

**ABERDEENSHIRE COUNCIL**

**GARIOCH AREA COMMITTEE**

**COMMITTEE ROOM 5, WOODHILL HOUSE, ABERDEEN**

**ON 3 DECEMBER 2019**

**Present:** Councillors D Lonchay (Chair), D Aitchison, N Baillie, L Berry, M Ewenson, M Ford, V Harper, R McKail, A McKelvie, G Reid, H Smith, I Walker (for items 5 to 12) and J Whyte

**Apologies:** Councillor F Hood and S Leslie

**Officers:** M-J Cardno (Garioch Area Manager), P Robertson (Senior Solicitor), J Weir (Senior Planner), R Goldring (Learning Estates Team Leader), M Booth (Quality Improvement Manager), M Youngson (Quality Improvement Officer), F McCallum (Team Manager - Property), D Greig (Engagement & Consultation Officer), H McSherry (Service Development Officer), P Whalley (Early Years Estate Manager) and A Cumming (Committee Officer)

**In Attendance:** Chief Inspector Stewart Drummond (Police Scotland)

**1. DECLARATIONS OF MEMBERS' INTERESTS**

No interests were declared.

**2. RESOLUTIONS**

**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.**

12

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### **3. MINUTE OF MEETING OF 12 NOVEMBER 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 Chief Inspector of Police Scotland was circulated providing the Committee with local trends, issues, risks and monitoring information relative to the Garioch area as compiled by Police Scotland, Aberdeenshire South Local Command Area.

The Chief Inspector informed the Committee of ongoing initiatives, gave background to the performance information provided and an explanation for some of the trends that had been identified.

Members highlighted some local issues particularly in relation to vandalism, parking and speeding. Members sought clarification about the reporting of speeding issues and pointed out that members of the public were often unsure as to whether these should be reported to the Police or the Council and that when they were reporting incidents, they were not getting a consistent response. The Chief Inspector acknowledged the issue and confirmed that he had instigated monthly meetings with Council Officers to discuss speeding issues and to provide a consistent response from both organisations to these. Members indicated a wish to know how this work progressed.

The Committee **agreed** to acknowledge and note the monitoring information relative to the four Multi Member Wards which collectively forms the Garioch component of Aberdeenshire South Local Command Area, and an integral part of North East Division.

### **5. PLANNING APPLICATION FOR DETERMINATION**

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

APP/2019/2054      Erection of 3 Dwellinghouses (Plots 6-8, Phase 2) at      Grant  
Plots 6 to 8, Mortimer's Way, Auchleven, Inch

### **6. CONSULTATION REPORT ON THE REVIEW OF INVERURIE PRIMARY SCHOOL CATCHMENT AREAS**

A report by the Director of Education and Children's Services was circulated presenting to the Committee presenting the formal consultation report on the Review of Inverurie Primary School Catchment Areas including all responses that have been assessed and a recommendation which has been made regarding the proposed future catchment areas for the three primary schools in Inverurie.

The Learning Estates Team Leader explained that the report had been deferred to allow further discussion with Local Members where discussion took place about amending the boundary for Uryside School to remove the area between Harlaw Road and the Railway line and allocating pupils from this area to one of the other primary schools. She confirmed that the Service was content with that as a proposal, but indicated that Legal Officers had advised that a change to the proposals at this stage would require a further consultation to take place either on the whole review or for the area being revised. She confirmed that this would delay the implementation of the revised catchments.

Some Members were keen to see this change made as they felt that the railway line would provide a natural boundary for the catchment area. However, it was noted that there were not

many pupils affected by this change at the current time and Councillors were keen to ensure that the process was not delayed. They considered that the revised catchments should be implemented, but there was also a feeling that the placement requests from the area between Harlaw Road and the Railway line should be monitored with the potential to look at the boundary again in the future.

Councillor Berry seconded by Councillor Harper, moved that the Committee:-

1. note the consultation report on the Review of Inverurie Primary School Catchment Areas (Appendix 1 to the report); and
2. recommend to Education and Children's Services Committee that the Council should approve the proposed catchment areas for the three primary schools in Inverurie (Kellands School, Strathburn School and Uryside School) as detailed in 4.2 of the report

As an amendment, Councillor Ewenson, seconded by Councillor Whyte, moved that the Committee:-

1. note the consultation report on the Review of Inverurie Primary School Catchment Areas (Appendix 1 to the report);
2. recommend to Education and Children's Services Committee that the Council should approve the proposed catchment areas for the three primary schools in Inverurie (Kellands School, Strathburn School and Uryside School) as detailed in 4.2 of the report; and
3. request that officers report back to Garioch Area Committee in a year's time providing details of any placing requests that have been received from the area between Harlaw Road and the railway line.

