

**ABERDEENSHIRE COUNCIL**

**GARIOCH AREA COMMITTEE**

**COUNCIL CHAMBER, GORDON HOUSE, INVERURIE**

**ON 4 JUNE 2019**

**Present:** Councillors F Hood (Chair), D Aitchison, N Baillie, L Berry, M Ewenson, M Ford, V Harper, D Lonchay, R McKail, G Reid, H Smith and J Whyte.

**Apologies:** Councillors S Leslie, A McKelvie and I Walker

**Officers:** M-J Cardno (Garioch Area Manager), A Overton, (Senior Solicitor), B Strachan (Senior Planner), M Watt (Planner), B Strachan, (Roads and Landscape Services Manager), G Steel (Principal Engineer), S Napier (Project Manager, Education and Children's Services) D Thompson (Housing Manager) and A Cumming (Area Committee Officer).

**In Attendance:** Chief Inspector S Drummond, Police Scotland

**1. DECLARATIONS OF MEMBERS' INTERESTS**

In accordance with the Councillors' Code of Conduct the following interest was declared:-

Item 6B – Cllr Whyte as her husband is a Trustee on Garioch Sports Trust. Councillor Whyte left the Chamber whilst the application was considered;

Item 9 – Cllr Baillie as he is employed by Inspire. Councillor Baillie indicated that having used the objective test he considered the interest was not clear and substantial and that he would remain and participate.

**2. RESOLUTION**

**2A. 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.

**2B. 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.**

**Paragraph No.**

11

8

**3. MINUTE OF MEETING OF 14 MAY 2019**

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

**4. POLICE SCOTLAND – LOCAL AREA UPDATE**

A Report by the Director of Business Services was circulated presenting the performance information for the Garioch Area.

Members raised concerns about the potential for the public to be unduly concerned by the statistical information published as part of the agenda without having the context that is provided by the Police Officer at the formal meeting. Members indicated that they would like to see narrative included alongside the statistical information in the reports provided to Area Committee and agreed to refer this request to Communities Committee.

The Committee **agreed** to:-

1. note and comment on the attached monitoring information relative to the four Multi Member Wards which collectively form the Garioch component of Aberdeenshire South Local Command Area, an integral part of North East Division; and
2. request that a report be submitted to the meeting of Communities Committee, on 5 September 2019 asking it to give consideration to seeking improvements to the reporting format of reports from Police Scotland to include a narrative to explain the context of the statistical information provided. This change is required on the grounds that it will be more meaningful and provide reassurance to members of the public reading the reports that do not have the benefit of the verbal presentation provided by Police Officers at the meeting and it will provide better opportunities for scrutiny by Councillors.

**5. MEMBER PROMOTED ISSUE (MPI) – PERMANENT 20MPH SPEED LIMIT, SCHOOL ROAD, KINTORE**

A report by the Director of Infrastructure Services was circulated providing information regarding a Member Promoted Issue that had been submitted seeking the installation of a permanent 20mph speed limit at School Road, Kintore.

Local Members provided details and context to the road safety issues at Kintore School. They explained that the current temporary 20 mph in operation at the school did not allow for further traffic calming to be provided within policy, but if the speed limit were to be made permanent, it would enable officers to install further traffic calming to improve road safety on this area. It was noted that the provision of a permanent 20 mph speed limit in this location also did not meet policy, but Members confirmed that it was being sought to facilitate the road safety improvements.

The Roads and Landscape Services Manager confirmed that the permanent 20 mph in that location was not permissible under policy and that no further traffic calming could be installed with the current 30mph and temporary 20mph speed limit.

The Committee considered the implications of the departure from policy and Members pointed out that other locations may also benefit from a similar approach, however, the Committee did not consider it appropriate to seek a change to the policy, but to ask Infrastructure Services Committee to consider a departure from policy given the particular circumstances of the case.

However, some Councillors did not consider that the proposals would affect driver behaviour and suggested that a temporary speed limit with flashing lights at key times might be more effective than the speed limit being permanently changed.

Councillor Reid, seconded by Councillor Ford, moved that the Committee recommend to the next practicable meeting of Infrastructure Services Committee that it determine the proposed departure from Council Policy in that the temporary 20 mph speed limit at Kintore School be made a permanent 20 mph speed limit for the same distance on the grounds that the provision of a permanent 20 mph speed limit would enable officers to put in place further traffic calming to improve road safety in this area.

As an amendment, Councillor Berry, seconded by Councillor Ewenson, moved that the Committee should take no action in regard of the status of the temporary 20 mph speed limit at Kintore School.

The Committee voted:-

- |                   |     |   |
|-------------------|-----|---|
| For the motion    | (9) | Councillors Hood, Aitchison, Baillie, Ford, Harper, McKail, Reid, Smith and Whyte |
| For the amendment | (3) | Councillors Berry Ewenson and Lonchay   |

Therefore the motion was carried and the Committee **agreed** to recommend to the next practicable meeting of Infrastructure Services Committee that it determine the proposed departure from Council Policy in that the temporary 20 mph speed limit at Kintore School be made a permanent 20 mph speed limit for the same distance on the grounds that the provision of a permanent 20 mph speed limit would enable officers to put in place further traffic calming to improve road safety in this area.

