

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

COUNCIL CHAMBER, VIEWMOUNT, STONEHAVEN 3 OCTOBER 2017

- Present:** W Agnew (Chair), I Mollison (Vice-Chair), A Bews, G Carr, S Dickinson, A Evison, Provost W Howatson, J Hutchison, C Pike, D Robertson, S Wallace, L Wilson.
- Officers:** William Munro (Area Manager, Kincardine and Mearns), Karen McWilliam (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Legal and Governance), Stuart Murison (Senior Planning Officer), Lynne Giles (Head Teacher – Durris School), Piers Blaxter Team Leader (Policy, Planning and Building Standards), Adam Sime (Senior Developer Obligations Officer), Laumon Dougal (Affordable Housing Officer), Kenn Clark (Principal Engineer, Transportation).
- In Attendance:** David Fleming, St James Episcopal Church (Item 4).

CHAIR ANNOUNCEMENT

The Chair paid tribute to Magdalene Black, who, until her recent death, had been a volunteer with The Stonehaven and District Sea Cadet Unit for 39 years in a number of capacities. Magdalene had served the local youth community through her work with the Sea Cadets and also the movement as a whole on a national level.

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 the following were intimated:

Councillor Evison and Councillor Pike declared an interest with the regard to item (4) Kincardine and Mearns Area Committee Budget 2017/2018, in relation to the Portlethen Men's Shed application as they were members of the group and would take no part in discussion or determination of the item.

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
10	6 & 9
11	6
12	8
13	8

3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 12 SEPTEMBER 2017

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 12 September 2017.

4. KINCARDINE AND MEARN'S 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.

Councillors, Evison and Pike, left the Chamber during discussion and determination of the item in relation to the Portlethen Men's Shed having declared an interest.

The Area Manager introduced the report advising that there was a balance of £54,961 available for disbursement from the Area Committee Budget and that twelve local projects had already been supported this year.

Members were advised that an application had been received from the St James Episcopal Church for £6,000 towards a project costing £40,783. The project entailed installing an exhibition space in the Church, the purpose of the exhibition space was to demonstrate the history and social stories associated with St James' and Stonehaven. There were around 30 artefacts dating back as far as the 1600s that were currently unavailable to the public. The exhibition space would also celebrate the work of John Wardle and the Wadsworth organ companies. As part of the exhibition there was a desire to create a smartphone enabled App to provide a friendly modern way to show people around the exhibition and the Church building, in an interactive and appealing way. Members were advised that David Fleming was present to speak to the application.

The second application was from Portlethen and District Men's Shed for £1,836.00 towards the cost of refurbishing the former toilet block in Portlethen into a fit for purpose community facility for the Men's Shed. The group were granted a Community Asset Transfer of the building some time ago and had been actively involved in raising funds to undergo the necessary refurbishment. Much of this work was now complete, however to enable them to open without completing the whole project works, it was essential to install a new doorway and create a disabled toilet in the cabin. The disabled toilet sanitary ware had been donated but they needed to form a concrete ramp area for access. The group received a £2,000.00 grant from The Co-op earlier this year and would use that funding to match fund this project.

Members were advised that the third application was from Portlethen and District Community Council to purchase and refurbish a disused and derelict lock up in Portlethen at a total project cost of £8,000.00. The Community Council were seeking £4,000.00. This converted space would offer storage for equipment the Community Council own such as, Christmas lights, gazebo etc. It would also be considered a better solution to what currently existed as it would be wind and water tight.

The Committee then heard from David Fleming in support of the application for the St James, Episcopal Church. Members were advised that there were three phases of work to be advanced. The first was in connection to roof repairs, the second was to upgrade plumbing and electricity and the third, the subject of funding request to the Area Committee Budget, was in relation to the exhibition space and visitor experience to the Church.

