

**ABERDEENSHIRE COUNCIL**

**KINCARDINE AND MEARN'S AREA COMMITTEE**

**COUNCIL CHAMBERS, VIEWMOUNT, STONEHAVEN, 12 SEPTEMBER 2017**

- Present:** Councillors W Agnew (Chair), I Mollison (Vice-Chair), A Bews, G Carr, S Dickinson, A Evison, W Howatson, J Hutchison, C Pike, S Wallace, L Wilson.
- Apology:** Councillor D. Robertson
- Officers:** Janelle Clark (Area Manager, Marr), Karen McWilliam (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Legal and Governance), Gregor Spence (Senior Planning Officer), Sinead Farren (Engineer, Projects, Flood Risk and Coast Protection), Gemma Dacre (Learning Estates Officer), Heather Macrae (Business Development Executive) Robert McIntosh (Planning Officer), Alasdair MacDonald (Principal Engineer, Transportation), Morna Harper (Service Manager, Community and Economic Development).

**1. SEDERUNT AND DECLARATION OF MEMBERS' INTERESTS**

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and none were intimated.

**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.

**3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE  
OF 13 JUNE 2017**

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 13 June 2017.

#### 4. MINUTE OF MEETING OF KINCARDINE AND MEARNS AREA COMMITTEE OF 22 AUGUST 2017

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 22 August 2017.

#### 5. KINCARDINE AND MEARNS AREA COMMITTEE BUDGET 2017/2018

A report by the Director of Infrastructure Services was circulated advising Members of the most recent applications for the Area Committee Budget 2017/2018.

The Area Manager introduced the report advising that there was a balance of £58,461 available for disbursement from the Area Committee Budget and that ten local projects had already been supported this year.

Members were advised that an application had been received from Marykirk Village Hall Management Committee for £500.00 to renew the gravel surface at the village hall which was badly affected by heavy rain earlier in the year leaving the surface very muddy. The hall is used by all age groups in the village including the school who use the hall several times per week. Resurfacing the car park would make the hall more accessible to all users and help maintain a strong community. The total cost of the project is £1,050.00 with the remainder being funded by Hillhead of Auquhirie Windfarm.

An application had also been received from Stonehaven & District Angling Association who were seeking £3000.00 to commission a full hydrological analysis and flood risk report for the removal of the Dam Dykes Weir on the river Cowie at Mineralwell.

Members were advised that the Dam Dykes Weir was next to Mineralwell Park. The condition of the weir had recently started to deteriorate through natural processes and was becoming an eyesore as well as being classified as a partial barrier to migratory fish such as salmon, therefore having a detrimental effect on the local area biodiversity.

Both SEPA and the River Dee Trust had recommended investigations be carried out into the removal of such obstacles and to allow the river to form a more natural course. The Council's Flood Protection Team had reviewed the information supplied and were in support of SEPA's comments regarding this proposal to remove the weir and the requirement for a flood risk assessment to be carried out. The funding sought was for phase 1 of the project to commission a full hydrological flood risk assessment, phase 2 being the construction stage. Further funding was being sought from the River Dee Trust and Hillhead of Auquhirie Wind Farm Community Fund as well as club funds being used towards the construction costs. The cost of the project was £6,000 with the remaining funding being sought from River Dee Trust the outcome of which would be know early September.

The Committee **agreed** to disburse the following from the Area Committee Budget 2017/2018:

- |  |           |
|--|-----------|
| 1. Marykirk Village Hall                     | £500.00   |
| 2. Stonehaven & District Angling Association | £3,000.00 |

## 6. SUPPLEMENTARY WORK PLAN – CATTERLINE LANDSLIP REMEDIATION WORKS

A report by the Director of Infrastructure Services was circulated advising Members of the proposed work plan for the Catterline Landslip.

The Projects, Flood Risk and Coast Protection Engineer, was in attendance to present the report and to answer any queries. Members welcomed the report and suggested that the works would enhance the appearance of that part of the village.

The Committee **agreed** to approve the Supplementary Work Plan for Catterline Landslip Remediation Works in Appendix 1 of the report and to approve the Business Case attached as Appendix 2 to the report.

## 7. STONEHAVEN REZONING STATUTORY CONSULTATION

A report by the Director of Education and Children's Services was circulated advising of the formal consultation process whenever changes were proposed to the location or catchment area of a school. Members were advised that the proposal document for consultation in the Stonehaven Network focused upon the need to review the existing zones, largely due to the continued housing development to the west of the town. The aim of a rezoning would be to realign the catchment areas in order to safeguard pupil rolls for the three primary schools in the town of Stonehaven.

The Learning Estates Officer was in attendance to present the report and to answer any queries.

The Committee **agreed** to:

1. The consultation approach on the review of the catchment areas in Stonehaven and would encourage participation within the communities they represented, and
2. Receive a follow up report on the consultation in November 2017 in order to submit a recommendation as part of the decision making process.

