

## ABERDEENSHIRE COUNCIL

### KINCARDINE AND MEARN'S AREA COMMITTEE SKYPE VIDEO MEETING, 24 MARCH 2020

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), George Carr, Sarah Dickinson, Alison Evison, Provost William Howatson, Jeff Hutchison, Colin Pike and Dennis Robertson.
- Apology:** Councillors Bews, Wallace and Wilson.
- Officers:** Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Corporate Services), Christeen Saward (Arduthie, Head Teacher), Ewan Smith (Principal Roads Engineer), Lee Watson (Principal Engineer, Roads), Iain Welsh (Principal Officer, Landscape Services), Graham McCallum (Principal Officer, Harbours, Roads, Landscape Services & Waste), Ross Anderson (Senior Roads Engineer), Paul Cruickshank (Quality Improvement Officer, Education), Neil Mair (Senior Planner), Paul Whalley (Early Years Estate Manager), Brian Strachan (Roads and Landscapes Services Manager), Graham Lee (Principal Engineer Bridges), Alasdair Macdonald (Roads Development Officer) and Peter MacCallum (Roads Development Manager).
- In Attendance:** Gillian Fleet, (Police Scotland) - Item 09

#### 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 –

Councillors Mollison and Carr - Item No 12 - Infrastructure Services Procurement Plan 2020-21, being substitute Members on NESTRANS however having applied the objective test, concluded that they had no interest to declare.

#### 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 its 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.

<b>Item No</b>	<b>Paragraph No of Schedule 7A</b>
11	8
12	8

## **3. MINUTE OF MEETING OF KINCARDINE AND MEARNES AREA COMMITTEE OF 03 MARCH 2020.**

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 3 March 2020.

## **4. INSPECTION OF ARDUTHIE PRIMARY SCHOOL AND NURSERY CLASS**

A report by the Director of Education and Children's Services was circulated advising the Committee on the outcome of the Education Scotland Inspection of Arduthie Primary School and Nursery Class.

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 progress in writing and knowledge of mathematical strategies. The Head Teacher advised they have drawn up a school improvement plan to address issues around improving assessments and sharing expectations, with a focus on developing a health and wellbeing framework. Members asked questions regarding any challenges they are currently facing, they had anticipated having more open plan space within the nursery however this is not reflected within the plans and recruitment of a Senior Practitioner is being advertised for a second time.

The Committee **agreed** to:

1. Congratulate the Head Teacher, staff, pupils and the 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 aspects of school life, and

4. Further reports on Education Scotland school inspections being presented.

#### **5. ROADS, BRIDGES, HARBOURS & FLOODING AND LANDSCAPE SERVICES WORKS PROGRAMME 2020-2021**

A report by the Director of Infrastructure Services was circulated seeking approval from Members for the proposed programmes of works for Roads, Bridges, Landscape, Harbours and Flooding.

The Roads and Landscape Service Manager introduced the report and highlighted that this was the first time a unified report had been presented. Members heard from individual officers who highlighted the programme of works relevant to their service.

Members noted the following errors in Appendix A;

- Page 38, energy reduction measures figure should read £66,640 not £560, amending the total figure to £4,521,086.
- Page 40, the Quithel project is subject to a successful bid application to Scottish Forestry.
- Page 52 Balfour to Mains of Balfour should read Ward 18
- Page 57 and 58 are copies of page 59, disregard.

<b>Query</b>	<b>Response</b>
<b>Appendix A</b>	
Page 47, suggest removal of Elrick as not in Kincardine and Mearns	Noted.
How will the National Emergency impact on the Works programme?	No further information at this time.
Can prioritisation be given to rural road patching?	May require to be a reduced programme given current circumstances regarding Covid 19.
Agree that any future work programmes be catalogued by Ward as opposed to road classification.	Noted
Any update on the Castleton Farm Shop Road to Auchenblae?	The U111k is currently on the reserve list, currently maintenance fund available to repair the severe patches however drainage and road surface repairs will need addressing.
Are we using the latest technology to repair patches?	Moving towards permanent patches, in some cases temporary measures are put in place until such time as a more permanent solution can be delivered.
<b>Appendix B</b>	
Further details on the scour protection work to be carried out on Bridge of Cowie.	Centre span has become eroded and requires repair.
Condition of Oatyhill Rail Bridge.	One of the walls requires to be stabilised.
Monitoring of Inverbervie Bridge, does	Monitored to ensure full life cycle is

this require substantial repairs?	achieved from the existing structure.
<b>Appendix C</b>	
Maryculter Bridge clearance, River Dee update.	Permissions in place to move forward with the clearance works.
Update on flood prevention works at Fettercairn.	Work has been completed, further inspection on trees required.
<b>Appendix D</b>	
A further update on the progress of Marywell to Portlethen shared use paths, links to City along with associated timescales.	Noted, update to be provided.
<b>Appendix E</b>	
Further update to the access footpath to Portlethen Cemetery	Noted, this could be addressed this year to enable improved access for pedestrians.
Tree maintenance along the Cowie, Stonehaven.	Crowning work is required to maintain the trees.