The Committee voted:-

For the motion (2) Councillors Berry and Harper

For the amendment (11) Councillors Lonchay, Aitchison, Baillie, Ewenson, Ford, McKail, McKelvie, Reid, Smith, Walker and Whyte

Therefore the amendment was carried and the Committee **agreed** to:-

1. note the consultation report on the Review of Inverurie Primary School Catchment Areas (Appendix 1 to the report);
2. recommend to Education and Children's Services Committee that the Council should approve the proposed catchment areas for the three primary schools in Inverurie (Kellands School, Strathburn School and Uryside School) as detailed in 4.2 of the report; and
3. request that officers report back to Garioch Area Committee in a year's time providing details of any placing requests that have been received from the area between Harlaw Road and the railway line.

## **7. 2019 BASED SCHOOL ROLL FORECASTS**

A report by the Director of Education and Children's Services was circulated presenting the School Roll Forecasts for all primary and secondary schools in Aberdeenshire and providing exception information for Garioch schools.

Officers pointed out that a revised report had been circulated with changes to the figure for Inverurie Academy. They highlighted the exception reporting of schools who were forecast to be over 100% capacity and under 25% capacity in the Garioch Area.

In relation to Kemnay Academy, where the numbers were already above capacity and were expected to rise further by 2024, Officers explained that the repurposing of spaces and rooms was currently being undertaken. They explained that rooms that were previously set up for specialist subjects were being reconfigured to allow a wider range of uses. They also explained that the potential for a further extension was being considered, but that would require money to be identified in the capital budget. Officers indicated that some pupils from Kinellar were being offered the opportunity to be bussed to Inverurie Academy instead of Kemnay, which if taken up might resolve some of the capacity issues.

Members sought further clarification about the Kemnay proposals and some concerns were raised about the potential for the dual zoning position that would be created by the offer to Kinellar children and whether this needed formal decisions to be taken if it were to continue. Members asked for detailed information about what was being proposed to be provided to them in advance of the Kemnay Parent Council meeting

The Committee **agreed** to note the school roll forecasts for the Garioch Area and the actions being taken to address capacity issues within schools under pressure.

## **8. EDUCATION AND CHILDREN'S SERVICES ACCESSIBILITY STRATEGY 2019-2021**

A report by the Director of Education and Children's Services was circulated presenting the Committee with the draft Accessibility Strategy for Aberdeenshire and seeking comments to the Education and Children's Services Committee.

The Committee **agreed** to note and welcome the Education and Children's Services Accessibility Strategy as detailed in Appendix 1 to the report and to recommend it to the Education and Children's Services Committee.

## **9. WESTHILL PUBLIC CONVENIENCE**

A report by the Director of Business Services was circulated presenting asking the Committee to consider the issues surrounding the public convenience site to the rear of the Westhill Shopping Mall and make recommendations to Business Services Committee regarding the proposed closure of the facility.

Members sought clarification regarding the extent and reasons for the vandalism and whether the Police had been involved. The Team Manager explained that the location of the toilets made them a target for anti social behaviour and made them unattractive to users.

Some Members were content with the proposals and highlighted the numerous opportunities in the town centre where toilets could be used in other facilities which were more attractive to users. However, concerns were raised about the loss of the public toilets and disabled provision in a town the size of Westhill and whether people would be able to use toilets in businesses without making a purchase. Some Members felt it would be more appropriate to approach Ashdale Hall with a view to securing a comfort partnership.

Councillor McKelvie, seconded by Councillor Walker, moved that the Committee:-

1. recommend to Business Services Committee the closure of the public convenience site to the rear of the Westhill Shopping Mall; and
2. instruct the Head of Property and Facilities Management to agree the termination of the lease between the Council and the Mall Operator, subject to approval from Business Services Committee as to the closure of the public convenience on site.

As an amendment, Councillor McKail, seconded by Councillor Ford, moved that the Committee:-

1. recommend to Business Services Committee the closure of the public convenience site to the rear of the Westhill Shopping Mall;
2. instruct the Head of Property and Facilities Management to agree the termination of the lease between the Council and the Mall Operator, subject to approval from Business Services Committee as to the closure of the public convenience on site: and
3. recommend to Business Services Committee that an approach be made to Ashdale Hall Committee to offer it a comfort partnership

The Committee voted:-

For the motion (11) Councillors Lonchay, Aitchison, Baillie, Berry, Ewenson, Harper, McKelvie, Reid, Smith, Walker and Whyte

For the amendment (2) Councillors Ford and McKail

Therefore the motion was carried and the Committee **agreed** to:-

1. recommend to Business Services Committee the closure of the public convenience site to the rear of the Westhill Shopping Mall; and
2. instruct the Head of Property and Facilities Management to agree the termination of the lease between the Council and the Mall Operator, subject to approval from Business Services Committee as to the closure of the public convenience on site.

