

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE ON 5 OCTOBER 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, L Berry, M Ewenson, M Ford, V Harper D Keating, S Leslie (for items 6A to 9 inclusive), R McKail, A McKelvie, G Reid, H Smith, I Walker, and J Whyte.

Officers: A Overton (Garioch Area Manager), J Joss (Senior Solicitor), B Strachan (Senior Planner), G Steel (Roads Development and Transportation Principal Engineer), J Duncan (Senior Engineer), E Wood (Policy Officer), and A Cumming (Area Committee Officer)

In Attendance: Paul Berrisford, Station Commander, Scottish Fire and Rescue

1. DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct, the following was intimated:-

Item 6B – Councillor Walker indicated a connection in that she had a non-financial link to one of the Registered Social Landlords that were referred to within the letters of representation. She confirmed that having applied the objective test she did not consider that she had any interest to declare.

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; and
2. where an Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching its decision.

3. MINUTE OF MEETING OF 14 SEPTEMBER 2021

In accordance with Standing Order 7.1.1, the Committee **agreed** that the Minute of 14 September 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 5 October 2021.

The Committee Officer indicated that the workshop for item 4 had gone well and produced a number of outcomes. She confirmed that a briefing note on this would be circulated in due course.

Members asked if a further item could be added to the statement of outstanding business to seek feedback on the comments made in relation to the Draft Local Flood Risk Strategy and to seek confirmation that these comments would be considered by Infrastructure Services Committee. The Senior Engineer confirmed that he was currently collating all of the comments provided and these would be presented to Infrastructure Services Committee. He further indicated that a briefing note providing feedback on the Garioch comments could be provided.

The Committee **agreed** to:-

1. discharge item 4 (Annual Scrutiny Report) from the Statement of Outstanding Business;
2. note the updates on the other items; and
3. request that a further item be added from the previous minute to seek feedback from the Head of Roads, Landscape and Waste Services for the comments made in relation to Item 9 (Draft Local Flood Risk Strategy) and to seek a timescale for these comments being considered by ISC.

5. SCOTTISH FIRE AND RESCUE SERVICE – GARIOCH AREA COMMITTEE PERFORMANCE REPORT FOR Q1 1ST APRIL – 30TH JUNE 2021

A joint report by the Director of Business Services and the Local Senior Officer of Scottish Fire and Rescue Service had been circulated to inform members how Scottish Fire and Rescue Service is performing locally in Garioch against key performance measures and associated targets, as set out in the Aberdeenshire Local Fire and Rescue Plan and Garioch Multi-Member Ward Plan.

The Station Commander provided the Committee with an overview of the performance information and responded to a number of questions.

The Committee **agreed** to note the performance report at Appendix 1 to the report relating to the period 1st April to 30th June 2021.

6. PLANNING APPLICATIONS FOR DETERMINATION

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

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|----|---------------|---|----------------------|
| A. | APP/2021/1751 | Change of Use from Class 1 Retail to Class 3 Restaurant with Ancillary Takeaway at 1 North Street, Inverurie | Grant |
| B. | APP/2021/1688 | Erection of 49 Dwellinghouses and Associated Infrastructure at Phase 3, Land at Cluny Greens, Cluny Meadows Sauchen | Defer for Site Visit |

7. LOCAL REVIEW BODY APPEAL DECISIONS

A. SITE AT 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 an application for the erection of a dwellinghouse (change of house type) at site south-east of Elrick House Estate, Newmachar.

The Committee **agreed** to note the decision of the Local Review Body to agree with the Officer determination and refuse Full Planning Permission for the erection of a dwellinghouse (change of house type) at site south-east of Elrick House Estate, Newmachar.

B. LAND TO EAST OF MAINS OF CORSINDAE, SAUCHEN

The Local Review Body decision notice had been circulated detailing the outcome of an appeal against refusal of an application for the erection of a dwellinghouse, and garage at land to the east of Mains of Corsindae, Sauchen.

