

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE (VACATION)

COUNCIL CHAMBER, VIEWMOUNT, STONEHAVEN, 26 JULY 2016

Present: Councillors C Nelson (Chair), P Bellarby (Vice-Chair), W Agnew, R Christie, A Evison, I Mollison and G Carr.
W Howatson, D Stewart.

Apology: Councillors Clark, Bews and Dick.

Officers: William Munro (Area Manager, Kincardine and Mearns), Karen McWilliam (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Legal and Governance, Business Services) Gregor Spence (Senior Planning Officer, Infrastructure Services), Gavin Clark (Senior Planning Officer, Infrastructure Services).

In Attendance: John Fotheringham, Louise Wilson and Bernie Melsom item 5 (a), Margaret Wood, Bruce Thomson, Dr Alistair Cargill and Jim Mackay from the Scottish Environment Protection Agency item 5 (b).

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 by Councillor Agnew.

Item 5 (a) - Councillor Agnew declared an interest and said that she would withdraw and not take part in the decision or discussion as her husband had been instructed by one of the objectors.

Item 5(b) - Councillors Nelson, Carr and Christie as they had visited the site but did not consider this to be substantial.

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 |
|---------|-----------------------------|
| 6 | 8 & 10 |

3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 28 JUNE 2016

The Committee had before them and **approved** as a correct record the minute of the meeting of the Area Committee meeting of 28 June 2016 with the correction of spelling from the previously approved Statutory List of Public Roads (item 18) to read Balquharn.

4. AREA COMMITTEE BUDGET 2016/2017.

A report by the Director of Infrastructure Services was circulated advising Members of the most recent applications to the Area Committee Budget.

The Area Manager introduced the report advising that there were four applications. The first from Portlethen and District Community Council was for funding to purchase tables, chairs and a gazebo for the gala. This application was being presented as it needed to be determined before the Portlethen Gala. As this was a one off enhancement to the gala it complied with the guidelines for supporting events agreed by the Committee.

The second application was from Inverbervie & District Day Centre to cover the VAT shortfall in their funding of the resource for this year. The amount required was £592.20. The third application was from the Auchenblae Messenger for £850 to cover the cost of consumables for their new printer, and the final application was from Laurencekirk and District Rotary Club to cover the cost of the purchase of a wreath holder for the War Memorial at the Memorial Park in Laurencekirk.

Members were advised that if the applications were approved there would still be a further £44,700 (approximately). Area staff were currently working with the Bettridge Centre, Portlethen, and the Hillside Out of School Club to assemble applications to the fund.

The Committee agreed to disburse funds from the Area Committee Budget to the following applicants:

| | | |
|----|--|-----------|
| 1. | Portlethen and District Community Council (Portlethen Gala) - | £2,000.00 |
| 2. | Inverbervie and District Day Centre - | £592.20 |
| 3. | Auchenblae Messenger - | £850.00 |
| 4. | Laurencekirk & District Rotary Club - | £250.00 |

5. 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/2016/1395 | Full Planning Permission for Erection of Substation at Land Adjacent to Hillhead of Pitforthie, Fordoun, Aberdeenshire. |
| (B) APP/2016/1354 | Full Planning Permission for Land Raising and Construction of Flood Defence at Deeside Holiday Park, South Deeside. |

6. STONEHAVEN TOWN HALL, UPGRADE BOILER, CONTRACT 17396.

A report by the Director of Business Services was circulated advising Members of the project and tender for the Stonehaven Town hall boiler.

The Committee **agreed** to:

1. Approve the project cost, inclusive of associated costs, detailed in the report; and
2. Authorised acceptance of the tender submitted by McGill.

KINCARDINE AND MEARNS AREA COMMITTEE, 26 JULY 2016 APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

(A) **Reference No: APP/2016/1395**

Full Planning Permission for Erection of Substation at Land Adjacent to Hillhead of Pitforthie, Fordoun, Laurencekirk, Aberdeenshire, AB30 1LQ

Applicant: Upper Pitforthie Wingen PLC, City Point, 65 Haymarket Street, Edinburgh, EH12 5HD

Agent: Suller & Clark, Mayriggs, 69 Brechin Road, Kirriemuir, DD8 4DE

A report by the Director of Infrastructure Services was circulated advising Members that the application was being referred to Area Committee because there had been valid objections from more than five separate households. Furthermore, there is an unresolved objection from Arbuthnott Community Council.

The Senior Planning Officer advised that whilst it was acknowledged that there were concerns about the proposal it was considered that the proposal would have no significant adverse impacts on the character of the landscape in accordance with policy. The building would be located within close proximity of other buildings and viewed in that context. The proposal would have no adverse impacts on the amenity of the adjacent residential property nor increased traffic onto the local road network to any significant extent. The proposal was

therefore considered to be a practical alternative option to providing the necessary electricity grid connection required in relation to the previously consented wind turbine.

