

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE ON 11 MAY 2021

ALL ATTENDANCE BY SKYPE

(THE RECORDING WAS STREAMED LIVE, AND A RECORDING OF THE PUBLIC SECTION OF THE MEETING IS AVAILABLE TO GENERAL PUBLIC)

Present: Councillors D Lonchay (Chair), D Aitchison, N Baillie, M Ewenson, M Ford, S Leslie, A McKelvie, G Reid (left after Item 5D), H Smith, I Walker (absent for Items 1-4 and Items 5C and 5D) and J Whyte.

Apologies: Councillors L Berry, V Harper, R McKail

Officers: A Overton (Garioch Area Manager), J Joss (Senior Solicitor), B Strachan (Senior Planner), J Weir (Senior Planner), S Murison (Senior Planner), S Walker (Principal Roads Engineer), D MacPherson (Structures Manager), L Watson (Principal Engineer), C Menzies (Strategy Team Leader), I Welsh (Principal Officer), M Jones (Head Teacher – Inverurie Academy), L Paul (Head Teacher – Kemnay Academy), A Reid (Head Teacher – Westhill Academy), M Mitchell (Estates Programme Manager), C Matheson (Principal Architect) R McIntosh, Principal Developer Obligations Officer; K Clark, Principal Engineer, A Gibb (Principal Solicitor), and E Farquhar (Area Committee Officer)

1. DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct, the Chair asked Members if they had any interests to declare.

Item 5A Councillor Ewenson declared an interest by virtue of the fact that she has a friendship with one of the applicants and someone connected with application and, having applied the objective test, she concluded that she would leave the meeting and take no part in the item.

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 ITEM

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 Item 9 on account of the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

3. MINUTE OF MEETING OF 20 APRIL 2021

In accordance with Standing Order 7.1.1, the Committee **agreed** that the Minute of 20 April 2021 was a correct record of proceedings.

4. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Education and Children's Services had been circulated presenting the outstanding business for Garioch Area Committee as at 11 May 2021.

The Committee **noted** the following updates provided by the Area Manager on the outstanding items which would remain on the statement:

1. Remediation works at Littlewood Court - Next briefing note to be issued in June 2021.
2. Unisex Toilet Provision - Dependent on the review of the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 and adoption of regulations as relates to policy development.
3. Kintore Railway Station - Still awaiting information from Network Rail.
4. Ury Riverside Park - Still awaiting Asset Transfer application.

5. PLANNING APPLICATIONS FOR DETERMINATION

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

- A. APP/2020/1324 Construction and operation of an energy from waste plant for the production of electricity up to 35MW at land at Kirkwood Commercial Park, Thainstone, Inverurie, AB51 5NR
- B. APP/2020/1034 Erection of 6 business units (Class 4) and associated car parking and roads at land adjacent to Avero Engineering, Thainstone, Inverurie

- C. APP/2020/1999 Approval of Matters Specified in Conditions for Condition 1 ((a) Siting, Design, Layout, External Appearance, Finishing Materials; (b) Design Statement; (c) Landscaping; (d) Levels Survey and Site Sections; (e) Means of Access including Visibility Splays, Development Access Junction Design; (f) Car Parking and Turning Areas; (g) Footpaths to B994 and B987, including Bus Stops; (h) Flood Risk Assessment; (i) Details of Water Bodies, including Method Statements; (j) Foul and Surface Water Disposal; (k) Waste Management Plan) of Planning Permission in Principle Reference APP/2017/0288 Residential Development as Enabling Development for a Town Park and Associated Facilities: Non Compliance with Condition 4 of Planning Permission Reference APP/2004/3532 at Land Beside Woodside Croft, Kintore
- APP/2020/2025 Formation of SUDS basin in association with adjoining development and change of use of land to Domestic Plot 9 at Woodside Croft, Mid Mill, Kintore
- D APP/2021/0422 Modification or discharge of Planning Obligation Section 75 Agreement For APP/2004/3532 (Residential development as enabling development for a town park and associated facilities) at land at Woodside Croft, Midmill, Kintore

6. ROADS, BRIDGES, HARBOURS, COAST & FLOODING, LANDSCAPE AND TRANSPORTATION WORKS PROGRAMME 2021-2022

A report from the Director of Infrastructure Services had been circulated to inform the Committee of the available funding and the proposed programmes of works for Roads, Bridges, Harbours, Coast & Flooding, Landscape and Transportation.

The Principal Roads Engineer gave an overview of the report and Officers responded to specific questions about the prioritisation of projects and the different types of works undertaken.