## 6. 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/2019/0514 | Change of Use of domestic garage to dress alteration workshop (Use Class 4) at Dun' Moovin, Newmachar  | Grant |
| B. | APP/2019/0473 | Change of Use from workshop, office and yard (Use Class 5) to a fitness gym (Use Class 11) at Safelift Offshore Ltd, Burghmuir Place, Blackhall Industrial Estate, Inverurie | Grant |
| C. | APP/2018/3076 | Extension to vehicle sales area, storage and delivery area and associated ground engineering works (retrospective) and formation of access at Bridgefield, Kintore           | Grant |

## 7. LOCAL REVIEW BODY DECISION NOTICE – 3 BLAIRS WOOD, KINTORE

A Local Review Body Decision Notice detailing the outcome of an appeal against refusal of planning permission for the erection of a dwellinghouse at 3 Blairs Wood, Kintore.

The Committee **agreed** to note the decision of the Local Review Body to reverse the determination and grant Full Planning Permission subject to appropriate conditions.

#### **8. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 APPLICATION FOR GRANT OF STREET TRADER'S LICENCE**

This item was withdrawn prior to the start of the meeting.

#### **9. CHILDREN'S SERVICES RESIDENTIAL RESPITE**

As indicated under item 1, Councillor Baillie declared an interest, but continued to take part in considering the item

A report by the Director of Education and Children's Services was circulated presenting a Project Charter for Residential Respite for Children/Young People and seeking comments on its content.

The Project Manager highlighted the costs involved with out of authority respite care and the difficulties experienced with the current facilities being shared with Adult Services in Aberdeenshire. She explained that the Charter was developed to ensure that local residential respite for children and young adults met their needs.

Members welcomed progress being made with this issue and sought clarification on a number of points, thereafter, the Committee **agreed** to:-

1. welcome and note the Project Charter for Residential Respite for Children/Young People with Disabilities; and
2. request an update report upon completion of the Project Charter workstream.

#### **10. STATEMENT OF OUTSTANDING BUSINESS**

A report by the Director of Education and Children's Services was circulated detailing progress made in relation to outstanding business for Garioch Areas Committee

The Committee **agreed** to note the content of the report.

#### **11. USE OF DELEGATED POWERS BY CHIEF OFFICER BY REASON OF SPECIAL URGENCY**

A report by the Director of Infrastructure Services was circulated detailing the use of delegated powers by the Garioch Area Manager in relation to an urgent matter.

The Committee **agreed** to acknowledge the use by the Garioch Area Manager of delegated powers as fully provided for in Appendix 1 to the report of this report in order to facilitate emergency repairs and investigations following a reported oil leak at Littlewood Court, Kemnay.

#### **12. MINUTE OF KINGSEAT MEMBER OFFICER WORKING GROUP**

The Committee **agreed** to note the minute of the Kingseat Member Officer Working Group (Private)

**Councillor Presiding over meeting**

---

**Print Name**

---

**Signature**

---

**Date**

DRAFT

**GARIOCH AREA COMMITTEE**

**4 JUNE 2019**

**APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

**A. Reference No: APP/2019/0514**

**Full Planning Permission for change of use of domestic garage to dress alteration workshop (Use Class 4) at Dun' Moovin, Newmachar, Aberdeenshire, AB21 0PT**

**Applicant: Mrs Linda Connon**  
**Agent: Jonathan Cheyne**

The Committee **agreed:-**

- a) that the reason for departing from the Aberdeenshire Local Development Plan is the proposal is considered to be an acceptable departure to Policy R2 Housing and employment development elsewhere in the countryside as the development is small scale and incidental to the main use of the site as a dwellinghouse. The proposed class 4 use is considered to be compatible with neighbouring residential uses and the wider countryside; and
- b) to grant Full Planning Permission subject to the following conditions:-

01. The development hereby approved shall not be brought into use unless five off-street car parking spaces have been provided and completed to the current Aberdeenshire Council road construction standards and in accordance with the approved details. 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.

02. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending, revoking or re-enacting these Orders the development hereby approved shall be used only for a purpose within Use Class 4 and shall not be used for any other purpose without the express grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.

03. The dress alteration workshop (Class 4) hereby approved, nor any subsequent use, shall form a separate curtilage from the residential dwellinghouse 'Dun' Moovin' and at no time shall be used as an independent business unit without the express grant of planning permission from the Planning Authority.

Reason: The relationship between the dress alteration workshop and the main dwellinghouse within the site is such that the amenities of the occupants of both would be adversely affected by the creation of an independent unit in addition to the main dwellinghouse.

