker**

This report had been withdrawn from the agenda prior to the start of the meeting.

**B. Reference No: APP/2017/3131**

**Full Planning Permission for erection of dwellinghouse at site at Westdyke Drive, Westhill, Aberdeenshire**

**Applicant: The Peter Nicol Squash and Fitness Centre**  
**Agent: McAdam Design (Scotland) Ltd**

As previously indicated Councillor McKail declared an interest but continued to take a full part in determining the application.

The Senior Planner explained that a dwellinghouse could be accommodated on the main part of the site, was acceptable in terms of principle and there was no impact on the privacy and amenity of neighbours. He confirmed that the Planning Service did have concerns about the loss of open space and the impact that this would have on the character and setting of the area in Westhill.

Members sought clarification as to why the Planning Service was taking a different view on the application from that taken in 2012 as the application was largely the same proposal. The Senior Planner explained that the policy protection for these areas had been strengthened through the 2 Local Development Plans that had been adopted since then and that this greater emphasis was being more consistently applied and open space protected.

The majority of Members considered that as the area of open space was relatively small and was not particularly attractive that it would not have a major impact on the character of the area. They considered that the scale, design and layout were all acceptable and the development was an appropriate use for the infill site.

A member highlighted the possibility that with some changes and discussion that the proposals could be amended to a position where the proposals would be acceptable in policy terms and considered that refusing the application to allow for a revised application to be submitted should be considered.

Councillor McKail, seconded by Councillor McKelvie, moved that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to appropriate conditions on the grounds that there is not considered to be a detrimental impact on the character and amenity of the surrounding area and the development is of an

appropriate scale and the siting and design are also acceptable. The application therefore complies with Policy P3.

Councillor Ford moved an amendment that the application be refused for the reasons detailed in the report as it was considered that the reasons for refusal were able to be resolved and the application supported by policy. Councillor Ford did not receive a seconder for the amendment, but requested that it be recorded in the minute as allowed under Standing Order 5.2.4

Therefore, Committee agreed that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to appropriate conditions on the grounds that there is not considered to be a detrimental impact on the character and amenity of the surrounding area and the development is of an appropriate scale and the siting and design are also acceptable. The application therefore complies with Policy P3.

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