

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

COMMITTEE ROOM 1, WOODHILL HOUSE, ABERDEEN, 11 JUNE 2019

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), Alastair Bews, George Carr, Sarah Dickinson, Alison Evison, Jeff Hutchison, Colin Pike, Dennis Robertson, Sandy Wallace, Leigh Wilson.
- Apology:** Provost Howatson.
- Officers:** Bruce Stewart (Acting Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor), John Gahagan (Estates Manager), Ewan Wallace (Head of Service, Transportation), Ian Milne and Caroline Roff (Waste Support Leaders).
- In Attendance:** Stewart Drummond (Chief Inspector, Police Scotland), Neil Foster and Jim Titmuss (Item 5).

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following declarations were intimated:

1. Councillor Evison - Item 5 due to family involvement with Mackie Rugby Club, having applied the objective test concluded that she should withdraw from the room and take no part in determination of this particular application.
2. Councillor Mollison – Item 8(A) as a member of the community council approximately 20 years ago which had objected to the original application, having applied the objective test concluded he had no interest to declare.

2A. STATEMENT ON 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 their decision.

2B. RESOLUTION

After considerable discussion and debate Councillor Pike seconded by Councillor Bews moved to hear item 9 in public. As an amendment, Councillor Dickinson, seconded by Councillor Agnew, moved to defer the decision to consider the implications of hearing the report in public.

The Committee voted:

For the motion	(2)	Councillors, Pike and Bews.
For the amendment	(8)	Councillors, Agnew, Carr, Dickinson, Evison, Hutchison, Mollison, Robertson and Wilson.

Councillor Wallace abstained from voting.

Therefore the amendment was carried and the Committee **agreed** to defer the decision to consider the implications of hearing the report in public.

The Committee after hearing further information **agreed** in terms of Section 50A(4) and (5) of the Local Government (Scotland) Act 1973, to exclude the public from the meeting during consideration of the items specified below so as to avoid disclosure of exempt information of the class described in the undernoted paragraphs of Part 1 of Schedule 7A of the Act.

Item No	Paragraph No of Schedule 7A
9	6 and 9

3. MINUTE OF MEETING OF KINCARDINE AND MEARNES AREA COMMITTEE OF 21 MAY 2019.

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 21 May 2019.

4. POLICE SCOTLAND – LOCAL AREA UPDATE.

A joint report by the Chief Inspector, Police Scotland, and the Director of Business Services was circulated advising Members of the most recent monitoring information for the Aberdeenshire South Area.

The Chief Inspector was in attendance to present the report and to answer any questions.

Members discussed prioritising prevention with regards to drug issues in schools and safeguarding children online. Members suggested signposting online guidance with regard to internet safety to all parents and carers.

Members commended the local Police force on their updates to Community Councils being a useful addition.

The Committee **agreed** to note the performance information from Police Scotland as it pertained to the Kincardine and Mearns Area.

5. AREA COMMITTEE BUDGET 2019.

A report by the Director of Infrastructure Services was circulated advising Members of applications to the Area Committee Budget for the financial year 2019/2020.

Members were advised, by the acting Area Manager, that there were two applications to consider. Members were also advised that should both applications be approved that would equate to a total of six approved applications, leaving a balance of £56,052.28 for this financial year.

The first application for consideration was from Stonehaven Mackie Rugby Club for £8,000. The total cost of the project was £24,130 to assist in the purchase of used portacabins and to convert them into a gymnasium area, changing facilities and physio room.

The second application was from Auchenblae Parks Committee (APC) requesting £8,000 towards a total project cost of £18,207 to repair a Vertidrain machine, purchase a Fairway mower and legal fees. Members were advised that APC are responsible for maintaining a wide range of recreational facilities throughout Auchenblae. The Vertidrain machine is a key item of equipment that is used to maintain all the grass areas by improving drainage and soil conditions. The fairway mower is to be replaced. It is used for the golf course and football pitch. APC are seeking legal advice on converting to a Scottish Charitable Incorporated Organisation in order to attract new committee members.

The Committee then heard from Neil Foster, Stonehaven Mackie Rugby Club and Jim Titmuss, Auchenblae Parks Committee, in support of their application.

The Committee **agreed** to disburse the following grants from the Area Committee Budget 2019/2020:

1. Stonehaven Mackie Rugby Club £8,000.00, and
2. Auchenblae Parks Committee £8,000.00.

6. KINCARDINE AND MEARNS COMMUNITY COUNCIL GRANTS 2019/2020.

A report by the Director of Infrastructure Services was circulated advising Members of the proposed disbursement of grant funding to the Kincardine and Mearns Community Councils.

The Committee **agreed** to the disbursement of Community Council grant funding for the 2019/2020 financial year as detailed in Appendix 1 of the report, on submission of signed audited accounts from Community Councils.

7. RECYCLING CENTRE POLICY AND PROCEDURES.

A report by the Director of Infrastructure Services was circulated seeking comments, for consideration by the Infrastructure Services Committee, on the draft Recycling Centre Policy and procedures.

Waste Support Officers introduced the report detailing the proposed policy and procedures. They responded to issues raised by Members in relation to; the number of permits issued and offering alternative recycle/reuse options. Members commended the Waste Recycling Centres staff for their work in the Kincardine and Mearns area.