**B. Reference No: APP/2019/0473**

**Full Planning Permission for change of use from workshop, office and yard (Use Class 5) to a fitness gym (Use Class 11) at Safelift Offshore Ltd, Burghmuir Place, Blackhall Industrial Estate, Inverurie, Aberdeenshire, AB51 4FW**

**Applicant: Energie Scotland**  
**Agent: AFH Strategic Contracts**

As detailed in item 1, Councillor Whyte declared an interest and left the Council Chamber whilst the application was determined.

The Chair indicated that a request to speak had been received from the applicant. The Committee **agreed** to hear from the party in relation to the application.

The Senior Planner explained that the application was a departure from the Development Plan as the normal class use for this industrial estate was 4, 5 or 6 and the proposals would see a class 11 leisure use. He confirmed that the applicant had provided justification for the choice of site, alternatives considered and indicated that the proposals would see a building that had been empty for a period of time brought back in to use.

The Senior Planner explained that there was no longer considered to be an opportunity to seek a contribution for the costs or partial costs of a crossing and a bus stop provision and that the Planning Service was now recommending grant of Planning Permission subject to only two conditions.

The Chair invite Danny Ruta to address the Committee on behalf of the applicant. Mr Ruta gave detailed information about the proposed use and the type of services that were going to be provided in addition to the gym. He gave details of his professional health background and his intention to provide appropriate rehabilitation for post-surgery or injury.

The Committee had no questions and Mr Ruta returned to the public benches.

The Committee **agreed**:-

- a) that the reason for departing from the Aberdeenshire Local Development Plan is that the proposal is considered to be an acceptable departure to Policy B1 of the 2017 Local Development Plan. The proposal would constitute a modest loss of employment land and utilises an existing vacant building. It is also considered the proposed gym provides a facility to the local community. The building is capable of being reverted into industrial use in the future and there are other employment land opportunities within the settlement. There are no material considerations that would justify refusing the application.
- b) to grant Full Planning Permission subject to the following conditions:-
  01. The development hereby approved shall not be brought into use unless 35 off street car parking spaces have been provided and completed to the current Aberdeenshire Council road construction standards and in accordance with the approved details. Once provided all parking, footpaths 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.

02. The gym hereby approved shall not be brought into use unless a Travel Plan has been submitted to and approved in writing by the Planning Authority. The Travel Plan shall encourage more sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The gym shall not be brought into use unless the measures set out in its approved Travel Plan have been implemented in full.

Reason: In the interests of encouraging a more sustainable means of travel to and from the proposed development.

**C. Reference No: APP/2018/3076**

**Full Planning Permission for extension to vehicle sales area, storage and delivery area and associated ground engineering works (retrospective) and formation of access at Bridgefield, Kintore, Aberdeenshire, AB51 0XB**

**Applicant:**  
**Agent:**

**C+M McDonald**  
**Lippe Architects & Planners Ltd**

The Committee **agreed:-**

- a) that the reason for departing from the Aberdeenshire Local Development Plan is that the planning application is an appropriate departure from Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017. The proposal would require more than the stipulated amount of land under the above policy for small scale development, however the extension of an existing business would allow for business growth, provide further employment opportunities and a service for the local community; and
- b) to grant Full Planning Permission subject to the following conditions:-

01. Within 18 months of the date of this decision, works to alter ground levels shall be undertaken in their entirety in strict accordance with the approved Flood Statement - Cameron & Ross August 2018 and finished levels detailed on the following plans:

- 5142/09C Site Plan – Site Plan Pitch - Lippe Architects & Planners Jan 2019
- A/170502 941 rev 3 - Site Volumes - Cameron & Ross
- A/170502 942 Burn Sections Cameron and Ross.

Reason: In order to ensure that the capacity of the floodplain is not adversely impacted by this development.

02. The development hereby approved shall not be brought into use unless the proposed surface water drainage system has been provided in accordance with the approved plans. The surface water drainage system 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.

03. The access hereby approved shall not be brought into use unless visibility of 120 metres in both directions along the channel line of the public road has been



provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

04. The development hereby approved shall not be brought into use unless the first 15m of access (measured from the edge of road or back of footway) is fully paved. The maximum gradient of the access shall not exceed 1:20 gradient. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access to an adequate standard to prevent the carriage of loose material on to the public road in the interests of road safety.

05. Within two weeks of the proposed vehicular access being brought into use, the existing vehicular access shall be permanently closed off in accordance with the details shown on the approved plan. 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 existing access shall not subsequently be reopened and no new access, other than that approved under this planning permission, shall be formed, laid out or constructed under the terms of Class 8 of Schedule 1 to that Order without an express grant of planning permission from the Planning Authority.

Reason: In the interests of road safety.

06. Within three months of the approval date of the development hereby approved a scheme of hard and soft landscaping works should be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained.
- b) Protection measures for the landscape features to be retained.
- c) Existing and proposed finished levels.
- d) The location of new trees, shrubs, hedges, grassed areas etc.
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates etc.
- g) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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.

DRAFT