

**ABERDEENSHIRE COUNCIL**

**KINCARDINE AND MEARN'S AREA COMMITTEE**

**COUNCIL CHAMBER, VIEWMOUNT, STONEHAVEN, 20 NOVEMBER 2018**

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), Alastair Bews, George Carr, Sarah Dickinson, Alison Evison, Provost William Howatson, Jeff Hutchison, Colin Pike, Sandy Wallace, Leigh Wilson.
- Apology:** Dennis Robertson.
- Officers:** Ewan Wallace (Head of Service, Transportation), Karen McWilliam (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Corporate Services), Reid Hutchison (Community Economic Development Co-ordinator), Lesley Robertson (Community Planning Officer), Alan Melrose (Community Planning Officer), Gregor Spence (Senior Planning Officer), Neil Reid (Architecture Manager), Scott Copland (Engineer), Mark Mitchell (Estates Programme Manager), Craig Clement (Head of Resources and Performance), Peter MacCallum (Roads Development Manager), Kenn Clark (Principal Engineer), Margaret Ferguson (Head Teacher).
- In Attendance:** David Nelson, Ron Sharp, Jackie Niven (Kincardineshire Development Partnership) (Item 7).

**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 no declarations 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.

## 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	8 &10
11	9
12	8
13	8

The committee noted that statements would be made available to the public regarding Items 10 and 13.

### 3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 30 OCTOBER 2018.

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Area Committee of 30 October 2018 with the following amendment under item 8(B) with the addition of the following words; Councillor Bews, Provost Howatson and Councillor Wallace were absent from the division.

### 4. EDUCATION SCOTLAND INSPECTION, FISHERMOSS SCHOOL.

A report by the Director of Education Children's Services was circulated advising the Committee on the outcome of the Education Scotland Inspection of Fishermoss 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 highlighted a number of strengths: the strong commitment of all staff; children's very good attainment in literacy and the high quality learning and teaching across the school. The Inspectors identified outdoor learning within the nursery as an area for improvement, steps have been taken to address the issue.

The Committee **agreed** to:

1. Congratulate the Head Teacher, staff, pupils and wider community for the good school report,
2. Consider and comment on the contents of the report,
3. 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
4. Agree to further reports on Education Scotland school inspections.

## **5. SCOTTISH FIRE AND RESCUE SERVICE, KINCARDINE AND MEARN'S AREA COMMITTEE PERFORMANCE REPORT FOR 1 APRIL 2018 – 30 SEPTEMBER 2018.**

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 September 2018.

The Committee **agreed** to defer this item until the meeting of 11<sup>th</sup> December Area Committee, to allow a member of Scottish Fire and Rescue to be in attendance to present the report and to answer any queries.

## **6. CROSS CITY CONNECTIONS CONSULTATION.**

A report by the Director of Infrastructure Services was circulated advising the Committee of the options set out in the Cross City Connections Consultation.

Head of Service for Transportation introduced the report and welcomed comments from the Committee for consideration by the Infrastructure Services Committee on 29 November 2018.

The Committee **agreed** to provide the following comments:

1. Chapelton to be used and not Chapelton of Elsick,
2. Welcomed the proposed connections between Ward 17 and places of employment,
3. Increased connectivity between all Kincardine and Mearns Wards should also be considered in the future,
4. Whilst the approach was welcomed care needed to be taken regarding raising public expectations as funding was still to be secured for delivery of projects,
5. Members experienced difficulty in reading maps contained within the report, and
6. Further detail was sought with regards to signage on Badentoy Road.

## **7. RURAL PARTNERSHIP ANNUAL REPORT AND UPDATE 2017/2018.**

A report by the Director of Infrastructure Services was circulated advising members of the development and progress of Kincardineshire Development Partnership.

The Community Economic Development Co-ordinator, Chair and Vice Chair of Kincardineshire Development Partnership and the Development Worker were in attendance to present the report and to answer any queries. Members were advised that Kincardineshire Development Partnership had engaged and fostered relationship with over 30 groups in the last 12 month period. They are currently working on several Community Action Plans, working with communities to build capacity and support them through the engagement progress. They are committed to making sure the process is robust and views are representative of the whole community. Participatory Budget pilot events took place in 2017, the events provided an opportunity for engagement with additional groups and organisations. The 'Grow your Group' funding programme, ran in partnership with the

Council and Aberdeenshire Voluntary Action to support groups sourcing funding and to give advice on making a strong application.

After discussion, the Committee **agreed** to:

1. Note and support the continuing development of Kincardineshire Development Partnership (KDP),
2. Note the progress made on the Action Plan for 2018 - 2019 and the Service Level Agreement for 2018 – 2020, and
3. Note the publication of KDP's Annual Report 2017 - 2018 on Ward Pages.

## **8. KINCARDINE AND MEARN'S COMMUNITY PLANNING UPDATE.**

A report by Director of Infrastructure Services was circulated advising members of the engagement and progress of actions within Kincardine and Mearns Community Plan.