Members commended officers on the report and **agreed** to:

1. Approve the Works Programmes as detailed in Appendices A to F,
2. A further report being presented with updated Works Programmes once the final budget and funding positions are determined, and
3. Works programme for Roads to be listed by Ward.

## **6. AREA COMMITTEE BUDGET CRITERIA**

A report by the Director of Infrastructure Services was circulated advising Members that the budget for the Area Committee to disburse this year was £80,000.

The Area Manager advised that the criteria previously set was working well and only one change was proposed for use in 2020/21, to allow applications to be considered up until February as opposed to December. Reassurances were given that timescales would be clear to all applicants to ensure funding was administered in time for the end of the financial year. Minor changes had been made to the application form to ensure sufficient information was gathered.

Members requested given the current climate and circumstances that tackling poverty be added to the criteria.

Members **agreed** to:

1. Consider the report and adopt the amended criteria for the use of the Area Committee Budget, which stands at £80,000.00 for 2020/2021, as detailed in Appendix 1 of the report,
2. Instruct officers to continue to assemble information based on feedback from the groups that are funded in 2020/2021. This will be used to promote what the budget can achieve and highlight opportunities for improvement of the process, and
3. Include in the criteria tackling poverty.

## **7. B9077 SOUTH DEESIDE ROAD SPEED LIMIT**

A report by the Director of Infrastructure Services, was circulated seeking approval to reduce the speed limit on the B9077 South Deeside Road at the B979 Milltimber Brae junction.

The Senior Roads Engineer outlined the report and advised that Members had 2 proposals for consideration, one for a 50mph speed limit or the preferred option of a 40mph speed limit.

Members raised concerns given the current climate with regards Covid-19 that the 21 days public consultation along with site notices be deferred until practical to carry out.

The Committee **agreed** to:

1. Authorise the commencement of the statutory procedure for the making of the Aberdeenshire Council (B9077 South Deeside Road Milltimber Brae) (40mph Speed Limit) Order 2020,
2. Authorise the subsequent making of the Aberdeenshire Council (B9077 South Deeside Road – Milltimber Brae) (40mph Speed Limit) Order, 2020 by the Head of Legal and Governance in the event that no valid objections are received, or any received are resolved and withdrawn, and
3. Instruct the submission of a further report to Committee in the event that any valid objections received are not resolved and not withdrawn, or the proposals are amended following consideration of valid objections.

## **8. PROMOTING INCLUSION AND REDUCING EXCLUSIONS IN ABERDEENSHIRE SCHOOLS**

A report was issued by the Director of Education and Children's Services to request consideration on the revised policy on promoting inclusion and reducing exclusions in Aberdeenshire's schools.

The Quality Improvement Officer outlined the report and invited members to provide comments to Education and Children's Services Committee on the draft policy for consideration. It was noted that further consultation with stakeholders would be placed on hold given the current situation regarding Covid-19.

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

1. consider the revised and updated policy on promoting inclusion and reducing exclusions in Aberdeenshire's schools which will replace the current "Aberdeenshire Council Education and Recreation Service Policy on School Discipline and the Use of Exclusion" (2006); and
2. provide the following comments to Education and Children's Services Committee;
  - a. remove the use of jargon and acronyms within the draft policy,
  - b. provide links to supporting documents, and
  - c. ensure from an equalities issue that the document is accessible to all.

## **9. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE CONFIDENTIAL UNDER SECTION 50A(2)**

A confidential report by the Director of Business Services on the Civic Government (Scotland) Act 1982 application for renewal of late hours catering licence.

The Committee considered a report in respect of an application for the renewal of a Late Hours Catering Licence. The Committee heard from the applicant and Police Scotland regarding the application.

Having considered the application and the representations made the Committee **agreed** to grant the renewal of the Late Hours Catering Licence for the default 3 year duration with standard conditions and with an additional condition that the applicant's son cannot work in the premises after 11pm.

