

## ABERDEENSHIRE COUNCIL

### KINCARDINE AND MEARN'S AREA COMMITTEE

#### COMMITTEE ROOM 1, WOODHILL HOUSE, ABERDEEN, 21 JANUARY 2020

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), George Carr, Sarah Dickinson, Alison Evison, Provost William Howatson, Jeff Hutchison, Colin Pike, Sandy Wallace, Leigh Wilson.
- Apology:** Councillors Alastair Bews and Dennis Robertson.
- Officers:** Bruce Stewart (Acting Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Corporate Services), Ailsa Anderson (Senior Policy Planner), Marian Youngson (Quality Improvement Manager), Gail Dick (Learning Estates Officer), Rachael Goldring (Learning Estates Team Leader), Janine Howie (Location Manager), Neil Mair (Senior Planner) and Gregor Spence (Senior Planner).

#### 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 –

Councillor Pike – Item 6. Maryculter Woodland Trust application – Being a board member of Maryculter Woodland Trust and having applied the objective test concluded that he would leave and take no part in the discussion of that particular application.

#### 2. 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 its decision.

#### 3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 10 DECEMBER 2019

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 10 December 2019.

#### 4. COMMUNITIES PERFORMANCE REPORT

A report by the Director of Infrastructure Services was circulated to Members asking the Committee to acknowledge and to provide comments on progress made towards achieving the Council Plan Priorities 2017-2022.

The Area Manager introduced the report and advised that these were a preliminary outline of the Area Performance reporting and welcomed comments.

Members fully discussed the report and **agreed** to:

1. Note the progress made during 2019/20 towards achieving the Council Plan Priorities 2017-2022 referred to in Appendices 1-3;
2. Instruct the Director of Infrastructure Services to continue to present performance reports to the Area Committee on a six-monthly basis, evidencing progress and performance with delivery of the Council Plan 2017-2022, and
3. Provide the following comments to the Director of Infrastructure Services:
  - a) Further information on actions being taken to decrease the number of Aberdeenshire employees that earn less than the living wage and suggest we attribute timescales to making progress,
  - b) With reference to Council Priority 8, suggest the removal of compliance on Gypsy Traveller Community as we do not expect this from other groups,
  - c) Further consideration on ways we can improve delays associated with long term care delayed discharge cases.
  - d) Request further details on the actions taken regarding cleanliness issues at leisure sites,
  - e) Suggest more scrutiny and tracking surrounding Councils house voids,
  - f) Suggest a representative from the relevant service be available to answer questions,
  - g) Further explanation required with regards to any figures to outline reasons for shortfall, if these fell inside or outside of our control, and
  - h) More detailed descriptions for all figures to leave no ambiguity with reference to statistics.

#### 5. INFRASTRUCTURE SERVICES PERFORMANCE REPORT

A report by the Director of Infrastructure Services was circulated to Members asking the Committee to acknowledge and consider progress in relation to actions, performance and outcome indicators supporting the Council Plan Priorities 2017-2022.

The Area Manager introduced the report and advised that these were a preliminary outline of the Area Performance reporting and welcomed comments.

Members fully discussed the report and **agreed** to:

1. Note the progress made during 2019/20 towards achieving the Council Plan Priorities 2017-2022 referred to in Appendices 1-3,
2. Instruct the Director of Infrastructure Services to continue to present performance reports to the Committee on a six-monthly basis, evidencing progress and performance with delivery of the Council Plan 2017-2022, and

3. Provide the following comments to the Director of Infrastructure Services;
  - a) Suggest more focus on roads maintenance aspects rather than roads performance,
  - b) Request further information on the Town Centre Health check criteria and how percentages are scored, to suggest a further report to Area Committee,
  - c) Ensure all details are factually correct with reference to bridge maintenance figures,
  - d) Consider the wider effects associated with the loss of bridges to the road network, and issues this causes for members of the public, and
  - e) Suggest satisfaction figures relating to call responses are high due to difficulties associated with reporting.

## 6. AREA COMMITTEE BUDGET

A report by the Director of Infrastructure Services was circulated advising Members of eleven applications to the Area Committee Budget for the financial year 2019/2020.

The Area Manager introduced the report advising that there was a balance of £26,563.39 available for disbursement from the Area Committee budget and that nineteen local projects had already been supported this year.

Eleven applications had been submitted for funding from the Kincardine and Mearns Area Committee Budget totalling £26,391.97. Members were advised that one application for Swanley Riding Club was up for refusal as it was considered that it did not fully meet the criteria however there was merit in the application.

