

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

COMMITTEE ROOM 1, WOODHILL HOUSE, ABERDEEN, 02 JULY 2019

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), George Carr, Sarah Dickinson, Alison Evison, Provost William Howatson, Jeff Hutchison, Colin Pike, Dennis Robertson, Leigh Wilson.
- Apology:** Councillors Sandy Wallace and Alastair Bews.
- Officers:** Bruce Stewart, (Acting Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor), Elaine McCarron (Estates Team Leader), Ewan Wallace (Head of Service, Transportation), Paul Williamson (Senior Planner), Laumon Dougall (Commercial Development Manager).
- In Attendance:** Lenny Gibson, Station Manager (Item 4), Mairi Eddie and Michael Bennett (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 Carr – Item 5 explained that he had a connection by virtue of being a Board member of the Trust some years ago. Having applied the objective test he had concluded that he had no interest to declare.
2. Councillor Dickinson - stated that she had a connection to Item 10 by virtue of being acquainted with the applicant however having applied the objective test she concluded she had no interest to declare.
3. Provost Howatson - Item 5 explained that he had a connection by virtue of being a Board member of the Trust several years ago. Having applied the objective test he had concluded that he had no interest to declare.
4. Councillor Agnew stated that she had a connection to Item 10 by virtue of the applicant being a client of her husband's business and having applied the objective test would withdraw and not take part in the decision or discussion.

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

The Committee **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 |
|----------------|------------------------------------|
| 11 | 9 |
| 12 | 4 |

3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 11 JUNE 2019.

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 11 June 2019.

4. SCOTTISH FIRE AND RESCUE SERVICE – KINCARDINE & MEARN'S AREA COMMITTEE PERFORMANCE REPORT FOR 1 APRIL 2018 – 31 MARCH 2019.

A joint report by the Local Senior Officer, Scottish Fire and Rescue, and the Director of Communities was circulated advising Members of the service performance for the period, April 2018 to March 2019.

The Station Manager was in attendance to present the report, drawing attention to local statistics in relation to accidental dwelling fires; fire casualties; deliberate fires; secondary fires; road traffic accidents and other special service calls.

Members sought clarification about a number of items including; debriefing after incidents, the number of appliances that would attend major events and retained fire services.

The Committee commended the work of the Scottish Fire and Rescue Service, the detailed report and **agreed** to acknowledge the performance report relating to the period, April 2018 to March 2019.

5. MILL OF BENHOLM ASSET TRANSFER APPLICATION.

A report by the Director of Infrastructure Services and Business Services was circulated updating Members on the asset transfer request from Mill of Benholm.

The Acting Area Manager introduced the report and outlined key aspects of the Community Asset Transfer process including timescales and options for progressing the application. Members were advised that there were some unresolved issues with regards to the Business Plan and Officers would welcome further time to progress the application positively.

The Committee agreed to defer the application to a future Kincardine and Mearns Committee dated no later than 24th September to allow further dialogue with the Mill of Benholm Trust.

6. LOCAL REVIEW BODY, REVIEW DECISION NOTICE FOR LRB 447 - PLANNING REF: APP/2018/2685.

The Committee had before them, and **noted**, an Aberdeenshire Council Local Review Body Review Decision Notice dated 4 June 2019 informing them of their decision. The Local Review Body (LRB) agreed to uphold the Notice of Review and reverse the decision reviewed by it and grant Full Planning permission, subject to conditions.

7. LOCAL REVIEW BODY, REVIEW DECISION NOTICE FOR LRB 444 - PLANNING REF: APP/2018/2331.

The Committee had before them, and **noted**, an Aberdeenshire Council Local Review Body Review Decision Notice dated 4 June 2019 informing them of their decision. The Local Review Body (LRB) agreed with the determination reviewed by it and refused Full Planning Permission in accordance with the Appointed Officer's decision.

8. AREA COMMITTEE BUDGET 2019/20.

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 four applications to consider. Members were also advised that should all the applications be approved that would equate to a total of eight approved applications, leaving a balance of £52,891.09 for this financial year.

The first application for consideration was an application received from Active Schools within Portlethen Academy to fund the purchase of a New Age Kurling combo bundle. Total project cost was £249.29, this would include one set of indoor kurling stones along with kurling targets. The project was for a lunchtime club aimed at pupils with additional support needs within the school.

Fordoun Defibrillator Group had requested £872.00 towards a total project cost of £1,567.00 to purchase a publicly accessible defibrillator, pads, cabinet and labour costs for fitting. The defibrillator would be mounted outside the village hall and the group plan on running additional Cardiopulmonary resuscitation (CPR) and defibrillator training courses in the community. The additional funding required had been achieved through fundraising and approaching local businesses.

The third application was from Community Learning and Development they had requested £141.00 towards a total project cost of £282.00 to facilitate summer respite for young carers. Members heard that this would provide an opportunity for young carers to meet up during the summer holidays fortnightly to participate in group activities. These activities included cooking sessions, Break Out games and provided lunch.

