

# ABERDEENSHIRE COUNCIL

## GARIOCH AREA COMMITTEE ON 6 SEPTEMBER 2022

### HELD AS A HYBRID MEETING IN THE COUNCIL CHAMBER, GORDON HOUSE, INVERURIE AND VIA TEAMS

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

**Present:** Councillors M Ewenson (Chair), N Baillie, J Gifford (Vice-Chair), M Grant (for items 1 to part of 11 inclusive), F Joji, D Keating, T Mason, R McKail (for items 1 to 7D inclusive), C Miller, S Payne, G Reid, H Smith, I Walker and J Whyte

**Apology:** Cllr Lonchay

**Officers:** A Overton (Garioch Area Manager), J Joss (Senior Solicitor), L Geddes (Senior Planner), H Atkinson (Senior Planner), B Strachan (Senior Planner), D Gander (Civil Engineer), P Blaxter (Planning Team Leader), T O'Connor (Quality & Resources Manager) C Cowie (Environment & Sustainability Team Leader), C Loney (Waste Team Manager) A Millar (Senior Roads Engineer) R O'Hare (Legal Services Manager) and A Cumming (Area Committee Officer)

**In Attendance:** P Berrisford (Station Commander, Scottish Fire and Rescue)

### 1. DECLARATION OF MEMBERS' INTERESTS

In accordance with the Councillors' Code of Conduct no interests were declared, but Councillors made the following transparency statements:-

Item 7B – Councillor Keating indicated that he walks his dog on Tuach Hill but considered that he had no interest to declare.

Item 7C – Councillor Whyte intimated a transparency statement on the grounds that she had mutual friends with the applicant but confirmed that having applied the objective test she had no interest to declare.

### 2. RESOLUTIONS

#### A. EQUALITIES

"In line with the Council's legal duty under section 149 of the Equality Act 2010 the Committee, in making decisions on the attached reports, shall have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and

- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.”

## **B. EXEMPT ITEMS**

“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”.

<b>Item No.</b>	<b>Paragraph Nos.</b>
15	4 & 6

### **3. MINUTE OF MEETING OF 28 JUNE 2022**

In accordance with Standing Order 7.1.1, the Committee **agreed** that the Minute of 28 June was a correct record of proceedings.

### **4. SCOTTISH FIRE AND RESCUE SERVICE – GARIOCH AREA COMMITTEE PERFORMANCE REPORT FOR Q1 – 1 APRIL TO 20 JUNE 2022**

A joint report by the Director of Business Services and the Local Senior Officer, Scottish Fire and Rescue was circulated informing 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 Committee **agreed** to:-

1. note the attached performance report at Appendix 1 relating to the period 1<sup>st</sup> April to 30<sup>th</sup> June 2022; and
2. note any local operational matters arising, together with key resource issues, as detailed within Appendix 1 to this Report.

### **5. STATEMENT OF OUTSTANDING BUSINESS**

A report by the Director of Education and Children’s Services was circulated presenting updates on the items of outstanding business for the Committee as at 6 September 2022.

The Committee **agreed** to note the items of outstanding business as at 6 September 2022.

## **6. PERFORMANCE MANAGEMENT - RESPONSES TO QUERIES PREVIOUSLY RAISED BY THE COMMITTEE**

### **6A. BUSINESS SERVICE**

A report by the Director of Business Services was circulated providing responses to queries previously raised by the Committee in relation to performance management.

The Committee **agreed** to note the responses from the Business Services Directorate in relation to queries previously raised by the Committee.

### **6B. EDUCATION AND CHILDREN'S SERVICES**

A report by the Director of Education and Children's Services was circulated providing responses to queries previously raised by the Committee in relation to performance management.

The Committee **agreed** to note the responses from the Education and Children's Services Directorate in relation to queries previously raised by the Committee.

### **6C. ENVIRONMENT AND INFRASTRUCTURE SERVICES**

A report by the Director of Environment and Infrastructure Services was circulated providing responses to queries previously raised by the Committee in relation to performance management.