## **10. BRITISH SIGN LANGUAGE IMPLEMENTATION PLAN 2018-2024 PROGRESS REPORT**

A report by the Director of Business Services was circulated presenting the Committee with an update on progress made with the actions in the British Sign Language Implementation Plan 2018-2024.

The Committee **agreed** to note and welcome the progress made towards the Aberdeenshire British Sign Language (BSL) Implementation Plan 2018-2024.

## **11. HOUSING ALLOCATION POLICY REVIEW CONSULTATION**

A report by the Director of Infrastructure Services was circulated presenting the Committee with the outcome of mini public events to consider potential changes to the housing allocation policy and officer proposals as a result of this consultation.

Members welcomed the review and considered the Transfer First and Choice Base Lettings policies to be an appropriate way forward. Some concerns were raised about the support available to assist those with limited access to the internet, but the Service Development Officer indicated that support would be available to people in this position. Members encouraged partnership working with other Landlords to maximise the opportunities for tenants.

The Committee **agreed** to:-

1. note the Housing Allocation Policy Mini Public Report October 2019 at Appendix 1 regarding the housing allocation policy review and consultation responses to date;

2. note and welcome further investigation being undertaken by the Housing service into a Choice Based Lettings (CBL) approach;
3. provide the following comment to the Communities Committee:-  
  
Important to work in partnership with other Landlords and to access systems that they are already using to enhance the opportunities for tenants
4. note that following determination in principle of a new housing allocation approach by the Communities Committee, Garioch Area Committee's views will be sought as part of the consultation process in respect of the relative draft policy.

## **12. SUPPLEMENTARY ANNUAL WORK PLAN FOR EDUCATION AND CHILDREN'S SERVICES DIRECTORATE – PROCUREMENT APPROVAL**

A report by the Director of Education and Children's Services was circulated seeking approval of the item on Education and Children Services Supplementary Procurement Plan which relates to '1140' related enhancement projects across the Garioch area in 2020.

It was noted that the report contained information about a school that did not fall within Garioch. Officers confirmed that the Committee would be taking a decision for only the schools in Garioch.

The Committee **agreed** to:-

1. note the Supplementary Work Plan as detailed in Appendix 1;
2. approve the items on the Work Plan identified as falling within the remit of the Committee; and
3. approve the Business Case in Appendix 2 as it relates to projects in Garioch; and
4. note that the Head of Resources and Performance had the delegated authority to award the final contract.

### **Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

## GARIOCH AREA COMMITTEE

3 DECEMBER 2019

### APPENDIX A

#### PLANNING APPLICATION FOR DETERMINATION

Reference No: APP/2019/2054

**Full Planning Permission for erection of 3 dwellinghouses (Plots 6-8, Phase 2) at plots 6 to 8, Mortimer's Way, Auchleven, Insch**

**Applicant: Alan Grant Grampian Ltd**  
**Agent: Martyn Skinner, Archon Design Ltd**

The Senior Planner explained that the application was for the erection of 3 dwellinghouses on a site at the southern edge of the settlement of Auchleven. She explained that the application proposed the same development as a previous permission which had lapsed and was acceptable organic growth to the settlement. She confirmed that 50% of the site was prime agricultural land, but indicated that with the removal of topsoil and development around the site, it was no longer considered to be usable agricultural land.

The Senior Planner explained that the Bennachie Community Council had submitted an objection on the grounds of lack of capacity for waste water and had indicated that there had been issues with flooding when heavy rainfall, but that there had been no issues raised by consultees. She confirmed that the lack of confirmed connection to the water supply was an issue for the developer to resolve and if no connection was available, alternative proposals would require to be submitted and may require further planning permission.

Some Councillors expressed concern regarding the loss of prime agricultural land, but it was pointed out that the previous permission, that the loss of prime agricultural land would be relatively small and the fact that there was development surrounding the site would make it appropriate to approve the development.

The Committee **agreed** to grant Full Planning Permission subject to the following conditions:-

01. The development hereby approved shall not be occupied unless off-street parking for 7 cars surfaced in hardstanding materials has been provided in accordance with the details shown on the approved plans. Once provided, the approved parking shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the parking to an appropriate standard and to ensure the retention of adequate off-street parking facilities within the site, all in the interests of road safety.

02. That notwithstanding the provisions of Class 3E of the Schedule of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, no means of enclosure, other than that shown on the approved plans, shall be erected on the site without an express grant of planning permission from the Planning Authority.

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

03. 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 and gates.
- 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.

04. 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.

05. 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.



06. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

07. That the proposed surface water drainage systems serving the residential house plots shall be carried out in accordance with the approved details as contained within the Ground Assessment and Surface Water Disposal Recommendation Report by S. A. McGregor dated 8<sup>th</sup> May 2015 and as detailed on the stamped approved plans. No dwellinghouse hereby approved shall be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority. Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

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