Members heard from Mr Fotheringham and Ms Wilson in support of the application advising that the revised site of the sub-station offered the most cost effective proposal and that the applicant had limited opportunity, given time constraints, to hold back from development but understood that they were doing so at their own risk. The design and site of the sub-station were considered to be in keeping with the landscape.

Members also heard from Mr Melsom in support of the application.

Members were concerned about some of the alleged works that were taking place on site and were advised that complaints would be managed through Planning Enforcement and that Members should consider the application before them, which was for a substation.

The Committee **agreed** to grant Full Planning Permission subject to the following conditions:-

01. Prior to the commencement of development, a sample and/or details/specification and colour of the following elements of the proposed external finish of the development shall be submitted to and approved in writing by the Planning Authority:
 - Wall finish (harling sample to be provided on site).
 - Roof finish (to be provided on site).

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, to ensure that the external finishing materials are appropriate to the character of the area.

02. All plant, machinery and equipment to be used should be so installed, maintained and operated so as to be inaudible at the site boundary. No transformers shall be housed in the building.

Reason: To retain overall control of the development to protect the residential amenity of the adjacent residential property.

The application has been assessed in terms of its impact on the surrounding area, amenity of the adjacent residential property and impact on the local road network and is considered to comply with the Aberdeenshire Local Development (2012).

(B) **Reference No: APP/2016/1354**

Full Planning Permission for Land Raising and Construction of Flood Defence Wall at Deeside Holiday Park, South Deeside Road, Maryculter, Aberdeenshire, AB12 5FX

Applicant: Wood Leisure Ltd, Wood Leisure Blairgowrie, Hatton Road, Rattray, Blairgowrie, PH10 7AL

Agent: MAK Architecture, 32 Leslie Street, Blairgowrie, PH10 6AH

A report by the Director of Infrastructure Services was circulated advising Members that the application was being referred to Area Committee because there was an unresolved objection from a statutory consultee (SEPA) and in the opinion of the Head of Planning and Building Standards there was a substantial body of support for the development, taking into account local circumstances.

The Senior Planning Officer advised that based on the full assessment of the proposal the application failed to accord with policy 8 and its associated supplementary guidance in so far that the proposal would result in an increased flood risk within the surrounding area, affecting the amenity of nearby properties and would lead to a 5% loss of the River Dee, Inch of Culter, floodplain capacity. Members were advised that the only Local Development Plan departure was policy 8: layout, siting and design (SG LSD8: flooding and erosion), and reference to policy 2 should not have been included.

Members heard from Ms Wood and Mr Thomson in support of their application advising that the business was a family run business that had been awarded many accolades. The proposed flood defence measures had been assembled with professional advice from Envirocentre and were aimed to safeguard clients and enhance the current evacuation process.

Members sought clarification with regard to previous planning consents for the site, raising the height of the replaced static caravans and lodges and the possibility of like for like compensatory flood storage.

Members then heard from Mr Mackay and Dr Cargill from the Scottish Environment Protection Agency who were objecting to the proposal as it constituted a loss of floodplain capacity of around 5% with unknown risk to a number of properties as hydrology modelling was not an exact science and a number of factors would be taken into account.

Members sought to clarify what was meant by hydrology structures, the severity of the flood of 2015, and the potential impact of a 5% loss of floodplain capacity.

Councillor Carr, seconded by Councillor Agnew moved to notify Scottish Ministers of their decision to delegate the authority to the Head of Planning and Building Standards to grant Full Planning Permission for land raising and construction of flood defence at Deeside Holiday Park, South Deeside. The Committee advised that the wall/bund construction should be robust and advised that the reasons for granting the application were:

1. The floodplain capacity had already been reduced by the existing development,
2. The proposal was considered to cause negligible additional flood risk, and
3. The proposal would offer an enhanced opportunity with regard to evacuation measures.

As an amendment Councillor Howatson, seconded by Councillor Bellarby, moved with officer recommendation to refuse to grant Full Planning Permission.

The Committee voted:

For the motion: (7) Councillors Nelson, Agnew, Carr, Christie, Evison, Mollison and Stewart.

For the amendment (2) Councillors Bellarby and Howatson.

The motion was carried and the Committee **agreed** to notify Scottish Ministers of their decision to delegate the authority to the Head of Planning and Building Standards to grant Full Planning Permission for land raising and construction of flood defence at Deeside Holiday Park, South Deeside. The Committee advised that a robust wall/bund construction be constructed and advised that the reasons for granting the application were:

1. The floodplain capacity had already been reduced by the existing development,
2. The proposal was considered to cause negligible additional flood risk, and
3. The proposal would offer an enhanced opportunity with regard to evacuation measures.