The Committee **agreed** to:-

1. note and welcome the very comprehensive responses provided by the Environment and Infrastructure Services Directorate;
2. Provide the following comments to the Environment and Infrastructure Services Directorate:-
  - a) If it is not possible to manage the performance it should not be a performance indicator;
  - b) Looking at the benchmarking family is a good place to start, but we should not ignore well performing Councils; and
  - c) Consider that finance based performance indicators should be used, but would welcome hearing about alternative approaches if this is not to be the case.

## **7. PLANNING APPLICATIONS FOR DETERMINATION**

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

7A. APP/2022/0651	Erection of Enclosed High Voltage Electricity Substation and Associated Development Comprising Formation of Substation Platform, Fenced Compound with CCTV, Siting of Battery Storage Container, Formation of Access Tracks, SUDS Basin, Temporary Construction Compound and Landscaping at Land South East of Kintore Grid Electricity Substation, Leylodge, Kintore	Refer to Infrastructure Services Committee
7B. APP/2022/0283	Residential Development comprising of 600 Dwellinghouses, Neighbourhood Centre, Landscaping, Open Space and Associated Infrastructure Without Compliance with Conditions 3 (Dwellinghouse Occupation Date), 4 (Dwellinghouse Occupation until Kintore Primary School opened), 9 (Formation of Access to Supermarket consented under APP/2014/1953 to be formed), 12 (Construction in the Floodplain); and Amendments to the Wording of Conditions 1 and 2 (Timing and Content of MSC submission), 5 (Energy Statement Submission), 6 (Remediation Work Phasing), 7 (Landscaping), 8 (Archaeology), 11 (Approved Use Class of Neighbourhood Centre/Community Facilities) and 13 (Foul Sewerage Details); (Change to Condition numbering) 10 (Travel Plan Phasing), 14 (Public Transport Strategy Phasing) and 15 (Junction Improvement Works Submission) of Planning Permission Reference APP/2013/3830 at Land at Kintore East, Kintore	Defer for further negotiation
7C. APP/2022/1268	Demolition of Cattery and Erection of Dwellinghouse at Netherlea Cattery, Keith Hall, Inverurie	Refuse
7D. APP/2022/0113	Condition 2 ((a) Layout and Siting; (b) External Appearance and Finishes; (c) Access and Visibility; (d) Landscaping; (e) Levels and Site Sections; (f) Noise Impact Assessment; (g) Water Bodies; (h) Foul and Surface Water Disposal; (i) Refuse and Recycling; (j) Car Parking and Vehicle Turning; (k) Footpaths and Cycleways) of Planning Permission in Principle Reference APP/2015/3793 Commercial Development To include Class 4, 5 And 6 Uses with Associated Infrastructure	Grant

and Landscaping at Plot 2A, Thainstone  
Business Park, Thainstone, Inverurie

## **8. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2022**

A report by the Director of Environment and Infrastructure Services was circulated presenting the Draft Aberdeenshire Local Development Plan (LDP) 2022. It incorporated the findings of the Scottish Government Reporter, the “Report to Aberdeenshire Council on the Proposed Aberdeenshire Local Development Plan 2020 Examination” (the “Reporter’s Report”) following the public examination on representations to the Proposed LDP 2020 and asks the Area Committee to scrutinise the conclusions reached in the Examination Report before it is considered by Full Council, at its meeting on 21 September 2022.

The Planning Team Leader took the Committee through the information relevant to Garioch that had resulted from the examination.

Members raised concerns at the change proposed to the designation for a site protected for the provision of an Academy in Kintore. They did not consider given all of the information available around future development in Kintore and the pressure on Kemnay Academy that this was a reasonable position to take. They also pointed out that if the centrally located site was lost and an Academy was required in the future, it would be in a much less appropriate site to the edge of town. Officers indicated that although comments could be made to Full Council for consideration regarding potential modification changes, not accepting any part of the Reporter’s recommendations came with significant risks in the timescale for having an adopted Local Development Plan. It was noted that as the issue concerned had been already consulted upon, the delay might not be as long, but would still have an impact.

