

ABERDEENSHIRE COUNCIL

GARIOCH AREA COMMITTEE

COUNCIL CHAMBER, GORDON HOUSE, INVERURIE ON 26 FEBRUARY 2019

Present: Councillors F Hood (Chair), D Aitchison, N Baillie, L Berry (for items 1 to part of 8), M Ewenson, M Ford (for items 1 to 6B), V Harper, D Lonchay, R McKail, A McKelvie, H Smith, I Walker and J Whyte.

Apologies: Councillors S Leslie and G Reid.

Officers: M-J Cardno (Garioch Area Manager), A Overton, (Senior Solicitor), B Strachan (Senior Planner), H Wilkinson (Planner), F Swanston (Environment Planner), Susan Donald (Accountancy Finance Manager), Gillian Aitken (Team Leader), Mark Mitchell (Estates Programme Manager) and A Cumming (Area Committee Officer).

1. DECLARATIONS OF MEMBERS' INTERESTS

In accordance with the Scheme of Governance, the following interests were declared:-

Items 6A and 6B – Councillor Whyte indicated that whilst she knew the applicants, having applied the objective test she determined that she had no interest to declare. Councillor Whyte took a full part in determining these items.

2. RESOLUTION

A. 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.

2B. 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”.

Item No.

Paragraph No.

9

8

3. MINUTE OF MEETING OF 5 FEBRUARY 2019

In accordance with Standing Order 7.1.1 the Committee **agreed** that the minute was a correct record of proceedings and it was duly signed by the Councillor presiding over the meeting.

4. ABERDEENSHIRE PERFORMS

A. HOUSING

A report from the Director of Infrastructure Services was circulated providing details on the performance from July to September 2018.

Members expressed concern about the length of time that it was taking to receive performance reports to Committee. The Area Manager explained that a new format for the presentation of performance information was being developed and Services were not reporting to Area Committee in the interim. She explained that following discussions the Housing Service had agreed to continue to report in the meantime.

Members were concerned by the loss of the scrutiny role from Area Committees and requested that the Area Manager contact the Directors to seek performance reporting recommencing for Garioch Area Committee. Members also sought clarification on the issues around relet of sheltered housing.

The Committee **agreed** to:

1. note the positive performance achieved July to September 2018 (Quarter 2), identified in Section 2.3; to the report
2. note those measures where performance is below expectations July to September 2018 identified in Appendix 1 to the report;
3. note the publication on Ward Pages of the complete July to September Performance Report along with a reporting rationale document for all indicators;
4. request that the Area Manager speak with the Directors with a view to ensuring that all Services provide Performance Reports to Garioch Area Committee and to provide an update to the Committee;
5. request further information regarding:-
 - a) any patterns or details of any specific problems relating to the reletting of rooms in sheltered housing in Garioch; (Ref SO2 2b);
 - b) Clarification as to what is meant by "clearing down of electricity meters" (Ref SO2 2b paragraph 7); and
6. request that the voids review report be brought to Committee once it has been completed.

B. RESPONSES FROM HEALTH & SOCIAL CARE PARTNERSHIP TO QUERIES PREVIOUSLY RAISED BY THE COMMITTEE

A report was circulated detailing responses received from the Health and Social Care Partnership in relation to queries previously raised by the Committee.

The Committee **agreed** to note the responses from the Health and Social Care Partnership to queries previously raised by the Committee.

5. SCOTTISH FIRE AND RESCUE SERVICE – GARIOCH AREA PERFORMANCE REPORT FOR QUARTER 3

A report by the Director of Business Services was circulated detailing the performance information for Scottish Fire and Rescue for the period October to December 2018 .

The Committee heard further detail on the statistical information provided and staffing of the Service. They sought further clarification on the information particularly in relation to false alarms, and thereafter the Committee **agreed** to:

1. note the performance report relating to the period; October to December 2018 and congratulate officers on their work to keep Garioch residents safe; and
2. note local operational matters detailed, together with key resource issues,

6. PLANNING APPLICATIONS FOR DETERMINATION

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

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|----|---------------|---|--------|
| A. | APP/2018/2570 | Erection of building for use as a shop (Use Class 1) at I & K Motors Service and Repair Centre, Blackhall Industrial Estate, Burghmuir Way, Inverurie | Grant |
| B. | APP/2018/2859 | Demolition of existing farm buildings and erection of 3 dwellinghouses at Alton Farm Steading, Inverurie | Refuse |

7. THE HISTORIC ASSET MANAGEMENT PROJECT ANNUAL UPDATE

A report by the Director of Infrastructure Services was circulated providing an update on the Historic Asset Management Project.