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

- | | |
|--|-----------|
| 1. St James Episcopal Church - | £6,000.00 |
| 2. Portlethen & District Men's Shed - | £1,836.00 |
| 3. Portlethen & District Community Council - | £4,000.00 |

5. INSPECTION OF DURRIS SCHOOL.

A report was circulated advising the Committee on the outcome of the recent Education Scotland Inspection of Durris Primary School.

The Head Teacher was in attendance to present the findings of the inspection and to answer any questions. Members were advised that the inspection included evaluations of; Pupils' learning and achievements; the curriculum and meeting learning needs; and how well staff worked with others to support young people's learning. Members were advised that the inspection found the school to have many strengths and also identified a number of areas of focus in order to further improve the quality of education.

The Committee **agreed** to:

1. Congratulate the Head Teacher, staff, pupils and wider community for the good school report,
2. Endorse the Service's continuing efforts in support of its school in the Education Scotland inspection process and in the raising of standards of attainment and achievement in all aspect of school life, and
3. Agree to further reports on Education Scotland school inspections being presented.

6. STRATEGIC HOUSING INVESTMENT PLAN 2018 – 2023.

A report was circulated advising Members of the Strategic Housing Investment Plans (SHIP) and Strategic Local Programmes which formed part of the Local Housing Strategy process. They were the statements of affordable housing investment priorities in each Local Authority area which would guide the application of Scottish Government and other funding, in line with Scottish Government guidance issued July 2017. All Local Authorities are required to submit a SHIP to Scottish Government annually.

The Affordable Housing Officer was in attendance to present the report and to answer any queries.

Members sought to clarify if the data had been collected taking a realistic view of the current economic climate and were advised that the data, whilst a snapshot in time, was the best prediction to be offered, albeit there were a number of outside factors that could influence progress.

Members sought, and received comments, in regard to the downturn in the oil and gas industry and the impacts therein with regard to affordable housing and the rental market.

The Committee **agreed** to provide the following comments on the draft Strategic Housing Investment Plan 2018 – 2023 to Communities Committee:

1. Continue the work with mortgage lenders with regard to issues relating to shared equity / low cost homes,
2. Furnish the Area Committee with information in regard to the 15% target of affordable homes being compliant with tenants with particular needs,
3. Whilst the constraints were acknowledged in regard to the Marykirk units, officers were encouraged to continue to try to bring forward the allocation,
4. Local statistics with regard to homelessness, and
5. Consider ensuring future reports have table headings at the top of each page.

7. HOUSING QUARTERLY PERFORMANCE EXCEPTION REPORTING (APRIL TO JUNE) 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 drawing attention to the following Indicator; (2b K&M) the average re-let time in days. This measure was again below target but as advised at the Area Committee meeting of 12 September, 2017, a full report on void performance was being assembled for the Area Committee.

In relation to a key service objective, ensuring the service meets the outcome for the Scottish Social Housing Charter, with reference to rent arrears, whilst current performance was good, Members were mindful of the introduction of Universal Credit in November 2017 and the first roll out being in the DD10 postcode area.

After discussion the Committee **agreed**:

1. To acknowledge the positive performance achieved April to June 2017, identified in the report,
2. To 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,
3. Given the concerns regarding the roll out of Universal Credit, with regard to DD10 postcodes, requested that regular update reports are provided to Area Committee

Members, with reference to Housing Performance measures and the potential for rent arrears to become an issue, and

4. Advise the Chair of the Communities Committee of the above action.

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 Number	Address
(A) APP/2016/1203	Full Planning Permission for Erection of 247 Dwellinghouses with Associated Landscaping and Parking at Site North M1 Land To The North East Of Fordoun Road, Laurencekirk.

9. LOCAL DEVELOPMENT PLAN 2017: SUPPLEMENTARY GUIDANCE NO.7: DEVELOPER OBLIGATIONS: METHODS FOR CALCULATION.

A report had been circulated requesting the Area Committee to comment on the methods of calculation on Supplementary Guidance: Developer Obligations.