The Committee remained convinced that this was not an appropriate change and provided a request to Full Council to consider this change and the implications of it

The Committee **agreed** to:-

1. note the Reporter’s Report and the proposed non-notifiable modifications; and
2. request that Full Council give consideration to the retention of the protected status of the land for an Academy in Kintore (Issue 35) on the grounds that significant information was provided by the Council to justify this position and the Reporter’s position could therefore not reasonably have been reached based on the evidence considered at the Examination.

## **9. ROADS CAPITAL WORKS 2022-23**

A report by the Director of Environment and Infrastructure Services was circulated presenting the Council’s Annual Road Maintenance Programme which has traditionally been developed using engineering asset management principles which consider road condition information and road classification (A, B, C or Unclassified). This approach seeks to maximise the road condition benefit (at a network level) of every pound spent on maintenance.

The Quality and Resources Manager indicated that the benefit of the revised model is that projects would continually be developed and progressed and added to the system. He said it was also allow communities and Councillors to be better informed. Members generally welcomed the proposals particularly the introduction of the live system. They raised some concerns about using the Town Centre First Principle when so few towns were covered by that, but the Area Manager indicated to Councillors that more towns were going to be part of that process through the new Local Development Plan. Concerns were also raised that the questionnaire did not take account of those that would lose out.

The Committee **agreed** to:-

1. note that data driven processes will be developed for producing and prioritising roads related capital works programmes;
2. note that the Service will move to a live and transparent method of scheme identification and prioritisation to replace annual roads maintenance works programmes reporting;
3. note that road asset maintenance will be considered across Aberdeenshire as a whole;
4. provide the following comments on the draft questionnaire and other matters:-
  - a) Officers should draw attention to those who will lose out within the questionnaire;
  - b) The Committee welcomes the new live and transparent system being introduced; and
  - c) The Committee points out the fact that the Town Centre First assessment could be limiting.
5. note the agreed programmes of roads related capital works for 2022-23 as per Appendix 2.

## **10. ABERDEENSHIRE COUNCIL ROUTE MAP 2030 AND BEYOND**

A report by the Director of Environment and Infrastructure Services was circulated presenting the draft of Aberdeenshire Council's Route Map 2030 and Beyond which has been developed by consultants with the support of Aberdeenshire Council officers.

The Environment & Sustainability Team Leader gave an overview of the report and responded to a number of questions from the Members. Members also provided a number of comments on the Route Map to be considered.

The Committee **agreed** to:-

1. note the Aberdeenshire Council Route Map 2030 and Beyond Sustainability Committee report (Appendix 1 to the report);

2. provide the following comments on the Aberdeenshire Council Route Map 2030:-
  - a) Delivery needs to come from the Chief Executive and SLT.
  - b) Recommendation 10 should be instigated for all Council Projects
  - c) Question whether limited resources should be expended on a hydrogen strategy; and
3. note the amendments to the estimated Capital investment which have been made since the 15 June 2022 Sustainability Committee (Appendix 2 to the report).

## **11. HOUSEHOLD RECYCLING CENTRE HYBRID BOOKING SYSTEM PROPOSAL**

A report by the Director of Environment and Infrastructure Services was circulated presenting a proposal for a pilot project around a hybrid booking system for Household Recycling Centres.

The Waste Team Manager gave background to the report and an overview of the proposals.

Members indicated that there was a difference of opinion in communities about the booking system for the recycling centres and that these opinions were particularly strong in some residents. They noted the proposals and provided some comments for consideration by Waste and Infrastructure Services

The Committee **agreed** to:-

1. note the proposed trial of a hybrid booking system for a 12-month period from 1 December 2022 at Macduff and Stonehaven Household Recycling Centres (HRCs) to allow data to be gathered with a view to implementing where practicable in other sites.
2. provide the following comments to the Waste Service and Infrastructure Services Committee:-

The Garioch Area Committee:-

- a) is concerned that the pilot may cause confusion for users.
- b) considers that only Wednesday afternoons for non-booking is not adequate provision.
- c) requests that the paper to Infrastructure Services Committee is as balanced as possible
- d) is concerned that the removal of bookings will encourage people to make more frequent visits to Recycling Centres.