## 8. BLAIRS REZONING STATUTORY CONSULTATION

A report by the Director of Education and Children's Services was circulated advising of the formal consultation process whenever changes were proposed to the location or catchment area of a school. Members were advised that the proposal document sought to formalise the secondary school catchment area for pupils living in the Blairs Housing Development, South Deeside Road, Aberdeen. The Proposal was that pupils from the Blairs Housing Development on South Deeside Road, Aberdeen, should continue to be zoned for Lairhillock School for primary education and progress on to Mackie Academy, which was the secondary school for the Stonehaven Network

The Learning Estates Officer was in attendance to present the report and to answer any queries.

After consideration the Committee **agreed** to:

1. Consider the Blairs rezoning consultation report and encourage participation within the communities they represented,
2. Receive a follow up report on the consultation in November 2017 in order to submit a recommendation as part of the decision making process,
3. Suggest that Officers consider the following with regard to the consultation:
  - a) The figures in relation to Banchory-Devenick should be checked as they were considered to be inaccurate,
  - b) The re-zoning exercise needed to ensure robust engagement to enable the correct decision to be taken,
  - c) Instruct Officers to re-engage with Aberdeen City Council with regard to secondary school provision for new housing at Blairs in light of the proposal now to build a new Academy at Countesswells. Previously pupils from this catchment were zoned for Cults Academy but due to lack of capacity were being re-zoned to Mackie Academy but the build of a new school could overcome these difficulties, and
  - d) Instruct Officers to give earlier consideration of appropriate venues for consultation events, perhaps through the Area Office.

#### **9. ECONOMIC ACTIVITY IN KINCARDINE AND MEARNs - APRIL 2016 TO MARCH 2017**

A report was circulated by the Director of Infrastructure Services advising Members of economic activity in the Kincardine and Mearns Area for the 2016-2017 period.

The Business Development Executive introduced the report advising that the report reflected the ongoing work of the service.

The Committee welcomed the report and **agreed** to request further information with regard to:

1. Broadband provision, including detail on any innovative initiatives that were being undertaken,
2. An update on business rate relief scheme uptake and the implementation of this resource, and
3. Request that a seminar on LEADER funding be organised which should focus on:
  - a. The process,
  - b. The decision making approach,
  - c. Governance rules with regard to appealing a decision,
  - d. Support being offered to the communities of Kincardine and Mearns,
  - e. Funding uptake to date and remaining funding figures, and
  - f. Transparency in the LEADER approach and application.

## **10. INFRASTRUCTURE SERVICES QUARTERLY PERFORMANCE REPORTING (JANUARY – MARCH AND APRIL – JUNE) 2017 ABERDEENSHIRE PERFORMS.**

A report was circulated by the Director of Infrastructure Services on the most recent performance figures from the Service for Members to consider.

The Area Manager introduced the report and sought comment from the Committee.

The Committee **agreed** to:

1. Acknowledge the good performance achieved January – March 2017 (Quarter 4),
2. Advise the Director to continue to report, by exception, to Committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the service plan, and
3. Seek further information in relation to Indicator (4.10) *K&M Average time taken to grant a Building Warrant (National Average 63 days)*. The commentary referred to clearing out older building warrant applications which was negatively impacting on the average figure. Clarification was required as to the number of new and old applications being considered in this quarter and whether the new applications were meeting the target timescale.

## **11. HOUSING QUARTERLY PERFORMANCE EXCEPTION REPORTING (JANUARY – MARCH) 2017 ABERDEENSHIRE PERFORMS.**

A report was circulated by the Director of Infrastructure Services on the most recent Housing performance figures for Members to consider.

The Area Manager introduced the report and drew attention to the following local measure that was performing below expectations in this quarter:

**Indicator (2b K&M) The Average re-let time in days.** Performance was below expectation but attributed to the long term low demand properties being re-let within the period. A total of 33 low demand properties were re-let within the financial year, between them taking 3166 days. 4 were in Garioch and Kincardine and Mearns. Without these properties, the average days to re-let in Kincardine and Mearns would have been around 40.2 days which would have seen a slight improvement in the measure. The condition of properties when returned could have an impact on the timescale of re-let if considerable work was needed.

The Committee **agreed** to:

1. Acknowledge the positive performance achieved January to March 2017, identified in the report,
2. Advise the Director to continue to report, by exception, to Committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the service plan, and
3. Seek further information in relation to Indicator (2b) *K&M - Average re-let time in days*. Whilst the detailed report on void performance which was to be assembled for the Area Committee was welcomed it needed to take cognisance of the measures that were to be put in place to improve performance and not just to detail the current statistics.

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.