The Committee **agreed** to note the decision of the Local Review Body to reverse the determination of Officers and grant Full Planning Permission for the erection of a dwellinghouse, and garage at land to the east of Mains of Corsindae, Sauchen subject to the conditions stated in the decision notice.

8. DRAFT GAELIC LANGUAGE PLAN

A report by the Director of Business Services was circulated asking the Committee to consider and comment on the draft Gaelic Language Plan 2022 – 2027.

The Policy Officer explained the process to get to the current draft plan and provided information on the feedback received to date. She also gave information regarding an audit done of Council staff.

Members accepted the legislative need for the Gaelic Plan and highlighted its importance in arts and culture, but were keen to prioritise Doric because of the particular circumstances in the North-east of Scotland.

The Committee **agreed** to:-

1. note the draft Gaelic Language Plan 2022-2027; and
2. to forward the following comments on the draft Gaelic Language Plan:-
 - a) Given the importance of the Doric language locally, it should be prioritised and resources should be directed towards it.
 - b) Council spend on the Gaelic language should be proportionate to the circumstances in the North-East.
 - c) Highlight the huge role of the Gaelic language within the culture and arts sector

9. AREA PERFORMANCE FRAMEWORK AND PERFORMANCE INDICATORS

A report by the Director of Education and Children's Services was circulated asking the Committee to acknowledge the Area Performance Framework and agree the Area Performance Indicators and the schedule of performance reporting.

The Area Manager explained that the report followed on from an informal session held with Councillors on 31 August 2021. She confirmed that the formatting of the finalised Performance Indicators would be different and include infographics to present the information. She confirmed that not all targets had been added at this stage, but that further amendments would be taking place to take account of comments provided before being presented to Committee again. She indicated that informal discussions with Councillors had taken place through the Scrutiny and Performance Workshops and that work would be taking place to develop self-evaluation for Councillors and assessment of the difference being made by the Area Committee, Area Office and Area working.

Members welcomed the progress made to date and provided a number of comments on the proposed performance indicators.

The Committee **agreed** to:-

1. note the performance framework;
2. provisionally agree the performance indicators subject to a further report being provided to the next Area Committee showing updated targets;
3. the schedule of performance reporting as set out in paragraph 4.10 of the report; and
4. provide the following comments on the Performance Indicators:-
 - a) Page 313 (Estate Modernisation) – Are all appraisals happening in the next year?

- b) Page 313 (Estate Modernisation) - Is the improvement a 1% reduction in the number of unsuitable buildings or 1% of the total stock of buildings (i.e. 6)
- c) Page 314 (Estate Modernisation) - can we have a numeric target? Also, title says "suitable"; but purpose says "safe" – do we have unsafe floors?
- d) Page 315/316 (Depot, HWRC and office space) - Should there be an initial PI for the date by which said plans will be confirmed? Then the PIs as written would work
- e) Page 317/18 (Disposals) - A target should be provided. Even though market circumstances may mean that it is not achieved. There is an opportunity to provide an explanation from the variation from target which is preferable to not having a target set. Alternatively, change the PI to require the service to obtain an offer for each property and bring it to the appropriate Councillors.
- f) Page 318 (Fibre and WAN) - the target is very clear, but the purpose requires more clarity.
- g) Page 319 (financial support, both PIs) – What percentage?
- h) Page 320 (Housing Benefit) – Would suggest that it is appropriate to have a target.
- i) Page 321 (Contact Centre abandonment) – Disappointed that the Council is willing to accept this rate of abandonment as appropriate. Would like to see the Service aim higher and get a lower rate of abandonment than this.
- j) Page 326 (Dangerous Building) – target is 100% of what?
- k) Page 329/330 (Other Planning Types/Legal Agreements) - would this be better as a percentage within time x? Note that might be difficult if it's a lot of unique/infrequent types. Same comment for legal agreements.
- l) Page 333 – (Percentage of Waste Collected that Recycled) – This is not a good measure as the target would be more easily achieved if we create more unrecycled waste. We should measure the total amount of waste being created and seek to reduce it.
- m) Pages 337-339 - Is the proposal to replace targets with Scottish Government numbers when available?
- n) Page 337 (Street Lighting) – The targets for this are available in the carbon budget.

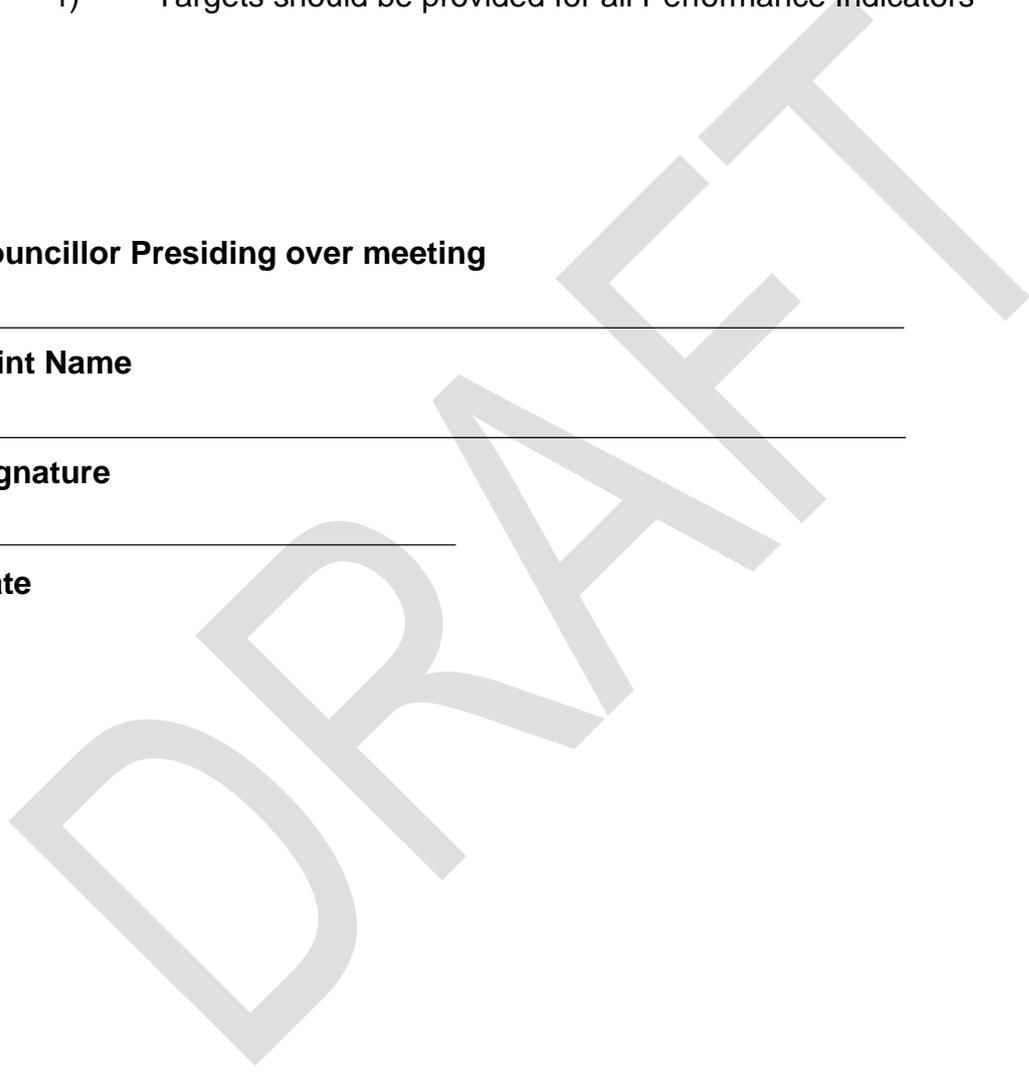
- o) Pages 340 (Road Maintenance) – “consider” 32% of roads for maintenance; but if we maintain none, we can still meet the KPI if we thought about it? Is consider the right word?
- p) Page 341 (Cost of Maintenance of Roads) – Is this really a measure of Council performance? More a measure of the economy and price of materials and labour.
- q) Page 363 (adults achieving outcomes) - not clear what is being done, a couple of extra words might help.
- r) Targets should be provided for all Performance Indicators