## 12. BLACKBURN MAIN ROAD LOADING BAY

A report by the Director of Environment and Infrastructure Services was circulated presenting a revision to the loading bay at the Blackburn Co-op in Blackburn, on 7 June 2022. This report is to allow the Head of Roads & Infrastructure to commence the statutory procedures for the Traffic Regulation Order for Main Street, Blackburn as related to a reserved loading bay.

The Senior Roads Engineer gave the history and an overview of the proposed parking order.

The Committee **agreed**:-

1. to authorise the commencement of the statutory procedures for The Aberdeenshire Council (Main Road, Blackburn) (Reserved Loading Bay) Order, 2022;
2. in principle for the Head of Legal and People to make and implement the Aberdeenshire Council (Main Road, Blackburn) (Reserved Loading Bay) Order, 2022, in the event that no valid objections are received or if any are received, they are resolved and withdrawn; and
3. to note the submission of a further report to the Committee in the event that for the traffic order element, any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

## 13. HYBRID MEETING ARRANGEMENTS

A report by the Director of Business Services was circulated seeking feedback from the Committee on future arrangements for hybrid meetings in Garioch with a view to informing the report to Full Council on 29 September on the wider review of hybrid meeting options.

The Legal Services Manager provided the Committee with the options available and gave an indication of some of the costs and resources involved with these.

The Committee considered the hybrid meetings had gone quite well and had positive environmental and efficiency benefits. However, it was noted that Gordon House, in its current form, would not be a long-term venue for the Committee and the Committee stressed the need to minimise spend on equipment to facilitate hybrid that would be able to be utilised elsewhere. The majority of the Committee accepted the resource implications of live streaming and pointed out that as the meeting recordings were being published and there was no way to input through the live stream, that it was not necessary to continue with this.

The Committee **agreed** to provide the following comments to Full Council:-

Garioch Area Committee:-



- a) does not want to see a lot of money spent on equipment provision in Gordon House and only on portable equipment that could be used elsewhere;
- b) notes the significant benefit of Officers not having to travel and wait at meetings;
- c) would welcome the return of public to meetings, but would be concerned about the management of background noise; and
- d) would be content to remove live streaming

#### **14. ANNUAL SCRUTINY AND IMPROVEMENT REPORT 2021-22**

A report by the Director of Education and Children's Services was circulated presenting the Scrutiny and Improvement work undertaken by the Committee over the past year and outlines areas for inclusion in the scrutiny programme for the coming year.

The Area Manager presented the report and asked the Committee to carefully consider whether it wanted to progress the self-evaluation element, which could have significant time and resource implications.

The Committee **agreed** to:-

1. note and acknowledge the amount of scrutiny activity undertaken in the last financial year;
2. the proposed programme of scrutiny activity for 2022-23 as detailed in Appendix 1 to the report;
3. hold a workshop to explore the potential time commitment around self-evaluation for Councillors;
4. the revised format for informal Committee sessions to clearly define outcomes and future actions from these sessions;
5. welcome the additional process implemented to ensure transparency of service responses to queries raised by the Committee in relation to performance; and
6. express concern about the policy review process indicating the view that it does not appear to be well linked in and there is a feeling that Area Committees are not listened to by Policy Committees.

#### **15. ABERDEENSHIRE CHARITIES TRUST (ACT2) APPLICATION EXEMPT UNDER PARAGRAPHS 4 AND 6**

A report by the Director of Education and Children's Services was circulated presenting a report that seeks consideration of an application from an individual for ACT2 funding from the West Garioch allocation.

The Committee **agreed** to suspend standing orders in order to revisit a decision taken within 6 months and allocate the entire remaining fund for West Garioch to the applicant for the prevention or relief of poverty and for the relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.

## APPENDIX A

### PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2022/0651

**Full Planning Permission For (National) Erection of Enclosed High Voltage Electricity Substation and Associated Development Comprising Formation of Substation Platform, Fenced Compound with CCTV, Siting of Battery Storage Container, Formation of Access Tracks, SUDS Basin, Temporary Construction Compound and Landscaping at Land South East of Kintore Grid Electricity Substation, Leylodge, Kintore, Aberdeenshire, AB51 0XY**

**Applicant: Scottish Hydro Electric Transmission Plc**

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

The Senior Planner explained that the application was a national development for the erection of an enclosed high voltage electricity substation and associated development on land adjoining the location of an existing electricity substation. She confirmed that the substation would have a capacity of 132 kilovolts. and the application formed part of a larger electricity transmission infrastructure upgrade within the north-east of Scotland, with a number of substations and lines being upgraded.