<b>Reference Number</b>	<b>Address</b>
(A) APP/2016/1986	Full Planning Permission for Erection of 142 Dwellinghouses and Associated Infrastructure at Carron Den, Dunnottar Park, Stonehaven.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

**KINCARDINE AND MEARN'S AREA COMMITTEE, 12 SEPTEMBER 2017  
APPENDIX**

**PLANNING APPLICATIONS FOR DETERMINATION**

(A) **Reference No: APP/2016/1986**

**Full Planning Permission for Erection of 142 Dwellinghouses and Associated Infrastructure at Carron Den, Dunnottar Park, Stonehaven.**

**Applicant: Stewart Milne Homes, Osprey House, Mosscroft Avenue, Westhill Business Park, Westhill**

**Agent: No Agent**

A report by the Director of Infrastructure Services was circulated advising Members that the application was for major development, was a departure from the Development Plan and was being recommended for approval.

The Senior Planning Officer advised that the proposal was for additional housing on an allocated site, exceeding the allocation in the Local Development Plan (LDP) settlement statement. There was an acceptance within Policy H1 that the allocated number of units could be exceeded, with justification, where the proposal was not considered to negatively impact on infrastructure, open space or residential amenity. In this instance, the Planning Service was satisfied that sufficient justification had been provided to support the proposed increase in number of units above that allocated in the Local Development Plan, that there would be no

negative infrastructure impacts from the additional housing, and the proposal would be appropriately designed, laid out and of a compatible scale, nature and finish to the properties adjacent. The site could be suitably accessed and serviced, and would have no detrimental impact on the local amenity or character of Stonehaven. It was advised that the proposal did not fully comply with the Local Development Plan (LDP), and the Planning Service was recommending approval of the application as a departure from LDP Policies H1: Housing land and P1: Layout siting and design, both of which required a masterplan which had gone through appropriate public consultation. The Planning Service considered it acceptable to depart from these policies in this regard, due to this requirement not being in place at the time of submission of the application, and that the level of engagement, consideration and consultation on the finalised content during consideration of this and previous applications was tantamount to a robust masterplan for the site. In this instance, the proposal was only considered to be a minor departure from relevant Local Development Policy.

Some of the Committee suggested that a 50% increase in the number of units for this development was not considered to be a minor increase and that there would be wider cumulative impacts on the community of Stonehaven in terms of leisure facilities etc. Queries were raised in relation to capacity figures for both primary and nursery education as they were omitted from the report. Members were advised that capacity for children at primary and nursery stage was not highlighted as an issue by the Education Children's Service. Members raised queries in relation to the potential of a pedestrian bridge but that the applicant was not in control of all of the land. Members were advised that it was the opinion of the Council that this was considered to be a minimal risk.

Members welcomed the option of affordable housing in Stonehaven but some felt that this could still be achieved without increasing the number of dwellinghouses on this site.

Councillor Wallace, seconded by Councillor Agnew, moved against Officer Recommendation and to refuse to grant Full Planning Permission for the erection of 142 dwellinghouses and associated infrastructure at Carron Den, Dunnottar Park, Stonehaven. The reasons given were as follows:

1. Contrary to Policy H1 (Housing Land) in that the proposal was 40% more than the indicative figure previously agreed and was considered unacceptable in this location,
2. Contrary to Policy P1 (layout siting and design) given the traffic impacts in relation to having only one confirmed approved access to the development. The second access (pedestrian only) could not be confirmed as it was not in the control of the developer,
3. Contrary to Policy P2 (open space and access in new development) and RD1 (Policy RD1 Providing suitable services) as it was considered to offer inadequate parking provision, coupled with the issues that may arise from shared surfaces,
4. It was not considered to be a well planned development from an aesthetic point of view, and
5. There would be cumulative negative impacts on local services i.e. (Doctors, Dentists, Leisure facilities etc).

As an amendment, Councillor Evison, seconded by Councillor Bews, moved with Officer recommendation and to grant Full Planning Permission for the erection of 142 dwellinghouses and associated infrastructure at Carron Den, Dunnottar Park, Stonehaven.

The Committee voted:

For the motion (8) Councillors Agnew, Carr, Dickinson, Howatson, Hutchison, Pike, Wallace and Wilson.

For the amendment (3) Councillors Bews, Evison and Mollison.

The motion was carried and the Committee **agreed** to refuse to grant Full Planning Permission for the erection of 142 dwellinghouses and associated infrastructure at Carron Den, Dunnottar Park, Stonehaven. The reasons given were as follows:

1. Contrary to Policy H1 (Housing Land) in that the proposal was 40% more than the indicative figure previously agreed and was considered unacceptable in this location,
2. Contrary to Policy P1 (layout siting and design) given the traffic impacts in relation to having only one confirmed approved access to the development. The second access (pedestrian only) could not be confirmed as it was not in the control of the developer,
3. Contrary to Policy P2 (open space and access in new development) and RD1 (Policy RD1 Providing suitable services) as it was considered to offer inadequate parking provision, coupled with the issues that may arise from shared surfaces,
4. It was not considered to be a well planned development from an aesthetic point of view, and
5. There would be cumulative negative impacts on local services i.e. (Doctors, Dentists, Leisure facilities etc).