The Team Leader, Policy Planning and the Senior Developer Obligations Officer were in attendance to present the report and to answer comments.

The Committee **agreed** to make the following comments in relation to the methods of calculation on Supplementary Guidance: Developer Obligations:

1. Page 32 - use the full description of (SHUE),
2. Page 33 – Include information with regard to Early Years as well as Primary and Secondary education,
3. 'Where the phasing of development increases the build out period beyond 5 years' remove the F after this text,
4. Page 36 – Residents' needs to be used in the text associated with – When and where do they apply?
5. Page 37 - Residents' needs to be used in the text associated with – When and where do they apply? and
6. Page 37 - Ensure greater cognisance is taken of relevant Community Action Plans when calculating contributions being sought.

**10. DISCHARGE OF THE SALE CONDITION OF EDENHOLME,
66 ARDUTHIE ROAD, STONEHAVEN.**

A report was circulated advising of the request to discharge of a sale condition for Edenholm, Stonehaven.

The Committee **agreed** to approve the discharge of the economic development title condition as it related to the provision of a minimum 60% affordable housing towards the redevelopment of the property.

**11. NEW BUILD AFFORDABLE HOUSING PROJECT AT PHASE 2, BLACKIEMUIR
AVENUE, LAURENCEKIRK.**

A report was circulated requesting that the Committee considered a new build affordable housing project in Laurencekirk.

The Committee **agreed** to:

1. Agree the land purchase cost as part of the project cost and instructed officers to conclude missives, and
2. Approve the appointment of Muir Homes to provide 7 further homes as set out in the report and instruct officers to conclude the necessary legal agreements.

**12. BERVIE PRIMARY SCHOOL EXTENSION AND ALTERATIONS –
CONTRACT 17603.**

A report was circulated advising of the Bervie School extensions and alterations contract.

The Committee **agreed** to:

1. Note the project cost inclusive of associated costs, as detailed in the report,
2. Authorise acceptance of the Tender submitted by Bancon Construction Ltd, and
3. Ensure compliance with 4.6 of the report.

13. SUPPLEMENTARY WORK PLAN 2017/2018.

A report was circulated detailing an additional item, with regard to roadworks to improve community access that was required as part of planning consent for the new school development. Approval was being sought to add this works to the Directorate's Work Plan for the Hillside School.

The Committee **agreed** to defer consideration of the report for:

1. Further detail on the road works to improve community access required as part of planning consent for the new school development, and
2. The inclusion of the Business Case flow chart, referred to in the report as appendix 2.

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

PLANNING APPLICATIONS FOR DETERMINATION

(A) **Reference No: APP/2016/1203**

Full Planning Permission for Erection of 247 Dwellinghouses with Associated Landscaping and Parking at Site North M1 Land to the North East of Fordoun Road, Laurencekirk.

Applicant: Barratt North Scotland, Blairton House, Old Aberdeen Road, Balmedie, AB23 8SH.

Agent: Barratt North Scotland, Blairton House, Old Aberdeen Road, Balmedie, AB23 8SH.

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 introduced the report advising that the main planning considerations with the application related to the principle of development, before aspects such as access, site layout and other technical matters and considerations were assessed.

Overall, the proposal was one of compromise. A disjointed approach taken by various developers since the coordinated Masterplan stage had led to compromise being necessary in terms of layout, density and timing of delivery. The strategic nature of the site and importance to deliver such a large allocation, which in turn provided certainty for the community of Laurencekirk, was also an important factor to be considered. As such, notwithstanding some shortcomings and concerns with the proposal, it was nonetheless an application which was considered on its own merits to be acceptable as a technical departure from the Aberdeenshire Local Development Plan (ALDP), in terms of the deviation of the Masterplan and inclusion of unallocated land. Members were advised that the site extended beyond that in the Local Development Plan allocation and settlement boundary, and encroached into the countryside. This triangular area was included as open space and was essential in ensuring that the site, on its own merits, met the requirements for 40% of the site to be designated as Public Open Space.