She confirmed that the site comprising 1.7 hectares was 2.8km west of Kintore on existing agricultural land with the B977 bordering the site to the south. She explained that a part of the site was currently being used as a compound for the development of a previously approved extension. She explained that the platform for the substation building would be 91.9m by 38.6m and would have a battery storage container to the west. She confirmed a 5m wide access was proposed from the east side of the existing access which would connect to the existing substation. She explained that the external finish would be a mute green and landscaping would be provided to soften the visual impact.

The Senior Planner explained that the need for the development had been demonstrated, that there were no consultee objections and the development complied with Council policies. She explained that the application required to be determined by Infrastructure Services Committee and was being recommended for approval.

Members sought clarification about the completion time and the impact on built heritage. The Officer confirmed that the applicant has sought a Direction to extend the standard time period to give 5 years in which to commence development, but that it was not clear when the development would be complete. She also confirmed that the impact on built heritage was considered to be negligible.

The Chair invited Murray Agnew, agent to address the Committee. Mr Agnew emphasised the importance of the project and gave context to the role of the applicant and details of the process undertaken for the application.

Members sought clarification about the notification of neighbours and sought information about the public events that had been held. Mr Agnew explained that 2 events were held, one online and one in person where they ran through the project and had visual presentation boards and responded to any questions. He confirmed that a report of the consultation formed part of the application.

Members noted the critical nature of the development in the move away from oil and gas. They were satisfied that the conditions covered any concerns and that the neighbours had had an opportunity to become involved in the process.

The Committee **agreed** to refer the application to Infrastructure Services Committee for determination confirming its support for the application by agreeing that authority to grant be delegated to the Head of Planning and Economy subject to:

1. No works in connection with the development hereby approved shall commence unless a detailed scheme of hard and soft landscaping works, generally in accordance with Landscape Mitigation Plan *121009LV3.4- 1.0.0 dated 18.3.22* has been submitted to and approved in writing by the planning authority.

Details of the Scheme shall include:

- Confirmed planting species mix
- Confirmed locations of new planting including shrubs, trees and grassed areas. The scheme shall incorporate additional planting along the full eastern site boundary as far as reasonably practical.
- A schedule of planting to comprise plant sizes and proposed numbers and density
- The location, design and materials of all hard landscaping works including perimeter/security fencing and any gates or other boundary treatments
- A programme for the implementation, completion and subsequent management of the proposed landscaping.
- Confirmation of the areas of tree planting proposed as compensation for any woodland/ hedgerow removal on site as a result of the development.
- An assessment of the Biodiversity Net Gain

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.

2. No development shall commence unless a detailed drainage design, generally in accordance with GIS Building Concept Drainage Design drawing E19378-C-035 Revision B dated 22 Feb 2022 and the Outline SUDS design detailed within the Flood Risk and Drainage Assessment Report by SLR ref:428.00660.00086 version 4 dated March 2022 has been submitted to and approved in writing by the planning authority in consultation with Flood Risk and Coast Protection.

Reason: To ensure the implementation and management of a satisfactory drainage scheme to serve the development in the interests of the amenity of the area

3. No works in connection with the permission hereby granted (including site deliveries) shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the planning authority in consultation with Transport Scotland (where the scheme would impact upon the Trunk Road network). The CTMP must include:
  - The proposed routing of all construction traffic
  - Details of any traffic management measures proposed during construction (including signage and temporary traffic control measures).
  - Detail of the proposed route for any abnormal loads on the Trunk Road and identification of any specific traffic management measures required (e.g. removal of street furniture, junction widening etc)

The traffic control measures detailed above shall be undertaken by a recognised Quality Assured Traffic Management Consultant, that shall be subject to the prior approval of the planning authority in consultation with Transport Scotland as trunk road authority.