Members fully discussed the applications and raised a number of questions regarding the specifications of individual items, difference in costs associated with items and how applications are assessed. The Area Manager confirmed that costs associated varied depending on the requirements and needs of the groups. Further queries were raised regarding the criteria, the potential need for rewording the criteria and a further look at the application form, to enable a more detailed assessment of applications.

Councillor Mollison seconded by Councillor Wallace moved that approval of the award to Gourdon Community Council be deferred to a future Kincardine and Mearns Area Committee to collate further information.

As an amendment Councillor Dickinson seconded by Provost Howatson moved to support Officers recommendation.

The Committee voted:

For the motion	(3)	Councillors Mollison, Pike and Wallace.
For the amendment	(7)	Councillors Agnew, Carr, Dickinson, Evison, Hutchison, Provost Howatson and Wilson.

Therefore the amendment was carried to award £1,060.00 to Gourdon Community Council.

Councillor Wallace seconded by Councillor Evison moved to support Officers recommendation to refuse the award to Swanley Riding Club.

As an amendment Councillor Mollison seconded by Councillor Pike moved that Swanley Riding Club be awarded £750.00 to purchase a defibrillator.

The Committee voted:

- For the motion (5) Councillors Dickinson, Evison, Provost Howatson, Wallace and Wilson.  
For the amendment (5) Councillors Agnew, Carr, Hutchison, Mollison and Pike.

The Chair had the casting vote and the amendment was carried to award £750.00 to Swanley Riding Club.

Therefore Members **agreed** to:

1. Note the update regarding Newtonhill, Muchalls and Cammachmore Community Council application for £1,290.00 for the installation of a new post box, and
2. To disburse the following grants from the Area Committee Budget 2019/2020;
  1. Stonehaven Cycling Club - £1,806.00,
  2. Gourdon Community Council - £1,060.00,
  3. Rendezvous Café - £137.00,
  4. Pillar Kincardine - £4,554.00,
  5. The Maryculter Woodlands Trust - £2,500.00,
  6. Fettercairn Public Property Committee - £8,000.00,
  7. Rhythm Nation Dance - £2,548.00,
  8. Jubilee Hall - £4,196.40,
  9. Maryculter Scouts - £410.57,
  10. St James' Episcopal Church - £430.00, and
  11. Swanley Riding Club - £750.00.

#### **7. ABERDEENSHIRE HSCP PERFORMANCE & OUTCOMES FRAMEWORK QUARTER 2 REPORTING – JULY TO SEPTEMBER 2020**

A report by the Health & Social Care Partnership was circulated advising the Committee of performance and outcomes for the period July to September 2019.

The Location Manager, Kincardine & Mearns, Aberdeenshire Health and Social Care Partnership, was in attendance to present the report and to answer any queries.

Members fully discussed the report and **agreed** to:

1. Note the contents of the Integration Joint Board (IJB) Performance Q2 Report and
2. Provide the following comments to the Integration Joint Board for their consideration,
  - a) NI-8, indicator was recorded as a green reading which does not reflect the particularly low figure, further explanation sought,
  - b) NI-19, confirm the number of days per person that is associated with late discharge,
  - c) NI-10, request figures with reference to percentages of staff that would recommend their workplace, given as a non applicable response,

- d) LO12, request further details on increase in department attendances, national trends and acute services,
- e) Suggest working with partner agencies to improve and progress the issues around delayed discharge, and
- f) Suggest appendices were considered difficult to read due to size of text.

## **8. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 - CONSIDERATION OF DRAFT DEVELOPMENT PLAN SCHEME 2020**

A report by the Director of Infrastructure Services was circulated to Members asking the Committee to consider the content of the draft Development Plan Scheme 2020 and provide comments to be considered by Infrastructure Services Committee on 12 March 2020.

The Committee considered the content of the draft Development Plan Scheme 2020 and **agreed** to provide the following comments to Infrastructure Services Committee;

- a) Suggest a further link to Children's Charter to engage with young people,
- b) Further engagement with Gypsy Traveller Community and liaison officers, and
- c) Suggest a revision to the Equality Impact assessment template to enable all columns to be viewed.

## **9. EDUCATION & CHILDREN'S SERVICES ACCESSIBILITY STRATEGY 2019-2021**

A report by the Director of Education and Children's Services was circulated to Members requesting the Committee to consider and provide comments on the Education and Children's Services Accessibility Strategy to Education and Children's Services Committee.

Following consideration on information provided the Committee **agreed** to provide the following comments:

- a) Further information sought with regards to timescales associated with inviting representatives to Parent Support Groups,
- b) Consider a lesson's learnt exercise regarding the length of time to implement additional support within schools,
- c) Consideration to be given to a child's first language,
- d) Suggest rewording of "appropriate education" and "improved access", to read "education" and "equal access",
- e) Reference paragraph 1.2, accessibility strategy, suggest it is more than access to a physical environment, includes a sense of belonging to the school community, and
- f) Suggest mandatory use of "Addressing Dyslexia Toolkit" for all teaching staff.