The Community Planning Officers were in attendance and presented the report to the Committee. Members were updated on the merger of Kincardine and Mearns Welfare Solutions Group and the Wellbeing Network allowing an efficient and more focused engagement. This has avoided duplication of work and allowed more time to deliver prepared action plans. Members were updated on the development of fit for purpose paths and trails for both cycling and walking within Kincardine and Mearns.

The Committee **agreed** to:

1. Note and comment on progress of actions within the Kincardine and Mearns Community Plan 2016 – 2018, and
2. Note and comment on the engagement programme for the next iteration of the Kincardine and Mearns Community Plan 2019 – 2021.

## **9. 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** to this Minute.

<b>Reference Number</b>	<b>Address</b>
(A) APP/2018/1213	Full Planning Permission for Erection of 121 Dwellinghouses and Associated Infrastructure and Landscaping at Site OP1, Park Place, Newtonhill.
(B) APP/2017/2957	Full Planning Permission for Change of Use from Quarry to Plant and Equipment Operator Training and Assessment Centre. Erection of 3m Noise Control Barrier, Installation of Modular Units and Generator (Retrospective) at Pitdrichie Quarry, Drumlithie.

## **10. PORTLETHEN – ROAD UPGRADE TO CAUSEY MOUTH ROAD AND JUNCTION WITH SCHOOL BRAE, CONTRACT 18292.**

Following consideration of an exempt report by the Director of Business Services the Committee agreed:

1. To approve the updated cost within Supplementary Work Plan at Appendix A to the Education and Children's Services Directorate's Annual Work Plan 2018/19 in respect of the Road Upgrade works adjacent to new Hillside Primary School, namely Causey Mounth Road and the junction with School Brae, Portlethen,
2. To approve the Business Case attached at Appendix B for the item on the Supplementary Work Plan relating to Causey Mounth Road and junction with School Brae, Portlethen, and
3. That the Chair, Vice Chair and Ward Members are to be provided with a briefing note on developments.

## **11. ASSET TRANSFER OF BEACH PAVILION, STONEHAVEN, PROPOSED LEASE TO STONEHAVEN & DISTRICT MEN'S SHED.**

The Committee Officer advised the Committee that in the time since the meeting had begun, she had been told that asset transfer reports did not now need to be taken as exempt items. The Committee therefore agreed that standing orders be suspended so as to allow the decision made at the beginning of the meeting that this item be taken in private to be revisited by virtue of a change in subsequent circumstances. The Committee therefore agreed that this item would no longer be an exempt item and press and public would not be excluded. A report by the Director of Business Services was circulated seeking approval for an asset transfer.

The Head of Service for Transportation presented the report and welcomed comments.

The Committee **agreed** to approve that a lease should be agreed with Stonehaven & District Men's Shed at a rent of £1 per annum (if asked), for a period of 19 years in respect of the Beach Pavilion, Stonehaven.

## **12. STONEHAVEN FLOOD PROTECTION SCHEME: CONTRACTOR APPOINTMENT.**

An exempt report by the Director of Infrastructure Services was circulated seeking approval for a contractor.

An Engineer introduced the report to the Committee and welcomed any questions.

Members welcomed the report and the provision of a Community Liaison Officer to support the local community through the process.

The Committee **agreed** to the appointment of a contractor to construct the Stonehaven Flood Scheme.

### **13. SUPPLEMENTARY DIRECTORATE WORK PLAN, PROCUREMENT APPROVAL, HILLSIDE SCHOOL.**

An exempt report by the Director of Education and Children's Services was circulated seeking approval for a Supplementary Work Plan.

The Committee **agreed** to:

1. Consider the Directorate Supplementary Work Plan as detailed in Appendix 1,
2. Approve the item on the Supplementary Work Plan and note that this item will be added to the Directorate Work Plan that was approved by this Committee on 20 March 2018,
3. Approve the Business Case as detailed in Appendix 4 should the Committee decide to reserve approval of the Supplementary Work Plan, and
4. Instruct officers to consider an additional layout and design to have minimal impact on playground space.

**KINCARDINE AND MEARNS AREA COMMITTEE, 20 NOVEMBER 2018  
APPENDIX**

**PLANNING APPLICATIONS FOR DETERMINATION**

(A) **Reference No: APP/2018/1213.**

**Description: Full Planning Permission for Erection of 121 Dwellinghouses and Associated Infrastructure and Landscaping at Site OP1, Park Place, Newtonhill, Aberdeenshire.**

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

**Agent: Halliday Fraser Munro, Carden Church, 8 Victoria Street, Aberdeen, AB10 1XB.**

This application had been deferred from the Previous Committee meeting on 30 October 2018. Councillor Wallace had been absent from the previous discussion therefore left the Chambers during discussion and determination of this item.

The Senior Planning Officer advised the Committee that they would be familiar with the application from the previous Committee meeting, at which they sought further clarification with regarding to the following:

1. Further detailed information was requested from Education and Children's Services in relation to school rolls at Newtonhill School, Portlethen Academy, and accommodation requirements for the role out of 1140hrs provision (3 and 4 year olds),
2. Clarification with regard to transportation assessments and any impacts around the Newtonhill Primary School, and
3. Clarification with regard to any other negative impacts on infrastructure that were deemed to be adequately addressed.