## 10. 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>
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- |                   |   |
|-------------------|---|
| (A) APP/2019/0497 | Planning Permission in Principle for Residential Development at Site OP1 Redhall Avenue, Fordoun                |
| (B) APP/2019/2841 | Full Planning Permission for East Lodge Link Road Infrastructure at Land Adjacent to East Lodge Ury, Stonehaven |

## 11. EDUCATION AND CHILDREN'S SERVICES DIRECTORATE ANNUAL PROCURMENT PLAN 2020/21 –

An exempt report was issued by the Director of Education and Children's Services seeking approval for the Education and Children Services' Procurement Plan.

The Committee **agreed** to:

1. approve the item on the Procurement Plan identified as falling within the remit of the Committee,
2. approve the Procurement Approval Form (Business Case) in Appendix 3,
3. acknowledge that the Head of Resources and Performance has the delegated authority to award the final contract, and
4. to request that a public statement be made available through the Chair in accordance with Standing Orders.

## 12. INFRASTRUCTURE SERVICES PROCUREMENT PLAN 2020/21

An exempt report by the Director of Infrastructure Services was circulated to present the Infrastructure Services Directorate Procurement Plan for 2020/21.

The Committee **agreed**:

1. To approve the items on the Procurement Plan in Appendix 1 except the contract for B966 New Abbeyton Bridge,
2. They did not wish to reserve approval of the Procurement Approval Form for any item with a value up to £1,000,000,
3. To acknowledge that as no reserve for approval, the relevant Chief Officer had the delegated authority to approve the Procurement Approval Forms and also to award the final contracts for all of the items in the Procurement Plan ,and
4. That a further report would be brought back explaining where the contract for B966 New Abbeyton Bridge fitted into the overall prioritisation of bridgeworks across Aberdeenshire and that a Procurement Approval Form for this item would be coming back to the Area Committee.

**KINCARDINE AND MEARNS AREA COMMITTEE, 24 March 2020  
APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

(A) Reference No: APP/2019/0497

**Planning Permission in Principle for Residential Development at Site OP1,  
Redhall Avenue, Fordoun, Laurencekirk**

**Applicant: Robert Blyth**

**Agent: Harry McNab, Hollygrove, Upper Lochton, Banchory, AB31 4ES**

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 and there have been six valid objections from six and more individuals or bodies with separate postal addresses or premises..

The Senior Planning Officer introduced the application which was recommended for approval and advised the Committee this was a permission in principle for residential development of 17 dwellings. Site is allocated for 15 units within the LDP, the benefit of the increased number is the additional unit of affordable housing. The minor departure from the local development plan is to allow a suitable drainage solution, this is considered acceptable as it will not negatively impact the character of the existing settlement.

Members fully discussed the report and queried the lack of developer obligations contribution for the primary school, the planner officer advised that developer obligations could only be sought were there was a requirement, Education have confirmed no capacity issues at Redmyre School.

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

01. Details of the specified matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No development shall begin on the site unless all of the details listed in this condition have been submitted to and approved in writing by the planning authority. The development shall be carried out in complete accordance with the details approved in relation to this condition.

Specified matters:

- (a) Full details of the proposed layout, siting, external appearance and materials of the proposed development, including mitigation measures informed by a Noise Impact Assessment;

- (b) Full details of the proposed means of servicing the development, to include details of driveways, parking and turning areas, swept path analysis, Street Engineering Review and Quality Audit;
- (c) Full details of the visibility splays at the proposed secondary access to Toch-Hill Place;
- (d) Provision of a footpath, linking the junction of the proposed secondary access at Toch-Hill Place to Station Road;
- (e) Full details of the proposed landscaping scheme, including proposed landscape features and planting;
- (f) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed ordnance datum point;
- (g) Full details of the proposed means of disposal of foul and surface water from the development;

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. The planning permission is hereby restricted to 17 dwellinghouses.

Reason: In order to define the planning permission and generally reflects the housing allocation specified in the Aberdeenshire Local Development Plan 2017.

03. No dwellinghouse hereby approved shall be occupied unless its driveway and parking, surfaced in hard standing materials, has been provided and fully paved in accordance with details to be submitted and approved under Condition 1 (b). Once provided, all parking and driveways shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of [the/each] driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

04. No development in connection with the permission hereby granted shall commence unless the emergency access road to the north of Toch-Hill Place has been upgraded to a full secondary access in line with Aberdeenshire Council's Policy. The access shall not be brought into use unless visibility of 120 metres on the western approach and 59 metres on the eastern approach along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the upgraded secondary access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility

splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

05. The development hereby approved shall not commence unless a public footpath, designed and constructed in accordance with the Council's Standards for Road Construction Consent and Adoption under Condition 1 (d), has been provided on the public road (C3K), linking Toch-Hill Place to Station Road. Once provided, the footpath shall thereafter be permanently retained as such.

Reason: To ensure safe access for pedestrians to the existing footpath network.

06. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved under Condition 1 (e).

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained;
- b) Protection measures for the landscape features to be retained;
- c) Existing and proposed finished levels;
- d) The location of new trees, shrubs, hedges, grassed areas and water features;
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density, including full details of planting adjacent to the railway boundary;
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- g) Full details of proposed trespass proof fencing adjacent to the railway boundary;
- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. 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. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management 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.

07. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the plans submitted and approved under Condition 1 (g) and the Drainage Impact Assessment (Revision A) by Ramsay and Chalmers dated 04 July 2019. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

08. 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.

09. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

(B) **Reference No: APP/2019/2841**

**Full Planning Permission for East Lodge Link Road Infrastructure at Land Adjacent to East Lodge, Ury, Stonehaven, Aberdeenshire, AB39 3QA**

**Applicant: Kirkwood Homes Ltd, Kirkwood Business Park, Sauchen, Inverurie, Aberdeenshire, AB51 7LE**

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 had been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Senior Planning Officer outlined the report and advised that this application was deferred at the last meeting of the Kincardine and Mearns Area Committee on 3 March for a site visit, to review the landscape and impact on trees, understand the relationship of the development with East Lodge Drive, and to look at the existing junction at East Lodge and the proposed “pinch point” and visibility splays of the design proposed. The site visit was carried out on 17 March 2020.

Members queried if additional traffic calming measures could be conditioned to the application and they were advised that the link road had been designed in such a way to calm traffic and reduce speeds and East Lodge Drive had been designed to accommodate traffic and function as part of the link road. Members heard that previous traffic assessments had been carried out and that the figures fell well within the street parameters. Vehicle movements along the Netherley Road were confirmed as 1460 both ways, recorded after the opening of the AWPR.

The Committee heard from Allan Rae, Kirkwood Homes, in support of the application. He outlined the benefits of this proposal which are:- better air quality; sustainability in cutting travel and journey time; reduction in fuel use; providing better public transport links; improved footpath and cycle path provision and the ability to provide further traffic calming measures if required

Members heard from David Strang Steel in objection to the application who raised a number of issues concerning the proposal including advising that the gradient on the proposed new access road was too steep and would cause concern for agricultural vehicles.

Members heard from Karl Lebedis, Lindsay Griffin and Cheryl Strachan residents in objection to the application. Members were advised of road safety concerns from residents due to the potential increased volumes of traffic. It was suggested that the road construction was below Council's standards.

Councillor Agnew seconded by Councillor Pike moved to refuse planning permission in that it is not in the general public interest in this case to depart from roads and junction design standards concerning, road safety, efficiency, capacity and flow of the road traffic network, accordingly planning permission as applied for should be

refused and for the avoidance of doubt this includes proposals for stopping-up and or closure of the B979. Inasmuch as the impact of the proposed development as applied for is considered to be materially detrimental to general amenity of residential development at, and in proximity to, the East Lodge access to Ury estate it was materially contrary to the general public amenity interest. The proposal was contrary to policy P1 and RD1 for the reasons stated. It was also contrary to policy E2 as there will be a loss of trees within the landscape and for the same reason it was contrary to policy PR1 protecting important resources because of the loss of ancient woodland.

As an amendment Councillor Mollison seconded by Councillor Robertson moved to support Officers recommendations to grant full planning permission for East Lodge Link Road Infrastructure at Land Adjacent to East Lodge, Ury.

The Committee voted:

For the motion (5) Councillors Agnew, Carr, Hutchison, Howatson and Pike.

For the amendment (3) Councillors Dickinson, Mollison and Robertson.

Therefore the motion was carried and planning permission was refused because it is not in the general public interest in this case to depart from roads and junction design standards concerning, road safety, efficiency, capacity and flow of the road traffic network, accordingly planning permission as applied for should be refused and for the avoidance of doubt this includes proposals for stopping-up and or closure of the B979. Inasmuch as the impact of the proposed development as applied for is considered to be materially detrimental to general amenity of residential development at, and in proximity to, the East Lodge access to Ury estate it was materially contrary to the general public amenity interest. The proposal was contrary to policy P1 and RD1 for the reasons stated. It was also contrary to policy E2 as there will be a loss of trees within the landscape and for the same reason it was contrary to policy PR1 protecting important resources because of the loss of ancient woodland.