The Committee **noted** the lack of progress in some areas due to the pandemic but welcomed the work that had been undertaken and the additional budgets that had been put in place for some headings in the programmes.

The Committee thanked officers for the work undertaken in Garioch, especially in light of the particular difficulties faced in the past year, and **agreed** to:

1. approve the Works Programmes as detailed in Appendices A to E to the report, and
2. request that officers give consideration to the following issues:
 - a) Potholes - continue work to repair potholes across the Area;

- b) Westhill Grange, Westhill - additional section of pavement to be added on Hay's Way (at bottom of Westhill Grange) to enable pedestrians to travel safely to school and community buildings;
- c) Kinmuck - move from the reserve list into the main programme as soon as possible;
- d) Davah Wood - acknowledged the difficulties but asked for work to be undertaken as soon as possible in this financial year;
- e) Burn Lane Crossing - asked for this to be completed, if possible within this financial year and that Members be kept up to date with progress made;
- f) Westhill Drive footway which had suffered significant deterioration would like it brought into the main programme should sufficient surplus funds be made available;
- g) Echt speeding sign reinstatement and sign on Westhill Drive where some numbering has been removed and lights had failed;
- h) Inverurie North/South town link walkway - consider possible flood preventative measures;
- i) Kemnay to be included in surface water management plans with special attention to Stuart Crescent, Fife Park and Victoria Terrace;
- j) Kemnay - gully cleaning;
- k) Kembhill - Pavements are crumbling as they have never been sealed;
- l) Bremner Way, Kemnay - Tree needs particular attention;
- m) Westhill to Kirkton of Skene path - three sections that flood regularly

7. ANALYSIS OF ATTAINMENT AND ACHIEVEMENT IN ACCREDITED AWARDS OF YOUNG PEOPLE IN GARIOCH SECONDARY SCHOOLS UP TO 2019-20

A report from the Director of Education and Children's Services had been circulated to present an analysis of school attainment based on the set of data arising from qualifications taken by school leavers from Garioch secondary schools up to session 2019-20.

The Head Teachers of Inverurie, Kemnay, and Westhill Academies gave an overview of the activities within the academies and how they had dealt with issues during the pandemic. The Head Teachers spoke of their pride in their staff and young people for how they had managed to cope so well during the pandemic and for their attainments and achievements over this time.

Members sought clarification about issues including maintaining and improving attainment figures, encouraging positive destinations, considering the long-term

implications of the pandemic and how to move forward, coping with different certification models, investigating mental and societal impacts, teaching resilience, broadening the prospects and aspirations of pupils and encouraging them to consider alternative careers, ensuring the wellbeing of staff and young people.

The Committee's comments to inform the Education & Children's Service's ongoing plans to support improvements in attainment and achievement in the schools concerned were that schools should continue to:

1. recognise the prime importance of wellbeing for young people and also for staff.
2. teach and promote resilience;
3. continue to work on improving attainment;
4. promote positive destinations;
5. promote a wider range of potential careers, encouraging foundation apprenticeships and other ways to enhance and complement the curriculum and broaden young people's prospects and aspirations and enable them to consider other routes than may have considered previously;
6. continue to seek specialist help for those who are unable to leave with a positive destination;

The Committee welcomed the positive progress being made in all three academies and thanked the Head Teachers for their excellent work in exceptionally difficult circumstances and asked them to pass on their thanks to their teams.

8. GARIOCH AREA PLAN

A report from the Director of Education and Children's Services had been circulated to ask the Committee to consider and approve the Garioch Area Plan, which details the actions Services will take in support of delivering the Strategic Priorities that are set out in the Council Plan 2020-22, the Service Priorities which are set out in the Directorate Plans and the local priorities.

The Area Manager spoke of the many and varied activities which had been undertaken in the past year and the place of the Garioch Area Plan within the strategic framework of the Council, and described how the plan would be delivered through both Council and partnership delivery and would provide a mechanism to ensure that the Area Committee could fulfil its scrutiny and monitoring role.

The Committee considered the Garioch Area Plan and **agreed**:

1. to make the following comments/requests for information:
 - a) the Area profile on Pages 356 and 357 is a particularly useful graphic,
 - b) the document needs to be monitored closely and be flexible and adaptable as needs emerged and it would be good if members were

- able to have regular updates - possibly using a central point where progress could be monitored
- c) clarification sought on the green space project was currently on-hold
 - d) P375 - further details sought on B993 Don Bridge Inverurie replacement
2. to approve Garioch Area Plan as detailed in the report;
 3. to acknowledge the ongoing work to develop the required area performance framework;
 4. to acknowledge that this is the first iteration of the Area Plan and that the Action Plan will be updated by Services; and
 5. that a report on the delivery of the Area Plan and an updated Action Plan be submitted to Committee before the end of 2021.