Members welcome the report and the work done to protect the historic assets. They were concerned by the lack of progress regarding the eradication of rabbits from the Bass and stressed the need for this to be progressed as a matter of urgency. Members indicated that they would like to continue to monitor the work being done by the Service and asked that future annual updates continue to be reported formally to Committee.

The Committee **agreed** to:-

1. note the annual update on the Historic Asset Management Project and commend officers on the quality of the work done;
2. continue to support the approach taken by the Historic Asset Management Project; and
3. agree to request that the next Annual Update in the Spring of 2020 be reported formally to Garioch Area Committee
4. request that an indication of costs against works be provided in future reports; and
5. request that the rabbit eradication works take place as a matter of urgency.

8. UNIVERSAL CREDIT FULL SERVICE

A report by the Director of Infrastructure Services was circulated informing the Committee of the progress made with the roll out of Universal Credit and the rent arrears associated with this.

Members expressed disappointment at the level of arrears and the value of these in Garioch. They sought clarification as to how these were recorded and how quickly tenants could fall in to arrears. They were keen to see previous years information to better understand the trends relating to rent arrears. Officers confirmed that a number of approaches were used to both stop people falling in to arrears and to assist them with catching up with payments.

Members wanted to monitor this further and requested a further update to include information about the transfer of support to Citizen Advice Bureaus. Members requested that they be provided with a link to the list of advice agencies that are available for residents so they can provide this to constituents when required.

The Committee **agreed** to:

1. note the work that is being carried out to support customers in receipt of Universal Credit Full Service and the activities to mitigate rent arrears;
2. request that officers provide historic information on arrears to better understand the trends; and
3. request that an update report be provided to Committee including the end of June 2019 figures. This report should include details about how Citizen Advice Bureaus are coping with taking the support role for Universal Credit.

9. ANNUAL WORK PLAN FOR EDUCATION AND CHILDREN'S SERVICES DIRECTORATE – PROCUREMENT APPROVAL

A report by the Director of Education and Children's Services was circulated detailing the work plan for Education and Children's Services.

The Chair explained that he had requested that the business plan be circulated as a late paper and as a result there would be a change to recommendation 3 of the report.

The Committee **agreed** to:

1. note the Directorate Work Plan as detailed in Appendix 1 to the report;
2. approve the item on the Work Plan identified as falling within the remit of the Committee;
3. approve the Business Case for the item on the Work Plan where the value of the matter is between £50,000 and £1,000,000; and
4. request that officers investigate the borrowing cost for the project and provide clarification to the Area Committee Officer for circulation to the Committee.

10. KINGSEAT MEMBER OFFICER WORKING GROUP - MINUTE OF MEETING ON 8 JANUARY 2019

The Committee **agreed** to note the minute of the Kingseat Member Officer Working Group.

Councillor Presiding over meeting

Print Name

Signature

Date

DRAFT

GARIOCH AREA COMMITTEE

26 FEBRUARY 2019

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

A. Reference No: APP/2018/2570

Full Planning Permission for the erection of building for use as a shop (use class 1) at I&K Motors Service and Repair Centre, Blackhall Industrial Estate, Burghmuir Way, Inverurie, Aberdeenshire, AB51 4FT

Applicant: I&K Motors
Agent: Lippe Architects & Planners

As indicated within item 1 of the minute, Councillor Whyte acknowledged a link to the application which she did not consider to be an interest and took a full part in determining the item.

The Senior Planner explained that the proposal was located within the Industrial Estate on land previously used for car sales. He explained that amendments had been made to the application to lower the height of the building and to move it further away from the boundary. He explained that the application was a departure from policy as the use would be class 1 whilst the estate was reserved for classes 4, 5 and 6. However, he explained that, given the range of uses and the specific nature of the proposed business, that a departure from policy was acceptable. He explained that a condition was being attached to restrict the retail outlet of the business.

Members pointed out the nature of the business and how this would be more appropriate in the business park than in the town centre. However, they sought clarification the change of use to class 1 and whether the attached condition would be adequate protection from the site being fully developed for retail use in the future. The Senior Planner explained that planning permission would be required to increase the retail outlet and that the remaining floor space of the building was considered as ancillary storage space. Members were satisfied that the amendments to the location and height of the building had lessened the impact and were happy to accept the recommendation of officers.

The Committee agreed:-

1. that the reason for departing from the Aberdeenshire Local Development Plan 2017 is that the proposal is an acceptable departure from Policy B1 Employment and Business Land of the Aberdeenshire Local Development Plan 2017 as the site is a yard area within a larger business unit and is largely redundant at the present time. The site could benefit from a more viable, alternative use which would be compatible with neighbouring land uses, not undermine the vitality and viability of Inverurie Town Centre due to its limited scale, and not preclude a future grant of planning permission for the business or industrial use of the site. The applicant has demonstrated that there are no suitable alternative sites in Inverurie. The proposed development complies with all other relevant policies of the Aberdeenshire Local Development Plan 2017 and there are no other material considerations which suggest that permission should be refused.
2. to grant Full Planning Permission subject to the following conditions:-

1. The erection of the building hereby approved shall not commence 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 the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Aberdeenshire Council's Local Development Plan 2017.

2. No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full accordance with the approved tree protection plan. No materials, supplies, plant machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without written consent of the planning authority and no fire shall be lit in the position where flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed.

Reason: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

3. The development hereby approved shall not be brought into use unless the vehicular access and all parking and turning areas have been provided and surfaced in accordance with the details shown on the approved plans. The access and parking and turning areas shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access and parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the provision of a means of access and turning space to an adequate standard in the interests of road safety, and to ensure the provision of car parking in accordance with current Car Parking Standards of Aberdeenshire Council.

4. All soft and hard landscaping proposals shall be carried out in accordance with the approved landscaping 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 unless otherwise agreed in writing by the planning authority.

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. The gross floor area of the retail outlet shall not exceed 103 square metres as indicated in the submitted application and in accordance with the approved plans without an express grant of planning permission from the planning authority.

Reason: To restrict the scale of retail use to that not considered to present a significant impact on the vitality and viability of Inverurie Town Centre.

B. Reference No: APP/2018/2859

Planning Permission in Principle for demolition of existing farm buildings and erection of 3 dwellinghouses at Alton Farm Steading, Inverurie, Aberdeenshire

Applicant: Mr Gordon Lee
Agent: Margaret Bochel

As indicated within item 1 of the minute, Councillor Whyte acknowledged a link to the application which she did not consider to be an interest and took a full part in determining the item.

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

The Planner explained that the application was for the demolition of agricultural buildings and the erection of 3 dwellinghouses on a site outwith the settlement boundary of Inverurie. She explained that the site was surrounded by agricultural land and Alton Farmhouse and would be accessed by a private road. She explained that the Planning Service had visited the site on two occasions (5 December and a few days before the meeting) and on both occasions cattle were housed and bales and farming equipment were stored in the sheds. She said that the buildings were indeed in a dilapidated state, but that they were clearly in agricultural use and not redundant. She explained that the policy required that the buildings be redundant and that a minimum period of around a year of no use was considered to be acceptable. The Planner also explained that a further reason for refusal related to the lack of information relating to contaminated land and although this might be able to be resolved when properly assessed, this was not known at this time. Finally, the Planner explained that reference had been made about provision of a path, but she confirmed that this was not relevant to the application, as it wasn't clear how this could be delivered and, couldn't be conditioned and therefore could not be taken into account in the determination of the application.

The Chair invited Gordon Lee, the applicant, to address the Committee. Mr Lee explained that the owner of the land did not use the buildings and was not initially aware that the cattle were there. He highlighted the fact that the site was good, and all other issues could be overcome.

Members sought clarification about the contamination on site and the presence of animals, bales and equipment on site. They also pointed out that a report provided by the applicant, indicated that the buildings on site were empty. Mr Lee explained that the sheds were now empty, but that the report provided had been inaccurate. He was unable to provide any clarification regarding the type and degree of contamination on site.

There were no further questions and the Chair thanked Mr Lee and he returned to the public benches.

Some Members were keen to see the site developed and welcomed the improvements that this would provide, However, other Councillors highlighted the policy requirement that the buildings be redundant and accepted that departing from policy in this case would set a highly undesirable precedent.

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

1. The proposed development does not accord with Policy R2 Housing and employment development elsewhere in the countryside. The agricultural buildings despite their dilapidated condition were found to be in use in December 2018 for housing of livestock, storage of bales and farm machinery. The buildings therefore cannot be considered as disused or redundant.
2. The proposal is contrary to Policy P4 Hazardous and potentially polluting developments and contaminated land. Insufficient information has been submitted and the extent of contaminated land on site is unknown and could potentially constitute an unacceptable danger to the public and future landowners.