After consideration of information provided, the Committee **agreed** to acknowledge the proposed Recycling Centre Policy and procedures, as detailed in Appendices 2 and 3 of the report and provided the following comments to the Infrastructure Services Committee: -

- (1) To request feedback on the impacts on the business community,
- (2) To suggest that the Service promote options regarding reuse and recycle,
- (3) To request a positive tone with regards to the language used within the report,
- (4) To suggest that 12 permits per year are too restrictive,
- (5) To request a more simplified and practical policy,
- (6) To ensure good communication and engagement with employees,
- (7) To request monitoring of any additional fly-tipping,
- (8) To request an evidence based survey with regards to the amount of unlawful disposal of trade waste,
- (9) To request more information on the additional staffing costs required, and
- (10) That a weigh bridge would be a fairer, more effective solution.

8. APPLICATIONS FOR DETERMINATION.

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

Reference No	Address	Recommendation
(A) APP/2019/0173	Full Planning Permission for Retention of Dwellinghouse without Compliance with Condition 2 (Occupancy) of Planning Permission Reference APP/2013/3375 at Site At Cranhill, Cammachmore, Newtonhill.	Grant

9. PORTLETHEN PARK AND RIDE AND DEVELOPER OBLIGATIONS.

An exempt report by the Director of Business Services and Infrastructure Services was circulated advising Members of the revised proposal for a Park and Ride and an update on developer obligations.

Officers introduced the report and welcomed any questions, members commented on the timescales and the governance arrangements for developer obligations.

The Committee **agreed** to:

- (1) Acknowledge the update on the expenditure of Developer Obligation monies,
- (2) To request that the Head of Transportation explores any means of spending developer obligations by the June deadline and to delegate authority to the Area Manager after consultation with Head of Transportation, Area Chair and Vice Chair to authorise expenditure on sight of a business case,
- (3) To request a report back to Area Committee on 2nd July with progress,
- (4) To request a report back to Area Committee following a review process with regards to current procedure,
- (5) To request confirmation on the position regarding governance arrangements for Developer Obligations spend; and
- (6) that a public statement be made available through the Chair in accordance with Standing Orders.

Councillor Presiding over meeting

Print Name

Signature

Date

**KINCARDINE AND MEARNS AREA COMMITTEE, 11 JUNE 2019
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

(A) Reference No: APP/2019/0173

Description: Full Planning Permission for Retention of Dwellinghouse without Compliance with Condition 2 (Occupancy) of Planning Permission Reference APP/2013/3375 at Site At Cranhill, Cammachmore, Newtonhill.

Applicant: Mr Alexander Shepherd, Per Agent.

Agent: Burness Paul LLP, Union Plaza, 1 Union Wynd, Aberdeen, AB10 1DQ.

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and take a decision on this item in terms of the Scheme of Governance as there was an unresolved objection from a consultee.

The Senior Planning Officer advised that full planning permission is sought for the retention of the dwelling house with the removal of the occupancy condition. Members heard that the current operation of the farm no longer requires the 24-hour presence of a farm worker at Cranhill and current planning policy no longer promotes the use of occupancy conditions. Although the development has significant adverse landscape impacts these will not be exacerbated by the removal of the condition.

The Committee **agreed** to grant Full Planning Permission for retention of dwellinghouse without compliance with condition 2 (occupancy) of planning permission reference APP/2013/3375 at site at Cranhill, Cammachmore, Newtonhill, Aberdeenshire, AB39 3NQ, subject to the following Conditions;

01. Within 3 months of the date of this consent, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
 - (i) Existing landscape features and vegetation to be retained;
 - (ii) Existing and proposed services;
 - (iii) The location of new trees, shrubs, hedges, grassed areas and water features;
 - (iv) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
 - (v) The location, design and materials of all hard landscaping works including walls, fences, gates.

The planting and landscaping scheme shall be focus on the three access points to and from the site and shall be produced to soften the appearance of the site.

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 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.

02. Within 3 months of the date of this consent, details of all the proposed means of enclosure to be provided in the proposed development have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

03. That notwithstanding the provisions of all Classes of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order the proposed dwellinghouse shall not be altered in any way nor any building or means of enclosure erected within the curtilage of the dwellinghouse without an express grant of planning permission from the Planning Authority.

Reason: In the interests of the character and appearance of the development.

04. That prior to the occupancy of the development three off-street parking spaces shall be provided within the site and shall be surfaced with hardstanding materials.

Reason: In the interests of road safety and to prevent parking outwith the site.

05. That prior to the occupancy of the development visibility splays measuring 2.4 metres by 25 metres shall be formed on either side of the vehicular access with its junction with the public road. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

06. That prior to the occupancy of the development, a suitable vehicle turning area, measuring not less than 7.6 metres x 7.6 metres, shall be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

Reason: In the interests of road and public safety.

07. That prior to the occupancy of the development a refuse bin uplift store area shall be constructed adjacent to the public road (behind any visibility splay) so as to be accessible for bin uplift and shall be secure enough to prevent empty bins from being wind blown. Further details shall be submitted to Infrastructure Services (Roads Development) for further approval.

Reason: In order to allow the safe pick-up of waste.

Reason for Decision

The retention of the dwellinghouse without complying with condition 2 of planning permission APP/2013/3375 is compliant with the most up-to-date national and local planning policy and would not exacerbate the existing impacts of the dwellinghouse on the surrounding landscape. As such it is considered to accord with Policy R1: Special Rural Areas and Policy E2: Landscape of the Aberdeenshire Local Development Plan 2017.

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