*The Committee **agreed** to suspend Standing Order 2.1.3 to allow the completion of the agenda.*

9. CLUNY SCHOOL REFURBISHMENT UPDATE & SUPPLEMENTARY PROCUREMENT APPROVAL & CONTRACT AWARD

A report from the Director of Education and Children's Services had been circulated to seek approval to award the contract for the refurbishment of Cluny School.

The Committee **agreed** to:-

1. acknowledge the increased total project cost;
2. approve the updated Procurement Approval Form as detailed in the report;
3. **note** that the Procurement Plan approved by Committee on 25 February 2020 shall be updated to reflect the increased project cost; and
4. approve the award of contract on the terms stated in the report.

Councillor Presiding over meeting

Print Name

Signature

Date

GARIOCH AREA COMMITTEE - 11 MAY 2021

APPENDIX A - PLANNING APPLICATIONS FOR DETERMINATION

5A REFERENCE NO APP/2020/1324

FULL PLANNING PERMISSION FOR ERECTION OF ENERGY FROM WASTE FACILITY AT KIRKWOOD COMMERCIAL PARK LTD, KIRKWOOD COMMERCIAL PARK, INVERURIE, ABERDEENSHIRE, AB51 5NR

Applicant: Agile Energy Recovery (Inverurie) Ltd
Agent: Natural Power Consultants

A report from the Director of Infrastructure Services had been circulated seeking the Area Committee's determination of the above planning application.

The Chair indicated that requests to speak had been submitted and the Committee **agreed** to hear from those who had requested to speak.

The Senior Planner introduced the report relating to a major development for which the Committee was asked to give comment to Full Council which would make the determination of the application.

The Senior Planner gave details on the proposed development which involved the erection of an energy from waste facility on the redundant former Inverurie Paper Mill site. He described the extent of the development, the location of the site and the surrounding area.

Pre-application consultations had taken place and some of the original proposals had been reviewed and refined. The Senior Planner explained the Environmental Impact Assessment and described the buildings and systems proposed. He also described the various consenting regimes. Six valid representations had been received, giving different opinions and the Senior Planner stated that all the comments and issues raised in the representations had been considered. 17 consultations had taken place but there were no outstanding objections although several of the consultees had suggested conditions to mitigate any potential issues.

The Senior Planner talked through the relevant planning policies and the main planning considerations including siting of the facility, and environmental considerations including hydrology, geology, hydrogeology, ecology, ornithology, landscape, noise, air quality, traffic, socioeconomics and cultural heritage, all of which had been discussed, at length, in the Committee report.

The Senior Planner concluded that the proposal was not considered to have any significant environmental impacts after mitigation, and the planning authority was in a position to reasonably conclude that the development would not have a significant adverse effect on the environment.

Councillor Ford, seconded by Councillor Reid **moved** that consideration of the application be deferred to enable Members of the Committee to visit the site of the

application to allow them to consider the road access arrangements for vehicles' access to, and egress from, the site.

As an amendment, Councillor Whyte, seconded by Councillor Walker **moved** that, given the fact that this was a redundant brownfield site with established access, it would not be necessary for the Committee to have a site visit and therefore that there be no deferral for a site visit.

Members of the Committee voted:

For the motion	5	Councillors Aitchison, Baillie, Ford, Lonchay and Reid
For the amendment	5	Councillors Leslie, McKelvie, Smith, Walker and Whyte

The Chairman **exercised his casting vote** in favour of the motion and **declared the motion carried** in the following terms:

That consideration of the application be deferred to enable Members of the Committee to visit the site of the application to allow them to consider the road access arrangements for vehicles' access to, and egress from, the site.

The speakers were informed that the application would come back to Committee in June, following the site visit, and they would be given the opportunity to address the Committee at that time.

5B REFERENCE NO APP/2020/1034

ERECTION OF 6 BUSINESS UNITS (CLASS 4) AND ASSOCIATED CAR PARKING AND ROADS, LAND ADJACENT TO AVERON ENGINEERING, THAINSTONE, INVERURIE

Applicant: Millhouse Developments
Agent: Springfield Real Estate Management Ltd

A report from the Director of Infrastructure Services had been circulated seeking the Committee's determination of the above planning application.

The Senior Planner introduced the report by describing the nature of the application, the location and the surrounding area. She described various types of pre-application consultation that had taken place and responses which had been received. She described the various phases of the proposed development and Pre-Application Consultation which had been prepared and a Proposal of Application Notice (POAN) which had been submitted in October 2018.

Various pieces of supporting information had been received and there was one valid objection which described various concerns. 13 consultations had taken place and no objections had been received although some consultees required conditions to mitigate any concerns or issues.

The Senior Planner talked through the relevant planning policies and the main planning considerations including natural heritage, access, servicing and amenity but

concluded that overall, the proposed development was appropriately designed and scaled, all technical matters had been addressed, and the application was therefore recommended for approval subject to conditions.

Members sought and received clarification from the Senior Planner on several issues.

Thereafter, the Committee **agreed** to GRANT Full Planning Permission on the following conditions:

1. No works in connection with the development hereby approved that would involve the creation of trenches or culverts or the presence of pipes shall commence unless measures to protect badgers from being trapped in open excavations, pipes or culverts have been submitted to and approved in writing by the Planning Authority. The measures shall include:
 - (a) open trenches or pits shall incorporate sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - (b) all open pipework (stored or laid) being blanked off at the end of each working day, and
 - (c) any access holes or entrances into machinery that are accessible to badgers should be suitably blocked when the machinery is not in use; and
 - (d) escape ramps, trenches and pipework must be checked at the beginning of each day for potential entrapments, any subsequent events involving a trapped badger should be referred to the Scottish Society for the Prevention of Cruelty to animals (SSPCA).

The development shall be carried out in complete accordance with the approved badger protection measures.

Reason: In the interest of safeguarding the habitat of a protected species.

2. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the Planning Authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

3. No works in connection with the development hereby approved shall commence unless details of the proposed means of enclosure to be erected on the boundaries of the site have been submitted to and approved in writing

by the Planning Authority. The development hereby approved shall not be brought into use unless the means of enclosure have been erected in accordance with the approved details. Once erected, the means of enclosure shall thereafter be permanently retained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

4. No works in connection with the development hereby approved shall commence 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:

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

5. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 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 each 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.

6. No individual building hereby approved shall be erected unless a Lighting Design Strategy for Biodiversity for the buildings or areas to be lit has been submitted to and approved in writing by the Planning Authority. The strategy shall:
- (a) identify the areas or features on the site that are particularly sensitive for nesting birds, bats and badgers and identify the aspects of the development that would be likely to cause disturbance in or around the breeding sites and resting places of nesting birds, bats and badgers or along important routes used to access key areas of their territory; and
 - (b) show how and where all the proposed external lighting will be installed and demonstrate (through the provision of appropriate lighting contour plans and technical specifications) that those areas to be lit will not disturb or prevent the above species using their territory or gaining access to their breeding sites, resting places and foraging areas.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy, and no other external lighting shall be installed without prior express consent from the Planning Authority.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

7. No individual building hereby approved shall be erected unless an Energy Statement applicable to that building 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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

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 Policy C1 of the Aberdeenshire Local Development Plan 2017.

8. No individual unit hereby approved shall be brought into use unless the proposed surface water drainage system has been provided in accordance with the approved plans and Springfield Real Estate Management Ltd (SREM) Drainage impact assessment, dated September 2020. 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.

9. No individual unit hereby approved shall be brought into Class 6 use (as per Class 13 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992) unless details of the reversing alarms of any operator's vehicles being used permanently on site have been submitted to and approved in writing by the Planning Authority, unless otherwise agreed in writing. Once provided, the approved reversing alarm system shall be installed and permanently retained thereafter in accordance with the approved details.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

10. No individual unit hereby approved shall be brought into use unless a 3m-metre wide public footpath/cycleway designed constructed alongside the U114c road (Paper Mill access road) from the existing cycleway on the A96 at Thainstone roundabout linking to the footways within the development site. The public footpath/cycleway will be constructed in accordance with the Council's Standards for Road Construction Consent and Adoption has been provided in its entirety as shown on the approved plans. Once provided, the footpath shall thereafter be permanently retained as such.

Reason: To ensure safe access for pedestrians and Cyclists to the existing network and to encourage sustainable travel.

11. Prior to any unit hereby approved being brought into use a Travel Plan Framework for the entire site and Travel Plan for each building shall be submitted and approved in writing by the Planning Authority. The Travel Plan Framework and each Travel Plan shall detail a means of safe pedestrian crossing of the A96 to encourage public transport accessibility which avoids the need for bus passengers having to cross the A96 to access northbound services and encourage more sustainable means of travel. It shall identify measures to be implemented including, the system of management monitoring review, reporting and duration of the incorporated measures designed to encourage modes other than the private car.

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

12. No individual unit hereby approved shall be brought into use unless, off-street parking 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.

13. No individual unit hereby approved shall operate outwith the hours of 07:00 and 18:00 and no Articulated Lorries, Heavy Goods Vehicles (HGVs) or Light Goods Vehicles (LGVs) shall arrive at or leave the site except between the hours of 07:00 and 18:00.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

14. Notwithstanding the development hereby approved, all roller shutter doors on any individual building or unit shall remain closed except for access and egress and the manoeuvring of plant within the site.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

15. 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.

16. 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.

The Committee's reason for decision was that the Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposal complies with Policy B1: Employment and business land as it proposes Class 4 employment use on a site allocated for that purpose. The proposal is appropriately designed and scaled in accordance with Policy P1: Layout, siting and design, and all technical matters have been addressed with regards to natural and built heritage, access, servicing and amenity in accordance with the policies contained within the Aberdeenshire Local Development Plan 2017.

Following this decision, the Committee **further agreed** that the Area Manager discuss with relevant Officers, the potential for a gypsy traveller halting site in the vicinity, in light of the Council's aspiration for such a provision in the Garioch Area.

5C REFERENCE NO APP/2020/1999

APPROVAL OF MATTERS SPECIFIED IN CONDITIONS FOR CONDITION 1 ((A) SITING, DESIGN, LAYOUT, EXTERNAL APPEARANCE, FINISHING MATERIALS; (B) DESIGN STATEMENT; (C) LANDSCAPING; (D) LEVELS SURVEY AND SITE SECTIONS; (E) MEANS OF ACCESS INCLUDING VISIBILITY SPLAYS, DEVELOPMENT ACCESS JUNCTION DESIGN; (F) CAR PARKING AND TURNING AREAS; (G) FOOTPATHS TO B994 AND B987, INCLUDING BUS STOPS; (H) FLOOD RISK ASSESSMENT; (I) DETAILS OF WATER BODIES, INCLUDING METHOD STATEMENTS; (J) FOUL AND SURFACE WATER DISPOSAL; (K) WASTE MANAGEMENT PLAN) OF PLANNING PERMISSION IN PRINCIPLE REFERENCE APP/2017/0288 RESIDENTIAL DEVELOPMENT AS ENABLING DEVELOPMENT FOR A TOWN PARK AND ASSOCIATED FACILITIES: NON COMPLIANCE WITH CONDITION 4 OF PLANNING PERMISSION REFERENCE APP/2004/3532 AT LAND BESIDE WOODSIDE CROFT, KINTORE, ABERDEENSHIRE

AND

REFERENCE NO APP/2020/2025

FULL PLANNING PERMISSION FOR FORMATION OF SUDS BASIN IN ASSOCIATION WITH ADJOINING DEVELOPMENT AND CHANGE OF USE OF LAND TO DOMESTIC PLOT 9 AT WOODSIDE CROFT, MID MILL, KINTORE, ABERDEENSHIRE, AB51 0UY

Applicant: Scotia Homes Ltd

A report from the Director of Infrastructure Services had been circulated seeking the Area Committee's determination of the above planning applications.

The Chair indicated that requests to speak had been submitted and the Committee **agreed** to hear from those who had requested to speak.

The Senior Planner explained that, as the three reports included on the agenda at items 5C (APP/2020/1999 and APP/2020/2025), and 5D (APP/2021/0422), were inter-related, his presentation would introduce them all so as to enable all of the relevant information to be set out, but it was recognised that all three applications would require individual decisions.

The Senior Planner introduced the reports which sought approval of a number of matters specified in the conditions of an earlier planning permission in principle and described the substantial and complex planning history of the site dating back to 2004. The main application sought approval of matters specified in conditions for a town park at Gauch Hill which was to be developed through the associated enabling residential development. The Senior Planner described the conditions covered by the first application and the relationship between this and the tandem application, an application for full planning permission for the formation of a SUDS basin.

He described the planning history relevant to the site, including the 2006 Development Brief and allocations in successive local development plans. He highlighted the supporting information and the representations which had been

received (three in support, five in objection, and two neither supporting nor objecting).