The final application was from Laurencekirk Hanging Baskets requesting £1,872.00. The total project cost was £3,744.00 for the purchase of two electric powered waterers. Members were advised that up to 40 baskets were watered by retired volunteers around a one-mile route up to four times a week depending on the weather. It was anticipated that this would streamline the operation and make it easier and safer for volunteers.

Members highlighted the need for all applications to meet the criteria with regards to match funding and Council priorities.

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

| | |
|-------------------------------------|-----------|
| 1. Active Schools | £249.29 |
| 2. Fordoun Defibrillator Group - | £872.00 |
| 3. Community Learning & Development | £141.00 |
| 4. Laurencekirk Hanging Baskets | £1,872.00 |

9. PORTLETHEN DEVELOPER OBLIGATIONS UPDATE

A report by the Director of Infrastructure Services was circulated advising Members of the update on Developer Obligations in Portlethen.

Members were advised of the most recent expenditure which included upgrading the road at Causeymouth, real time displays, electric vehicle chargers, cycle shelters and storage for bicycles at Hillside primary school. Consideration was given to purchasing bicycles and e-bikes to be used at Hillside primary school however these were not deemed eligible under the terms of the Section 75 Agreement.

Members highlighted the need for a lesson learnt exercise and requested a letter be issued to the developer from the Chair of Kincardine and Mearns Area Committee on behalf of the local community that unspent Developer Obligations be retained by the Council to be spent on projects at Hillside.

10. 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 Number | Address |
|-------------------|--|
| (A) APP/2019/0777 | Full Planning Permission for Erection of Dwellinghouse (Renewal of Planning Permission APP/2015/1686) at Site to West Of 18 New Street, Stonehaven |

11. PROPOSED LEASE OF UNITS 1 TO 4, PIPER ALPHA CENTRE, BADENTOY PLACE, PORTLETHEN.

An exempt report by the Director of Business Services was circulated seeking approval for a lease of units 1-4, at the Piper Alpha Centre, Portlethen.

A Development Manager introduced the report and answered queries with regards to maintenance of the building. Members commended Officers on the uplift of rent in difficult financial times.

The Committee **agreed** to approve the proposed lease of Units 1-4, Piper Alpha Centre, Badentoy, Portlethen subject to terms detailed within the report.

12. ACT 2 (ABERDEENSHIRE CHARITIES TRUST) APPLICATION.

An exempt report by the Director of Business Services was circulated seeking approval for an individual application for ACT2 funding.

The Acting Area Manager introduced the report and answered any questions. Members were advised that the application form had been issued separately.

The Committee agreed to approve the individual application for ACT2 funding (Ward 18: The advancement of health) up to £500.

KINCARDINE AND MEARNS AREA COMMITTEE, 02 July 2019

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

| | |
|--------------------------|---|
| (A) Reference No: | APP/2019/0777 |
| Description | Full Planning Permission for Erection of Dwellinghouse (Renewal of Planning Permission APP/2015/1686) at Site to West Of 18 New Street, Stonehaven. |
| 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 Scheme of Governance, as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises and there was an unresolved objection from a consultee.

The Senior Planning Officer advised the site had previously had planning permission approved in May 2016 via the Local Review Body, and for which the applicant sought to renew planning permission. The proposed site was a gap site located on the south side of New Street. The site was located between two existing dwelling houses.

Members were advised that the development would be of a scale that fits well with the existing street scene, given that it would be in keeping with surrounding properties. As such, it was felt that the new development would not detract from the qualities that gave rise to the designation as a Conservation Area. With regards to residential amenity, it was acknowledged that New Street, is part of the densely populated part of Stonehaven Old Town, and that a degree of overlooking is inevitable across the street.

Roads Development had objected to the proposal based on insufficient parking. Despite the submission of a parking survey, it highlighted that spaces generally didn't become available on New Street until later in the evening. Although it was acknowledged that parking on New Street is convenient for residents, this had to be considered in the local context including the relative proximity of available parking on surrounding streets and relatively easy access on foot to the school, shops and other community facilities.

Members heard that the Planning Service agreed with the findings of the Local Review Body that the proposal is unlikely to generate such a significant number of additional cars as to have a significant adverse impact on the amenity of residents. As such, when taking a pragmatic view of the potential impacts of the proposed development on the amenity of existing New Street residents and having fully considered the comments received from Roads Development, the Planning Service considered that the proposal could be supported in this instance.

The Senior Planner then responded to Members' questions in relation to parking spaces and residential amenity. After careful consideration and discussion, the Committee **agreed** to refuse planning permission on the grounds that:-

- (1) The proposal was contrary to Policy P3 and would negatively impact on the amenity of existing residential properties; and
- (2) Contrary to Policy RD1 providing suitable services, as there was a lack of suitable parking.