## **10. 2019 BASED SCHOOL ROLL FORECAST**

There had been a report circulated by the Director of Education and Children's Services which detailed the 2019 based school roll forecasts for all primary and secondary schools in Aberdeenshire.

An Officer from Learning Estates was in attendance and introduced the report. Members fully discussed the report and **agreed** to provide the following comments to Education & Children's Service Committee;

- a) Request further clarification on the formula used to calculate school rolls, and
- b) Suggest consideration be given to managing placing requests.

### 11. 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.

<b>Reference Number</b>	<b>Address</b>
(A) APP/2018/0667	Erection of 27 Dwellinghouses (Renewal of Planning Permission APP/2012/1616) at Blue Lodge, Stonehaven, AB39 3SS
(B) APP/2019/2599	Installation of Drainage to Serve Residential Development Approved under APP/2018/2118 (Retrospective) at Land Adjacent to Wester Balmanno Way, Marykirk, Laurencekirk

**Councillor Presiding over meeting**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**KINCARDINE AND MEARNS AREA COMMITTEE, 21 JANUARY 2020  
APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

(A) **Reference No: APP/2018/0667**

**Erection of 27 Dwellinghouses (Renewal of Planning Permission APP/2012/1616) at Blue Lodge, Stonehaven, AB39 3SS**

**Applicant: Ury Developments Limited, 9 Great Stuart Street, Edinburgh, EWH 7TP**

**Agent: The FM Group, 9 Great Stuart Street, Edinburgh, EWH 7TP**

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 introduced the application which was recommended for approval and advised the Committee this was a renewal of a previously granted development of 27 dwellings, which forms part of the 230 enabling development housing consented and allocated at Ury Estate, Stonehaven. He confirmed the reason for previous allocation across two sites was based on a better spread of density and a more appropriate way to deliver the full allocation.

During discussion, members requested further clarification on waste management and the position of the pipeline, they noted there was no changes from the previous application.

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

01. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:
  - i. Existing landscape features and vegetation to be retained.
  - ii. The location of new trees/shrubs/hedges/grassed areas/water features.
  - iii. A schedule of planting to comprise species, plant sizes and proposed numbers and density. For the avoidance of doubt any invasive species or non-native species will not be acceptable.
  - iv. The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment.
  - v. An indication of existing trees, shrubs and hedges to be removed.
  - vi. A programme for the completion and subsequent maintenance of the proposed landscaping.
  - vii. Full Details of the proposed "wildlife corridor" shall be provided for further written approval. Details shall include a planting regime, scheme of maintenance, and steps to be taken to prevent human interference with the corridor.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting

which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

02. Prior to the commencement of development full details of all finishing materials shall be provided for further written approval by the Planning Authority. For the avoidance of doubt, PVC windows, doors, soffits and detailing is not acceptable, and dry dash render will not be accepted. Suggested alternatives are timber windows, doors, soffits and detailing, and a wet dash render. Once agreed all dwellings shall be finished in full accordance with the approved details.

Reason: In the interests of visual amenity and to preserve and enhance the setting of Ury House

03. That no work within a given phase of the development hereby approved shall take place unless the trees marked for retention on the approved plans have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction etc.). No works shall commence for that phase unless details of the protective fencing have been submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: In the interests of preserving natural heritage

04. Prior to occupation of any dwelling hereby approved a Bio-diversity Action Plan shall be submitted to and approved in writing by the Planning Authority. The scheme shall be based on habitat, hydrological and ecological considerations. The management proposals for each phase shall be carried out in complete accordance with the approved scheme.

Reason: In the interests of biodiversity

05. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.



06. Notwithstanding the details shown on the drawings hereby approved, the proposed "wildlife corridor" shall be completely outwith any private garden ground.

Reason: In the interests of amenity and biodiversity

07. Notwithstanding the details shown on the approved drawings, the buffer strip of the Cowie Water shall be completely outwith any private garden ground, garden boundaries are to be located at a level which is outwith the functional floodplain of the Cowie Water and a buffer strip of a width of at least 12 metres is to be provided between the bank of the Cowie Water and the garden boundaries of individual properties. The location of garden boundaries is to be agreed by the Planning Authority in consultation with SEPA.

Reason: To ensure there is no increase in flood risk elsewhere.