Various pieces of supporting information and 10 representations had been received. Eighteen consultations had taken place, 17 of which had no objections, although some consultees required conditions to mitigate any concerns or issues.

Kintore and District Community Council had objected to the proposal and expressed concerns on various issues.

The Senior Planner talked through the relevant planning policies and the other material considerations, all of which had been detailed in the Committee report.

In relation to the town park for Kintore, the Senior Planner said that, although the process had been challenging, the Planning Service was of the opinion that a proposal that delivers on the need for a community recreation space and pavilion along with an attractive residential development is ready to be determined and it was considered to be appropriately sited and designed. The Planning Service had worked with the developer to ensure that the unique site requirements had been considered and a historic commitment honoured as far as possible. It was considered that the proposed development would draw together various elements and components that would be an asset to the community and desirable place to live. The Planning Service considered that the development met all the relevant policies of the Aberdeenshire Local Development Plan 2017.

The Chair invited Mr Jamie Grant, consultee, representing Kintore and District Community Council, to address the Committee. Mr Grant spoke of how the size of the proposed town park had reduced over the years, the SUDS not being appropriate for community use, sports facilities being too far away from the community, the impact on the local woods, the reduction in the size of the pavilion when it had been hoped that this building could have been used for more social activities, and the need for more community engagement and consultation to ensure that what was being offered was what the community wanted.

The Chair invited Mr Roger Laird and Mr Martin Forbes, on behalf of the applicant, to address the Committee. The speakers gave a summary of the history of the site since 2004, and the current development proposals. The development would provide investment and job creation and would redevelop redundant land, provide new multi-sports pitches and pavilions, and associated high-quality space for Kintore. The proposed roundabout would be constructed at the outset of the project and would bring significant benefits, including the opening up of the Kintore East development site. SEPA was happy with the proposals and there had been very few objections. The development would have a strong urban design similar to others which had received design awards. If approved, the development could start in late summer/early autumn.

The Chair thanked the speakers for their presentations.

Thereafter, following significant discussion, the Committee **agreed** that consideration of both applications, APP/2020/1999 and APP/2020/2025 be deferred until the next meeting of the Area Committee to enable members to consider the impact of previous Committee decisions and to enable this further information to be

incorporated into the Committee report. This would allow the history of decision-making in respect of this development site to be clarified and allow the Committee to attach appropriate weight to the decisions and documents which were material to the decision required to be made.

5D REFERENCE NO APP/2021/0422

MODIFICATION OF PLANNING OBLIGATION SECTION 75 AGREEMENT FOR APP/2004/3532 (RESIDENTIAL DEVELOPMENT AS ENABLING DEVELOPMENT FOR A TOWN PARK AND ASSOCIATED FACILITIES) AT LAND AT WOODSIDE CROFT, MIDMILL, KINTORE, AB51 0UY

Applicant: Scotia Homes Ltd

A report from the Director of Infrastructure Services had been circulated seeking determination of the above planning application by the Area Committee.

The Senior Planner had provided an introduction to this application at Item 5C and clarified it was being referred to Committee due to material changes if the modifications were agreed and a resulting departure to the local development plan if the related planning application were implemented as currently proposed. He explained the relationship between this application and that of those described in Item 5C above. This application was to modify a legal agreement which had been entered in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997. He described the planning history of the site and explained that the current application had been lodged to deal with the matters specified in conditions that would allow delivery of the town park and pavilion along with 184 dwellinghouses (APP/2020/1999). In order to make the land use proposals in this latter application acceptable, the developer was required to seek approval for variations to clauses in the legal agreement.

One representation from Kintore and District Community Council, objecting to the application, had been received, and one consultation had taken place with Business Services (Developer Obligations) which had no objection to the application and advised that revised terms had been agreed with the developer's legal representative.

The Senior Planner explained the relevant planning policies and other material considerations. He concluded that it was considered that variation of the legal agreement as outlined in the report could be accepted and was in accordance with Policies H2, RD2, and SG7, however, the change in location of the proposed town park would be contrary to the Kintore Settlement Statement.

The Committee had heard speakers in the previous item.

Thereafter, following significant discussion, the Committee **agreed** that consideration of the application be deferred until the next meeting of the Area Committee to enable members to consider the impact of a previous Committee decision and to enable this further information to be incorporated into the Committee report. This would allow the history of decision-making in respect of this development site to be clarified and allow the Committee to attach the appropriate weight to the decision and documents which were material to the decision required to be made.