The Committee were advised that Education and Children's Services had further confirmed that no objection was held to this development. It had also been confirmed that, in conjunction with partner providers in the area, there was currently sufficient capacity for the expansion of early years provision in the Newtonhill area. In terms of school roll forecasting, in relation to Portlethen Academy, it had been confirmed that the current reduction in build out rates of housing meant the Academy would not exceed the published capacity until 2023. Likewise, Newtonhill School was not forecast to exceed capacity until 2024.

Transportation had confirmed that whilst no specific assessment was made through the Transport Assessment in relation to the impact on the school, every effort was made through the assessment of the application to reduce reliance on the private car. This included ensuring that all significant allocations for housing are located within a reasonable distance of the school, ensuring that a safe walking route to school is provided and by way of requesting a Travel Plan through planning conditions to encourage alternative forms of transport other than the private car.

In terms of other potential negative impacts on infrastructure, NHS Grampian had re-affirmed its position that the recent extension to Portlethen Medical Practice had been designed to accommodate all additional patients from proposed residential developments identified within the current LDP for the Newtonhill area, including the number of units identified from this proposal.

After careful consideration and discussion of all aspects of the proposal including landscape impact, effect on residential amenity, and the effect of the development on the character of the existing settlement. Councillor Mollison, seconded by Councillor Pike, moved to refuse planning permission for erection of 121 dwellinghouses and associated infrastructure and landscaping at site OP1, Park Place, Newtonhill. The following reasons were given:

1. The proposal was not considered to comply with Scottish Planning Policy in that it is not the right development, in the right place, at the right time.
2. The proposal was considered to be contrary to local development plan policy H1(Housing land) because the increase in the number of houses to 121 as compared to the allocation of 70 houses in the development plan would have a negative impact on:-
  - (i) infrastructure, as there would be insufficient road access to the development.
  - (ii) open space, there would be a loss of open countryside that had been enjoyed by the local community for recreational purposes.
  - (iii) amenity, a ten percent increase in the size of the population of Newtonhill would put overwhelming pressure on existing leisure and sports facilities in Newtonhill and would result in the school roll at Portlethen Academy exceeding capacity by 2023.
3. The proposal was contrary to Policy E2 (Landscape), as it would lead to an unacceptable effect on the natural landscape of this area particularly in the area that lies to the south of the development.
4. The proposal was contrary to Policy P1 (Layout, siting and design) because an increase of ten percent to the village will change its character so that it will no longer meet the six qualities of successful places set out in that policy.
5. The proposal was contrary to PR1 (Protecting important resources) as there would be a loss of open countryside.

As an amendment, Councillor Hutchison, seconded by Councillor Carr, moved to grant Full Planning Permission for erection of 121 dwellinghouses and associated infrastructure and landscaping at site OP1, Park Place, Newtonhill, subject to the appropriate planning conditions.

The Committee voted:

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

Councillor Wallace was absent from the division.



The motion was carried and the Committee **refused** to grant Full Planning Permission for erection of 121 dwellinghouses and associated infrastructure and landscaping at site OP1, Park Place, Newtonhill. The following reasons were given:

1. The proposal was not considered to comply with Scottish Planning Policy in that it is not the right development, in the right place, at the right time.
2. The proposal was considered to be contrary to local development plan policy H1 (Housing land) because the increase in the number of houses to 121 as compared to the allocation of 70 houses in the development plan would have a negative impact on:-
  - (i) infrastructure, as there would be insufficient road access to the development.
  - (ii) open space, there would be a loss of open countryside that had been enjoyed by the local community for recreational purposes.
  - (iii) amenity, a ten percent increase in the size of the population of Newtonhill would put overwhelming pressure on existing leisure and sports facilities in Newtonhill and would result in the school roll at Portlethen Academy exceeding capacity by 2023.
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4. The proposal was contrary to Policy P1 (Layout, siting and design) because an increase of ten percent to the village will change its character so that it will no longer meet the six qualities of successful places set out in that policy.
5. The proposal was contrary to PR1 (Protecting important resources) as there would be a loss of open countryside.

(B) **Reference No: APP/2017/2957.**

**Description:** Full Planning Permission for Change of Use from Quarry to Plant and Equipment Operator Training and Assessment Centre. Erection of 3m Noise Control Barrier, Installation of Modular Units and Generator (Retrospective) at Pitdrichie Quarry, Drumlithie.

**Applicant:** Sibbald Limited, Sibbald Training Centre, 1 Shona's Way, Blackridge, West Lothian, EH48 3BN

**Agent:** No Agent.

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 as the application for development is a departure from the Development Plan and is recommended for approval.

The Senior Planning Officer advised the Committee that the proposed operations would be less intense than that of previous quarrying operations. The proposal would not significantly increase vehicular movement on the local road network. It is not expected that the neighbouring residential property would be adversely affected as a result of the development.

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

01. Planning permission is hereby granted for a temporary period of two years from the date of this decision. Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed.