

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE

SKYPE MEETING AND LIVE STREAMED (RECORDING TO BE MADE AVAILABLE TO GENERAL PUBLIC)

ON 6 OCTOBER 2020

Present: Councillors F Hood (Chair), D Aitchison, N Baillie, L Berry, M Ewenson, M Ford, V Harper, D Lonchay, S Leslie, R McKail, A McKelvie, G Reid, H Smith, I Walker and J Whyte

Officers: A Overton (Interim Garioch Area Manager), L Cowie (Principal Solicitor), B Strachan (Senior Planner), E Reid (Team Leader – Affordable Housing) and A Cumming (Committee Officer)

The Area Manager updated the Committee on issues faced by communities in Garioch during the flooding at the weekend.

1. DECLARATIONS OF MEMBERS' INTERESTS

No interests were declared.

2. RESOLUTIONS - 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.

3. MINUTE OF MEETING OF 15 SEPTEMBER 2020

In accordance with Standing Order 7.1.1, the Committee **agreed** that the Minute was a correct record of proceedings.

4. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children's Services was circulated presenting the outstanding business for Garioch Area Committee as at October 2020.

The Committee **agreed** to:-

1. note the updates to actions within the Statement of Outstanding Business; and
2. discharge item 1 subject to no further issues being raised by the report on the agenda.

5. PLANNING APPLICATION FOR DETERMINATION

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

APP/2020/0803	Condition 2 ((a) Layout and Siting, (b) External Appearance, (c) Means of Access including Visibility Splays, (d) Landscaping, (e) Levels Survey and Site Sections, (f) Noise Impact Assessment, (g) Details of Water Bodies, (h) Disposal of Foul and Surface Water (i) Refuse and Recycling, (j) Car Parking and Turning Areas, (k) Footpaths and Cycleways) of Planning Permission Reference APP/2015/3793 for Commercial Development To include Class 4, 5 And 6 Uses with Associated Infrastructure and Landscaping at Site 8, Land to the West of, Thainstone Business Park, (Thainstone LDP Sites E3 And SR2) Inverurie	Grant
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6. LOCAL REVIEW BODY APPEAL DECISIONS

A. THE STEADING, BOAT OF HATTON, HATTON OF FINTRAY

The Local Review Body decision notice had been circulated detailing the outcome of an appeal against refusal of an application for an extension to an existing agricultural building, for Class 5 and 6 uses, at land to the north of the Steading of Boat of Hatton.

The Committee **agreed** to note the decision of the Local Review Body to agree with the Officer determination and refuse Full Planning Permission for an extension to an existing agricultural building, for Class 5 and 6 uses, at land to the north of the Steading of Boat of Hatton.

B. SOUTH EAST OF ELRICK HOUSE ESTATE, NEWMACHAR

The Local Review Body decision notice had been circulated detailing the outcome of an appeal against refusal of Full Planning Permission for the erection of 6 dwellinghouses at a site South East of Elrick House Estate, Newmachar.

The Committee **agreed** to note the decision of the Local Review Body to uphold the notice of review and amend the decision to remove conditions 7 and 15 and grant

Full Planning Permission subject to conditions for the erection of 6 dwellinghouses at a site South East of Elrick House Estate, Newmachar.

C. ADJACENT TO ADELBODEN, GAUCHHILL ROAD, KINTORE

The Local Review Body decision notice had been circulated detailing the outcome of an appeal against refusal of an application for erection of a dwellinghouse at site adjacent to Adelboden, Gauchhill Road, Kintore.

The Committee **agreed** to note the decision of the Local Review Body to agree with the Officer determination and refuse Planning Permission in Principle for the erection of a dwellinghouse at site adjacent to Adelboden, Gauchhill Road, Kintore.

7. STRATEGIC HOUSING INVESTMENT PLAN 2021-2026

A report by the Director of Infrastructure Services was circulated to seek Members' comments on the draft Strategic Housing Investment Plan 2021-2026 which is required to be submitted to Scottish Government.

Members welcomed the positive work being done to realise affordable housing across Aberdeenshire and were assured by the Team Leader that all opportunities to provide affordable housing were being pursued. Members sought clarification regarding a number of elements of the Strategic Housing Investment Plan and thereafter, the Committee **agreed** to forward the following comments to Communities Committee:-

1. Garioch Area Committee welcomes the Strategic Housing Investment Plan 2021 - 2026 and supports all of the proposals to develop more affordable housing across Aberdeenshire over the next 5 years; and
2. request that officers investigate and provide information about any constraints that may be being faced by the private sector regarding the delivery of adaptations to housing and envisage any scope for alignment with the Council to improve the delivery rate.

Councillor Presiding over meeting

Print Name

Signature

Date

GARIOCH AREA COMMITTEE

6 OCTOBER 2020

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

Reference No: APP/2020/0803

Condition 2 ((a) Layout and Siting, (b) External Appearance, (c) Means of Access including Visibility Splays, (d) Landscaping, (e) Levels Survey and Site Sections, (f) Noise Impact Assessment, (g) Details of Water Bodies, (h) Disposal of Foul and Surface Water (i) Refuse and Recycling, (j) Car Parking and Turning Areas, (k) Footpaths and Cycleways) of Planning Permission Reference APP/2015/3793 for Commercial Development To include Class 4, 5 And 6 Uses with Associated Infrastructure and Landscaping at Site 8, Land to the West of, Thainstone Business Park, (Thainstone LDP Sites E3 And SR2) Inverurie

Applicant: ANM Group Ltd
Agent: Halliday Fraser Munro

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

The Senior Planner explained that the application was linked to a Planning Permission in Principle for the entire 27 hectare site, but was a Matters Specified in Conditions application for a single plot in the wider development. He confirmed that the proposals would see two single storey buildings erected on site each with 2 small and one larger unit. He confirmed that the approach of applications coming in for individual plots was entirely consistent with the development of business parks where it would be impractical to identify the requirements for all of the plots at the same time as end users and uses might not yet be identified. He confirmed that the layout, siting and design were considered acceptable and that concerns around the parking provision had been addressed through the clarification of use types for the units which would be conditioned.

The Senior Planner explained that achieving accurate noise levels had been challenging during the lockdown period, but that conditions for opening hours, noise limits and compliance monitoring were proposed. He confirmed that all matters were considered to comply with policy and the application was recommended for approval.

The Chair invited Dr Paul Davison to address the Committee. Dr Davison expressed concern about the provision of applications for single plots and the potential piecemeal development that this would create. He expressed concerns that the site wide requirements imposed as conditions by the Reporter for shuttle bus, upgrades to the roundabouts etc would not be realised and that control over the development of the site would be lost.

Members sought clarification regarding the exact concerns that Dr Davison was raising on the grounds that they had to consider applications as submitted and would

have no influence as to when these were received. Dr Davison explained that he was pointing out concerns around the larger scale conditions not being implemented due to the way applications were being submitted. There were no further questions and the Chair thanked Dr Davison for his presentation.

The Senior Planner explained that there were two parts to the Planning Permission in Principle. Condition 1, which dealt with the whole site requirements and covered things like archaeology, strategic landscaping and infrastructure and Condition 2 which deal with the more detailed aspects of the individual developments on site. He confirmed that the application before the Committee was in relation to Condition 2. He confirmed that as long as the Planning Permission in Principle remained current, Matters Specified in Conditions applications would be the appropriate way to seek authority to develop the individual plots.

Some Members shared the concerns around the risk of the junction and roundabout improvements not being realised and sought assurance in this regard. The Senior Planner explained that none of the units proposed and developed could be occupied without the provision of the infrastructure as conditioned within the Planning Permission in Principle application and enforcement action could be taken if this condition was breached. The Senior Planner advised that the applicant was fully aware of the condition and need for compliance and it was up to them if they wished to seek any changes.

Members were generally content with the application and accepted that the proposals complied with Council policies although concerns still remained about the risk for key infrastructure not to be provided through the process for development of individual sites.

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

1. Between the hours of 07:00-20:00, Monday – Friday, excluding weekends, bank holidays and public holidays, noise from the proposed development shall not exceed 63dB LAeq,T when measured at 10m from the boundary of the site as shown by the red line on drawing number L(0-) 003 P11 Proposed Site Layout Plan. Between the hours of 20:00- 07:00, Monday – Friday, excluding weekends, bank holidays and public holidays, noise from the proposed development shall not exceed 39dB LAeq,T when measured at 10m from the boundary of the site as shown by the red line on drawing number L(0-) 003 P11 Proposed Site Layout Plan.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

2. Noise from development:
 - a. Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the developer shall, at their expense, employ an independent consultant, to investigate the cause of the complaint. The investigation shall include measurement of the level of noise emissions from the premises at the complainant's property.

- b. The written request from the Planning Authority shall set out the dates, times and locations to which the complaint relates and any identified atmospheric conditions, including wind direction. The request shall also seek agreement of a methodology for any investigation to be submitted by the noise consultant.
- c. Within 21 days of the complaint investigation, a written report shall be submitted to the Planning Authority for consideration, along with any data collected in a format agreed by the consultant and Planning Authority at the methodology stage.
- d. Should the report submitted under condition c note remedial actions, these must be carried within a timescale to be agreed in writing with the Planning Authority.
- e. Should the report submitted under condition c be found to be deficient for any reason, it shall not be accepted and a new report require to be submitted.

Reason: In the interests of amenity, to ensure adequate consideration and assessment of any noise nuisance is undertaken following complaint.

3. 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, no greater than 776sqm gross floor area (GFA) of the development hereby approved shall be used for Class 5 use and the units shall only be used for the purposes hereby approved (Class 5 and 6) and shall not be used for any other purpose within use Class 4 or otherwise 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.

Reason for Decision

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The application has met the terms of Condition 2 (a-k) of APP/2015/3793. The layout, siting and design of the proposed development is appropriate for the location and there are no significant amenity impacts arising from this proposal in accordance with Policy P1: Layout, siting and design. The proposed landscaping is appropriate and will facilitate the integration to the existing natural and built environment, and the servicing and access arrangements are suitable to serve the site in terms of roads development, drainage and waste. The application is deemed to accord with the relevant policies of the Aberdeenshire Local Development Plan 2017.