Councillor Presiding over meeting

Print Name

Signature

Date



GARIOCH AREA COMMITTEE – 5 OCTOBER 2021

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2021/1751

Full Planning Permission for change of use from class 1 retail to class 3 restaurant with ancillary takeaway at 1 North Street, Inverurie, Aberdeenshire, AB51 4RJ

Applicant: Sava Estates
Agent: Bennett Developments and Consulting

The Senior Planner explained that the application was seeking a change of use for a vacant unit on the edge of the defined town centre in Inverurie. He confirmed that the proposed restaurant and takeaway was in keeping with uses in the locality and would see no external changes to the building apart from the erection of a flue. He explained that the unit had a stepped entrance which had been in place since it was erected and that there was limited opportunity to improve this access through the change of use application.

Members asked whether there was a policy basis for overprovision of this type of development. The Senior Planner explained that there was nothing in the Local Development Plan that identified a level of saturation and it would be down to market forces to regulate the supply.

Members pointed out an anomaly within condition 2, which referred to odour within the condition, but noise within the reason for condition. The Senior Planner indicated that this would need to be amended in any grant of permission.

Some concerns were raised regarding the access from the car park, but it was noted that the hours of operation would complement the use of the car park for the other businesses. Councillors noted the issues with disabled access and the fact that little could be done as this was an existing building. They accepted that the number of restaurants and takeaways in Inverurie would be determined by the market for these services and that there was merit in seeing a vacant building being brought back into use.

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

1. Noise from the premises shall not exceed Noise Rating Curve 25 when measured at a point outside any noise sensitive building at least 3.5m from any reflecting surface other than the ground.

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

2. The premises shall not open for business unless the odour control system has been installed in accordance with the approved details and its operation has

been demonstrated to the Planning Authority. Once provided, the approved odour control system shall be permanently retained thereafter.

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

3. No works in connection with the development hereby approved shall take place unless the details of a suitably sized and positioned grease trap have been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be brought into use unless the grease trap has been installed in accordance with the approved details.
Reason: To prevent excessive amounts of grease, oils and food from the premises entering the public foul sewer and thereby ensuring there is no adverse impact on the public foul sewer from the development.

Reason for Decision

The proposal complies with relevant policies of the Aberdeenshire Local Development Plan 2017, in that the proposed development is acceptable in principle; it would not have an adverse impact on the character of the locality, public health, and the amenity of the neighbouring area.

B. Reference No: APP/2021/1688

Full Planning Permission for erection of 49 dwellinghouses and associated infrastructure at Phase 3, land at Cluny Greens, Cluny Meadows, Sauchen, Aberdeenshire

Applicant: Kirkwood Homes Ltd

The Chair indicated that requests to speak had been received on the application. The Committee agreed to hear from the parties concerned.

Councillor Walker, seconded by Councillor McKelvie, moved that consideration of the application be deferred for a site visit in order that Councillors could assess for themselves:-

- 1 the relationship between the phases of development;
- 2 any road safety concerns;
- 3 the use of homezones;
- 4 any potential impact on protected characteristics.

As an amendment, Councillor Ewenson, seconded by Councillor Keating, moved that the Committee hear the Senior Planner's presentation before taking a view on whether to defer for a site visit.

The Committee voted:-

For the motion	(9)	Councillors Lonchay, Aitchison, Baillie, Leslie, McKail, McKelvie, Reid, Smith and Walker
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For the amendment	(5)	Councillors Ewenson, Ford, Harper, Keating and Whyte
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Councillor Berry declined to vote.

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

- a) defer consideration of the application for a site visit in order that Councillors could assess for themselves:-
 1. the relationship between the phases of development;
 2. any road safety concerns;
 3. the use of homezones;
 4. any potential impact on protected characteristics; and
- b) to hear from parties who have requested to speak at the meeting following the site visit.

DRAFT