

**ABERDEENSHIRE COUNCIL**  
**GARIOCH AREA COMMITTEE**

**COUNCIL CHAMBER, GORDON HOUSE, INVERURIE ON 23 APRIL 2019**

**Present:** Councillors F Hood (Chair), D Aitchison, L Berry, M Ewenson (for items 4 to 7 inclusive), M Ford (for items 1 to 7 inclusive), V Harper, D Lonchay, R McKail, A McKelvie, G Reid, I Walker and J Whyte.

**Apologies:** Councillors Baillie, Leslie and Smith

**Officers:** M-J Cardno (Garioch Area Manager), A Overton, (Senior Solicitor), B Strachan (Senior Planner), H Wilkinson (Planner), K Clark (Principal Engineer), G Steel, (Principal Engineer), L Watson (Principal Roads Engineer), P Whalley (Early Years Estates Manager) and A Cumming (Area Committee Officer).

**1. DECLARATIONS OF MEMBERS' INTERESTS**

In accordance with the Councillors' Code of Conduct the following interest was declared:-

Item 7 – Councillor Ford as his wife is a Fintray Community Councillor. Councillor Ford remained in the Council Chamber whilst the item was considered.

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

**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.**

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### 3. MINUTE OF MEETING OF 19 MARCH 2019

In accordance with Standing Order 7.1.1 the Committee **agreed** that the minute was a correct record of proceedings subject to:-

1. the addition of "funds from the Garioch Area Committee Budget." to item 11 end of paragraph 1; and
2. the addition of "Local Members asked Officers to engage with Ward Members and residents before a final plan was implemented for Barringer Lane (biodiversity planning) due to previous local interest" to Item 6 end of paragraph 2.

The amended minute was duly signed by the Councillor presiding over the meeting.

### 4. PLANNING APPLICATION 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.

APP/2018/2869	Erection of Cafe with Drive Thru Lane, Car Parking and Associated Works at Site C, Arnhall Phase 3, Venture Drive, Arnhall Business Park, Westhill	Defer for further negotiations
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### 5. FLOOD RISK AND COAST PROTECTION PROGRAMME OF MEASURES 2019/20

A report by the Director of Infrastructure Services was circulated seeking approval of the Flood Risk and Coast Protection Programme of Measures 2019/20.

Local Members thanked Officers for the work done on Kingsfield Road, Kintore to deal with flooding issues and sought clarification as to whether the works at Loch Burn could be done in conjunction with the work at the Kintore Station. The Principal Roads Engineer explained that the works at Loch Burn on the reserve list was for an area behind the Chip Shop and not in the near vicinity of the station. He confirmed that these works would be undertaken as soon as practical. Members also highlighted the temporary solution in place to deal with flood issues at Kemnay and stressed the need for a more permanent solution to be put in place. The Principal Roads Engineer explained that as Kemnay had not previously been identified as an area of risk, that further work needed to be done to include this in the future plan and to then be able to undertake the necessary studies to identify appropriate longer term solutions.

The Committee **agreed** to:

1. approve the Flood Management and Coast Protection Programme of Measures for 2019/2020 as detailed in Appendix A, to the report as it relates to the Garioch Area;
2. approve the scheme on the Reserve List of Measures within the Garioch Area, as detailed in Appendix A to the report; and
3. agree that schemes can be brought forward from the Reserve List in the order of priority (against others on Reserve List) given in the event of slippage, provided that their inclusion does not result in the overall expenditure exceeding the allocated budget sum.

## **6. STREET NAMING – MIDMILL BUSINESS PARK, KINTORE**

A report by the Director of Infrastructure Services was circulated seeking approval to name the new road at Midmill Business Park, Kintore.

The Committee **agreed** the name 'Andy Beattie Way' for the new road at Midmill Business Park, Kintore.

## **7. COMMUNITY COUNCIL GRANTS**

As indicated under item 1, Councillor Ford declared an interest, but continued to take part on considering the item.

A report by the Director of Education and Children's Services was circulated to Members seeking approval of the allocation of Community Council grants.

Members highlighted the large amounts of funding that were being received by Community Councils that covered large settlements and suggested that the costs for running a Community Council would now be more even across Community Councils given the use of electronic communication. They were keen to have a clear idea of key costs and to consider whether the base amount per Community Council should be increased with the per capita amount being decreased to make the allocation reflect the change in circumstance.

The Committee **agreed** to defer consideration of the item in order that officers can investigate an appropriate base figure for the administration of Community Councils.

## **8. INITIATION OF SUPPORTED STATUS FOR WESTHILL AND ELRICK COMMUNITY COUNCIL**

A report by the Director of Education and Children's Services was circulated to Members recommending they note the decision of the Area Manager to place Westhill and Elrick Community Council into Supported Status.

The Area Manager explained the difficulties that had been faced by the Community Council over the past two years and confirmed that she no longer believed that it was compliant with the Scheme for the Establishment of Community Councils. She highlighted the positive project work that the Community Council undertook and confirmed that supported status would allow this work to continue, whilst allowing the members the opportunity to improve internal relationships and behaviours.

Local Members expressed disappointment that it had come to a stage where supported status was required and acknowledged the circumstances that led to the difficulties and the constant challenges that were being faced by the Community Council. They thanked Officers for the work and support they had provided to the Community Council to date.

Members sought clarification about what could happen under supported status and what would happen at the end of the three-month period. The Area Manager explained that the Community Council would be a steering group and would be able to continue with projects, and make relevant low level spend to support these projects. She explained that meetings would continue in order to undertake the training and development needed to take the Community Council back in line with the Scheme, but that these would be held in private. She confirmed that she would report back to Area Committee following the completion of the three month period at which time the options were to continue for a further three months, to remove supported status and return to being a Community Council or to dissolve the Community Council, depending on the progress that had been made during the supported status period.