The development shall be carried out in accordance with the approved CTMP, unless otherwise agreed in writing with the Planning Authority.

Reason: To minimise interference with the safety and free flow of traffic on the trunk road and to ensure that transportation of abnormal loads will not have any detrimental effect on the trunk road network in the interests of road safety.

4. No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:
  - i) Risk assessment of potentially damaging construction activities;
  - ii) Identification of biodiversity protection zones;
  - iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - iv) The location and timing of sensitive works to avoid harm to biodiversity features;

- v) The times during construction when specialist ecologists need to be present on site to oversee works;
- vi) Responsible persons and lines of communication;
- vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- viii) Use of protective fences, exclusion barriers and warning signs;
- ix) Details of lighting, both during construction and operation of the site.
- x) Hours of operation during the construction period.
- xii) Tree Protection Plan and a plan showing position of barrier fencing to protect trees during construction
- xiii) Water Management Plan covering separately the operational and constructions stages of the project

In the event that the CEMP references other documents, including (but not limited to) General Environmental Management Plans (GEMPs), Species Protection Plans (SPPs) or Ecological Management Plan these plans must also be submitted to Aberdeenshire Council for agreement as part of the wider CEMP.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of protecting the biodiversity of the environment, the amenity of the surrounding area.

5. No development shall take place unless, full details and samples of the finish and specification of materials to be used on the Substation and associated plant or ancillary buildings, have been submitted to and approved, in writing, by the Planning Authority. The buildings and plant shall thereafter be constructed and finished in full accordance with the agreed specification.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

### **Reason for Decision**

The proposal complies with the relevant policies contained within the ALDP and as such can be recommended for approval. The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

**B. Reference No: APP/2022/0283**

**Application under Section 42 for Residential Development comprising of 600 Dwellinghouses, Neighbourhood Centre, Landscaping, Open Space and Associated Infrastructure Without Compliance with Conditions 3 (Dwellinghouse Occupation Date), 4 (Dwellinghouse Occupation until Kintore Primary School opened), 9 (Formation of Access to Supermarket consented under APP/2014/1953 to be formed), 12 (Construction in the Floodplain); and Amendments to the Wording of Conditions 1 and 2 (Timing and Content of MSC submission), 5 (Energy Statement Submission), 6 (Remediation Work Phasing), 7 (Landscaping), 8 (Archaeology), 11 (Approved Use Class of Neighbourhood Centre/Community Facilities) and 13 (Foul Sewerage Details); (Change to Condition numbering) 10 (Travel Plan Phasing), 14 (Public Transport Strategy Phasing) and 15 (Junction Improvement Works Submission) of Planning Permission Reference APP/2013/3830 at Land at Kintore East, Kintore, Aberdeenshire**

**Applicant: The Kintore Consortium**  
**Agent: Ryden LLP**

A transparency statement had been intimated by Councillor Keating and this is detailed under item 1.

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

The Senior Planner advised that the section 42 application sought to amend conditions on the application and was not an opportunity to revisit the principle of the development which had already been established. She explained that a number of the elements of condition 1 had related to the wider site which was restricting the potential for phasing and making it difficult for the consortium to develop the site. She explained that a number of conditions were now considered to be satisfied and could be removed, a number of conditions were proposed to be reworded and there would require to be renumbering of some of the conditions to take all of this into account. The Senior Planner provided detail of the proposals.

Members sought clarification as to whether the development would see an access road across Tuach Hill. The Senior Planner indicated that the detail of the proposals would be included within the Matters Specified in Conditions (MSC) applications. Members sought clarification about the overall timescale that would now be allowed for the works to commence, pointing out that the original permission was granted in 2015. The Senior Planner explained that the current application runs until March 2023 and that 2016 MSC applications were still being considered and that although there had not been activity on site, there was work going on in the background. She confirmed that the new application would include a Direction allowing submission of detailed applications to take place for another 12 years.

Members asked for clarification around the process for implementation of the junction improvements. The Senior Planner explained that the works would be agreed by Transport Scotland along with any phasing. Members sought clarification about the percentage of affordable housing and were assured that this was 25% in the original approval.