08. Prior to the occupation of any of the dwellinghouses hereby approved, a detailed maintenance scheme, including details of who is to be responsible for said maintenance, for all of the open space, wildlife corridors, buffer strips and landscaping throughout the site shall be provided for the written approval of the Planning Authority. Maintenance works shall thereafter be carried out in accordance with the scheme agreed in perpetuity, unless an amended scheme is first agreed in writing with the Planning Authority.

Reason: To ensure a satisfactory maintenance scheme is implemented for the landscaped areas

09. That no part of the development hereby approved shall be occupied unless the associated means of enclosure have been provided for further written approval. Once approved, the boundary treatments shall be completed in full accordance with the agreed details prior to the occupation of any dwelling, and thereafter maintained as such unless otherwise agreed in writing with this Council as Planning Authority.

Reason: In the interests of amenity of residential properties and the visual amenities of the area

10. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy C1 of the Aberdeenshire Local Development Plan 2017.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy C1 of the Aberdeenshire Local Development Plan 2017.

11. That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be occupied/brought into use unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

12. No works in relation to trees shall take place while birds are nesting. Breeding birds can nest from February to October. If nesting birds are found during works then works should stop and advice should be sought from Scottish Natural Heritage. Breeding birds are protected by law, it is illegal to damage, destroy or interfere with the nest of any wild bird whilst in use or being built or to prevent any wild bird from using its nest. There are certain species for which birds, eggs and young are protected at all times.

Reason: In the interests of protecting nesting birds.

13. Prior to occupation, all dwellings shall have foul drainage connections to the public sewer.

Reason: In the interests of public health and safety.

14. The development shall be served in accordance with the approved drawings and the following details:
  - a) The maximum gradient of the first 5m of each new driveway must not exceed 1 in 20.
  - b) Prior to occupancy of development, first 5m of any driveway (measured from edge of road or back of footway) to be fully paved.
  - c) Prior to occupancy of development, the new road link and roundabout junction to the A957 (as per planning approval APP/2012/1612) must be completed and operational to the satisfaction of Roads Development.
  - d) Prior to occupancy of the 39th new house of the combined total of 46 proposed in Phase 1 (APP/2012/1617) and Phase 2 (APP/2012/1616) of the Blue Lodge development that are specifically served by the new access road and roundabout off the A957, an emergency access (fitted with demountable bollards) must be constructed via the existing private Blue Lodge access as indicated in the approved SER rev C. The construction specification must be agreed with Roads Development and shall be capable of becoming operational for emergency use. Emergency access function shall be secured in perpetuity by suitable legal agreement as that part of the access that will remain private.
  - e) Prior to occupancy of development, Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards.
  - f) Prior to occupancy of any part of the development, a new lit footway/cycleway link shall be provided and operational linking the development to the existing Farrochie Road roundabout on the A957 as outlined in applicant's SER submission Rev C dated Dec 2014

g) Prior to occupancy of development a refuse bin uplift store area shall be constructed at each house plot (behind any visibility splay) so as to be accessible for bin uplift and shall be secure enough to prevent empty bins from being windblown. Details must be submitted to Roads Development for approval.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

15. No works in connection with the development hereby approved shall commence unless an investigation of the site has been undertaken in accordance with BS 10175:2011+A2:2017 -

'Investigation of Potentially Contaminated Sites - Code of Practice' and a report of that investigation has been submitted to and approved in writing by the planning authority.

Where it is determined by the site investigation report that remediation of the site is required, no works in connection with the development hereby approved shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority.

Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

**(B) Reference No: APP/2019/2599**

**Installation of Drainage to Serve Residential Development Approved under APP.2018/2118 (Retrospective) at Land Adjacent to Wester Belmanno Way, Marykirk, Laurencekirk**

**Applicant: Fotheringham Homes, Linton Road, Gourdon, DD10 0NB**

**Agent: John Crawford Ltd, 72 New Wynd, Montrose, DD10 8RF**

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 of the Scheme of Governance as there was an unresolved objection from a consultee.

The Senior Planning Officer introduced the report which was recommended for approval.

During discussion, it was clarified to Members that the conditions supported could be enforced. Members proposed an additional condition, that the temporary drainage pipe be capped and left in situ when no longer required.

Thereafter the Committee **agreed** to grant Full Planning Permission subject to:

- a) An additional condition to cap the temporary drainage pipe and leave in situ when no longer required, and

the following condition:-

- b) 0.1 The foul water drainage system shall be provided in accordance with the approved plans and the Drainage Impact Assessment by Ramsay and Chalmers dated 30 October 2019. The foul water drainage system shall be retained until such time that the Marykirk Waste Water Treatment Works have been upgraded, thereafter the residential housing development shall connect into the public drainage infrastructure and be permanently retained as such.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.