The Committee **agreed** to note the decision of the Area Manager to place Westhill and Elrick Community Council into Supported Status for a period of three months from 22 April 2019 to 22 July 2019.

**9. SUPPLEMENTARY 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 to Members to approve the Supplementary Annual Work Plan.

It was pointed out that Stage 14 of the Equality Impact Assessment made reference to Premnay School and would require to be amended.

The Committee **agreed**:-

1. to note the Directorate Work Plan as detailed in Appendix 1 to the report;
2. to approve the item on the Work Plan identified as falling within the remit of the Committee;
3. to approve the Business Case in Appendix 2; to the report and
4. not to reserve the award of the contract and note that if Committee choose not to reserve, then the award of contract will be dealt with by Head of Resources & Performance

**10. KINGSEAT MEMBER OFFICER WORKING GROUP –  
MINUTE OF MEETING ON 8 MARCH 2019**

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

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

**GARIOCH AREA COMMITTEE**

**23 APRIL 2019**

**APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

**A. Reference No: APP/2018/2869**

**Full Planning Permission for erection of cafe with drive thru lane, car parking and associated works, Site C Arnhall Phase 3, Venture Drive, Arnhall Business Park, Westhill, Aberdeenshire**

**Applicant: Davaar (Arnhall) Ltd**  
**Agent: Lippe Architects & Planners Ltd**

The Senior Planner confirmed that the proposal for a café and drive through on the site in Arnhall Business park would constitute a departure as the site was allocated for class 4, 5 or 6. He confirmed that the site had been marketed for appropriate uses, but changes in supply and demand had meant that there had been no interest. He pointed out that the applicant had provided justification for the siting of the proposal outwith the town centre and explained that the applicant had demonstrated that there was no scope for the proposal to be sited in the town centre in its current form.

He said that the proposal would see a single storey building with delivery bay, turning area, waste management and parking. He confirmed that the application would be screened from the road by landscaping and fencing to manage pedestrian access on to the site.

Members sought clarification regarding the impact of traffic of the proposals and whether the traffic generation would be considerably different from the allocated and approved use. The Principal Engineer explained that the Transport Impact Assessment had been done for the whole of the Phase 3 development and appropriate mitigation agreed. He explained that this would have been on the basis of office use on site. He explained as this was a completely new type of application the traffic movements had been considered in addition to the allocated use. He also pointed out that a number of the traffic movements to and from the development would be on the road network already.

Members asked about pedestrian movements to and from site. The Principal Engineer explained that consideration had been given to the addition of a further pedestrian crossing to the east of the roundabout, but considered that this would not be justified given the scale of the development.

Members sought clarification about the proposed fin on the roof and how high this would be. The Senior Planner explained that the fin was in place to accommodate branding of the business and although the fin was part of the application, the branding and the provision of further advertisements on site would be considered as part of separate advertisement consent applications. He explained that there are no set standards for the height of these, but indicated that a similar totem at Blackburn was 9 metres high, but was located on a lower site. He confirmed that in assessing an appropriate height, amenity and road safety would form part of the consideration.

Members highlighted the prominence of the site as the gateway to Westhill and queried the design elements. They expressed a wish to see more natural materials being incorporated to improve the appearance of the building.

Some Members felt that there were opportunities for the development to be sited in the town centre and were concerned by the fact that more of these types of facilities were being located on employment land. They questioned whether this type of facility was in keeping with the aims of the Development Plan.

Some Members were content with the proposals and were happy to support the officer recommendation. Other Members highlighted the success of the mix of uses provided at the Prime 4 site and the need for facilities to cater for the amount of employees working in the business park. They were content with the principle of the proposals, but felt that the fin was incongruous and should be removed and that more natural materials should be incorporated to improve the design.

Councillor Ford, seconded by Councillor McKelvie, moved that the application for Full Planning Permission be refused on the grounds that the application:-

1. is contrary to the overarching aim of the Development plan to support and create sustainable mixed communities;
2. is contrary to the Town Centre First Principle and would have an adverse impact on the town centre;
3. would result in an inappropriate building on a gateway site to Westhill; and
4. is contrary to policy B1 as the site is allocated for employment use.

As an amendment, Councillor Lonchay, seconded by Councillor Berry moved to:-

1. agree the reason for departure as detailed in the report; and
2. grant Full Planning Permission subject to the conditions detailed in the report.

As a second amendment, Councillor Aitchison, seconded by Councillor Walker, moved that consideration of the application be deferred in order to allow further negotiations to take place to seek the following amendments to the design of the building:-

1. the removal of the fin from the roof; and
2. the inclusion of natural stone and wood elements into the design.

The first vote was between the first and second amendments.

The Committee voted:-

For amendment 1 (2) Councillors Berry and Whyte.

For amendment 2 (10) Councillors Hood, Aitchison, Ewenson, Ford, Harper, Lonchay, McKail, McKelvie, Reid and Walker.

Therefore, the second amendment was carried and it was taken against the motion.

For the motion (2) Councillors Ford and McKelvie

For amendment 2 (10) Councillors Hood, Aitchison, Berry, Ewenson, Harper, Lonchay, McKail, Reid, Walker and Whyte.

Therefore the second amendment was carried and the Committee **agreed** to defer consideration of the application in order to allow further negotiations to take place to seek the following amendments to the design of the building:-

1. the removal of the fin from the roof; and
2. the inclusion of natural stone and wood elements into the design.