The Chair invited Michael Lorimer, agent for the application, to address the Committee. Mr Lorimer explained the difficulties faced by the consortium in developing the site due to the wording of some of the conditions that restricted phasing of development. He confirmed that the proposed amendments would not fundamentally change the application or change the policy basis, but simply allowed for better delivery of the development.

Members sought clarification as to when building would commence. Mr Lorimer explained that the development framework and masterplans had all been completed and that given the number of partners involved that the conditions in the Planning Permission in Principle should have allowed for a phased development rather than the information having to be provided for the whole site all at once. He stressed the commitment of his clients to develop the site. The Chair thanked Mr Lorimer and invited Dr Paul Davison to address the Committee.

Dr Davison intimated that there was no need for the development and stressed the negative impact on Tuach Hill. He contended that the application was a new application and all of the impact should be reconsidered. He expressed concerns about the long timescale being allowed for development. There were no questions and the Chair thanked Dr Davison for his presentation.

The Senior Planner confirmed that the section 42 application was competent and it was the role of the Planning service to facilitate development of allocated sites.

Members were concerned by the delay in progressing development on site and considered the potential extra twelve years as unreasonable. They were keen to explore this being reduced and asked that this discussion take place between the Planning Service and the applicants.

Councillor Grant confirmed that he had had connection issues and would not take part in the decision for this application.

The Committee **agreed** to defer consideration of the application in order that Officers can negotiate with the developer a reduction in the time extension requested for the application.

**C. Reference No: APP/2022/1268**

**Planning Permission in Principle for Demolition of Cattery and Erection of Dwellinghouse at Netherlea Cattery, Keith Hall, Inverurie, Aberdeenshire, AB51 0LQ**

**Applicant: Mr Iain Murray**  
**Agent: George Hadden**

A transparency statement had been intimated by Councillor Whyte and this is detailed under item 1.

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



The Senior Planner explained that the application would see the demolition of a cattery building and the erection of a new dwellinghouse. She said that the site was situated in the Aberdeen Housing Market Area (AHMA) and was surrounded by countryside and Netherlea with the access being through the existing garden of Netherlea. She confirmed that under the AHMA policies it was not appropriate to consider the dwelling as a potential addition to a cohesive group and this would require to be removed from the reason for refusal. She confirmed that the application was not considered to comply with policy as although the cattery was no longer being used, the building, which is within garden ground, could still be used as ancillary storage or accommodation to the dwelling at Netherlea.

Officers provided clarity as to the application of policies R1 and R2.

The Chair invited Iain Murray, applicant, to address the Committee. Mr Murray gave history of the site and the reasons for the family wishing to progress the proposals. He also drew attention to an extant planning permission for the provision of a garage with ancillary accommodation approved for the cattery site. The Chair thanked Mr Murray.

Councillors asked for the relevance of the sperate building that already has permission. The Senior Planner confirmed that this was for ancillary accommodation to the current dwelling and not for a new dwelling.

The Committee **agreed** to refuse Planning Permission in Principle for the following reasons:-

1. The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development; however the proposal does not accord with those principles and does not accord with the policies of the Aberdeenshire Local Development Plan 2017 and therefore cannot be considered to contribute to sustainable development.
2. The development does not comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017, in that it does not meet the criteria contained within such policies as the erection of a dwellinghouse does not constitute any of the following:
  - Development permissible under green belt policy;
  - Refurbishment or replacement of an existing or disused building, or a previously developed site which is now redundant; or
  - Organic growth of a settlement identified in Appendix 4;
  - A new dwelling in relation to a retiring farming succession.

**D. Reference No: APP/2022/0113**

**Approval of Matters Specified in Conditions for Condition 2 ((a) Layout and Siting; (b) External Appearance and Finishes; (c) Access and Visibility; (d) Landscaping; (e) Levels and Site Sections; (f) Noise Impact Assessment; (g) Water Bodies; (h) Foul and Surface Water Disposal; (i) Refuse and Recycling; (j) Car Parking and Vehicle Turning; (k) Footpaths and Cycleways) of Planning Permission in Principle Reference APP/2015/3793 Commercial Development To include Class 4, 5 And 6 Uses with Associated Infrastructure and Landscaping at Plot 2A, Thainstone Business Park, Thainstone, Inverurie**

**Applicant: Craigmile Contractors**  
**Agent: Cobban Architecture Ltd**

The Chair intimated that a request to speak had been received from the applicant's agent. The Committee agreed to hear from the party concerned.