Members were advised that the wider roads and transport issues in Laurencekirk were also apparent, most notably the constraint caused by the capacity of the existing A90 junctions at Laurencekirk. Members were reminded of the application on the adjacent site for 310 houses, which when approved used up the remaining capacity from the A90 junctions, prior to an improved junction being required. The current application was submitted after this point and so alternative solutions were now required. The most likely solution was the construction of a Grade Separated Interchange at Laurencekirk as proposed by the Scottish Government and transport body NESTRANS.

What was being proposed, by the Planning Service, was elongating the permission using a Direction under Section 58 of the Planning Act, increasing the usual 3 year permission to 7 years for implementation. This would offer enough time for the Scottish Government and partners to progress the Grade Separated Interchange at Laurencekirk, for which project and

design work was currently under way. Through the use of an associated planning condition therefore, the development of this site would effectively be deferred until after the delivery of this infrastructure.

Members sought clarification with regard to planning condition (11.11) as detailed in the report, in relation to the A90 junctions and whether development could take place before an adopted upgrade scheme had been put in place. Members were advised that an approved upgrade scheme had to be in place before this development could progress.

Members also sought clarification with regard to the relief road to the west of Laurencekirk and were advised that this application would feed into that relief road, albeit there was no condition for this application to progress the relief road. The previously approved Masterplan and application on the M1 site had a commitment to the relief road and included initial phases of this in their application.

Members sought clarification with regard to available parking spaces, permitted development rights and car movements. With regard to parking requirements, space constraints as a result of the reconfiguring of the road layout, had an impact upon availability of car parking within the site, therefore, it was proposed to remove permitted development rights for the development to ensure that all garages proposed could not be converted to extra living accommodation without a formal application process. This would protect against any further negative effect on the current provision which was under requirement by some 9 spaces. The Senior Planning Officer indicated that this was the best available means of dealing with the shortfall. Members were advised that this shortage of parking spaces could also be accommodated by on street parking. Members were also advised of the methodology used to calculate vehicle movements.

Members discussed the timing of the application and whether it was just coming forward too early given the need to ensure appropriate infrastructure was in place.

Provost Howatson, seconded by Councillor Wilson, moved against officer recommendation and to refuse Full Planning Permission for the erection of 247 Dwellinghouses with associated landscaping and parking at a site north of M1 land to the North East of Fordoun Road, Laurencekirk. The following reasons were given:

1. Contrary to Policy P1 Layout, siting and Design, given the proposed density of housing,
2. Contrary to Policy P1 Layout, siting and Design, given concerns regarding roads layout,
3. Contrary to Policy P2 Open Space and Access in new Development given the impact the proposed density of housing would have on the provision of open space, and
4. The lack of compliance with the approved Masterplan which had material weighting.

As an amendment Councillor Carr, seconded by Councillor Pike, moved with officer recommendation and to grant Full Planning Permission for the erection of 247 Dwellinghouses with associated landscaping and parking at a site north of M1 land to the North East of Fordoun Road, Laurencekirk.

The Committee voted:

For the motion (9) Councillors, Agnew, Bews, Dickinson, Evison,
Provost Howatson, Mollison, Robertson, Wallace and Wilson.

For the amendment (3) Councillors Carr, Hutchison and Pike.

The motion was carried and the Committee **agreed** to refuse Full Planning Permission for the erection of 247 Dwellinghouses with associated landscaping and parking at a site north of M1 land to the North East of Fordoun Road, Laurencekirk. The following reasons were given:

1. Contrary to Policy P1 Layout, siting and Design, given the proposed density of housing,
2. Contrary to Policy P1 Layout, siting and Design, given concerns regarding roads layout,
3. Contrary to Policy P2 Open Space and Access in new Development given the impact the proposed density of housing would have on the provision of open space, and
4. The lack of compliance with the approved Masterplan which had material weighting.