The Senior Planner explained that the application was for a commercial development that was an individual site within the overall Thainstone Business Park which had been referred to Committee by two Councillors. He confirmed that the site was half a hectare in size, to the west of the Business Park and north of the already formed distributor road. He explained that a construction business was looking to use the single storey office and storage workshop in unit A with units B, C and D equally divided. He indicated that the design was acceptable and that no neighbouring residential properties would be affected. He confirmed that the access road and landscaping was acceptable but confirmed that there was a limit on the amount of office space within the development and permitted development rights were also being removed. He confirmed that the bunds and settlement ponds for temporary drainage outside the application site had already been formed.

Members expressed concerns about flooding and drainage on site. The Council's Civil Engineer gave the Committee detailed information of the proposals to deal with any potential issues on a temporary and then permanent basis. The Senior Planner confirmed that the site wide drainage was within another MSC application, but that the way that conditions had been written meant that drainage details must be submitted for each individual application on the Business Park. He explained that there was a large detention basin but that if it did not cope other solutions would be put in place.

The Chair invited Martin Cobban, agent, to address the Committee. Mr Cobban gave some background to the proposals and addressed some of the drainage concerns. There were no questions and the Chair thanks Mr Cobban for his presentation.

The Committee was content with the proposal given the reassurances about the flooding and drainage issues being addressed.

The Committee **agreed** to grant Approval of Matters Specified in Conditions subject to the following conditions:-

01. The development hereby permitted shall not be brought into use until the vehicular access has been constructed in accordance with the approved plans as detailed below, and shall thereafter be permanently retained as such:

- a) Prior to commencement of development, Visibility Splays, measuring 2.4m by 59m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
- b) The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 10.0m, the minimum width at the throat of the bell mouth so formed to be 7.2m. The area within the bell mouth & for a minimum distance of 10.0m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access and shall be surfaced with dense bitumen macadam or asphalt.
- c) Prior to occupancy of development, off-street parking for 16 cars, surfaced in hard standing materials must be provided within the site.

Reason: In the interests of road safety and to meet the Council's standards as contained in the Aberdeenshire Local Development Plan as to ensure the development is provided with an adequate access and parking.

02. Prior to occupation of any individual unit, a noise management plan for operational noise within that unit shall be submitted to and approved in writing by the planning authority in consultation with Environmental Health. The noise management plan shall include full details of all noise generating sources associated with operations within the unit building and within the yard area associated with that unit and shall include details of mitigations employed to ensure the noise impact from operations during night time hours, when considered cumulatively with existing noise sources at other units within these proposals, do not increase the night time background noise level measured at dwellings as stated in paragraph 8.3.3 of the Noise Impact Assessment carried out by Vibrock for Craigmile Contractors (report ref R22.11458/1/IK). The mitigations specified in the noise management plan shall be implemented and maintained in perpetuity for the lifetime of the development.

Reason: To ensure residential amenity is protected.

03. No further development shall proceed unless the existing temporary drainage system is in place, appropriate to the stage of construction and the development hereby approved shall not be brought into use unless the permanent foul water and surface drainage systems have been provided in accordance with the following approved details:

- a) Temporary Drainage Layout dated 15 September 2019.
- b) Drainage Assessment 147650 Issue 2 by Fairhurst dated April 2022

The foul and surface water drainage systems 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.

04. 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.

05. No greater than 65m<sup>2</sup> of gross floor area (GFA) of the development hereby approved shall be used for Use Class 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order amending, revoking or re-enacting these Orders, the buildings hereby approved shall be used only for a purpose within Use Class 5 or 6 and shall not be used for any other purpose without the express grant of planning permission from the Planning Authority.

Reason: To ensure parking requirements are maintained.

### **Reason for Decision**

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval. In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

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.