

## ABERDEENSHIRE COUNCIL

### KINCARDINE AND MEARN'S AREA COMMITTEE SKYPE MEETING ONLY (RECORDING TO BE MADE AVAILABLE TO GENERAL PUBLIC), 9 FEBRUARY 2021

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), Alastair Bews, George Carr, Sarah Dickinson, Alison Evison, Provost William Howatson, Jeff Hutchison, Colin Pike, Dennis Robertson, Sandy Wallace, Leigh Wilson.
- Officers:** Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Legal and People), Gregor Spence (Senior Planner, Planning and Environment) and Emma Plunkett (Team Manager, Property and Facilities),
- In Attendance:** Jackie Browne (Item 4A), Louise Rae (Item 4A) and Sarah Sandilands (Item 4B).

#### 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 none were intimated.

#### 2A. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
  - (a) eliminate discrimination, harassment and victimisation;
  - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
  - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching 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.

**Item No**  
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**Paragraph No of Schedule 7A**  
8

### **3. MINUTE OF MEETING OF KINCARDINE AND MEARNS AREA COMMITTEE OF 19 JANUARY 2021**

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 19 January 2021 subject to the following amendment on page 7, item 4 to include the following wording after paragraph two:

“The Area Manager confirmed that all relevant legal matters relating to the purchase of the garage by Portlethen Town Association would be concluded before the money was handed over.”.

### **4. 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/2020/2117	Full Planning Permission for Siting of 2 Glamping Pods Including Formation of Parking Area at Site at Mill of Garvock, Fordoun
(B) APP/2020/2220	Full Planning Permission for Installation of Replacement Windows at 35 Victoria Street, Stonehaven
(C) APP/2020/2338	Full Planning Permission for Formation of Community Garden at Land to North of Market Street Buildings, Stonehaven

### **5. ARDUTHIE SCHOOL – UPGRADE AND PROCUREMENT APPROVAL FORM**

An exempt report by the Director of Business Services was circulated to Members seeking approval of the Procurement Approval Form relating to Arduthie School, work to include upgrading to the roof and stonework.

The Committee **agreed** to:

1. Approve the Procurement Approval Form at Appendix 1 for the procurement at Arduthie School – upgrade roof and stonework; and

2. Delegate the approval of the contract award by form of an Award Report to the Chief Officer.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

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**KINCARDINE AND MEARNS AREA COMMITTEE, 9 FEBRUARY 2021**

**APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

(A) **Reference No: APP/2020/2117**

**Full Planning Permission for Siting of 2 Glamping Pods Including Formation of Parking Area at Site at Mill of Garvock, Fordoun, Laurencekirk, Aberdeenshire**

**Applicant: Mr & Mrs D Browne, Mill of Garvock, Fordoun, Laurencekirk**

**Agent: Louise Rae, Cairnlea, South Barns, Laurencekirk, AB30 1UP**

A report by the Director of Infrastructure was circulated advising members that the Committee was able to take a decision on this application in terms of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, had requested that the application be referred to the Area Committee.

The Chair advised Members that a request to speak had been received, Members agreed to hear from the applicant Jackie Browne and the applicant's agent Louise Rae.

The Senior Planner outlined the report and advised that planning permission was sought for the erection of two glamping pods and although the application could meet technical requirements through conditions, it failed to meet all the criteria of Policy B3 Tourist facilities of the Aberdeenshire Local Development Plan 2017 and therefore was recommended for refusal.

Members queried the distance to the nearest settlement and the safety of the route and this was confirmed as 1.6 miles by foot and 4 miles by car. Members heard the route was a passable walking route across rural paths, however these may not be in the best condition throughout the winter months.

The Committee heard from Jackie Browne and Louise Rae in support of the application. The applicant was able to answer questions in relation to the size of the farm, the number of livestock on the farm and their aspirations to provide a farm stay and experience.

Councillor Carr, seconded by Councillor Wilson, **moved** that the application be granted on the grounds that there were material reasons to set aside Policy B3 namely:-, economic, wildlife and tourism benefits and to allow farm diversification.

The Committee unanimously **agreed** to grant the application subject to appropriate planning conditions.

(B) Reference No: APP/2020/2220

**Full Planning Permission for Installation of Replacement Windows at 35 Victoria Street, Stonehaven, Aberdeenshire, AB39 2LH**

**Applicant: Miss Sarah Sandilands, 35 Victoria Street, Stonehaven, AB39 2LH**

**Agent: No Agent**

A report by the Director of Infrastructure was circulated advising members that the Committee was able to take a decision on this application in terms of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, had requested that the application be referred to the Area Committee.

The Chair advised Members that a request to speak had been received, Members agreed to hear from the applicant Sarah Sandilands.

The Senior Planner outlined the report and advised planning permission was sought for the installation of replacement windows. The existing timber windows were to be replaced with uPVC replacements, the site was in a Conversation Area and the proposed replacements were considered to be unacceptable and an inappropriate material choice. The material choice would not respect the individual characteristics for which the Conservation Area was designated nor enhance or preserve the Conservation Area and the proposal is contrary to Policy HE2 Protecting historic and cultural areas and Policy P3 Infill and householder developments within settlements (including home and work proposals) of the Aberdeenshire Local Development Plan 2017 and is therefore recommended for refusal.

Members queried how many properties still had the original windows with the street, the reasons for the Conservation Area, the costs associated with uPVC and timber windows and if grants were available to homeowners.

The Committee heard from Sarah Sandilands in support of the application. The applicant confirmed the windows would be white with a wood grain effect and the style would be similar to the current windows to look like small panes.

Councillor Pike, seconded by Councillor Agnew, **moved** that the application be granted on the grounds that the property is set back from the road, that the windows will remain white and all efforts have been made to ensure the windows blend in as much as reasonably possible. The windows will more durable than wood framed windows and that the replacement windows will therefore preserve the Conservation Area and conform to Policy HE2 *Protecting and cultural areas*.

The Committee unanimously **agreed** to grant the application subject to appropriate planning conditions

(C) **Reference No: APP/2020/2338**

**Full Planning Permission for Formation of Community Garden at Land to North of Market Street Buildings, Stonehaven**

**Applicant: Stonehaven Business Association, 64 Allardice Street, Stonehaven, AB39 2AA**

**Agent: Hyve Architects Ltd, 68-70 Allardice Street, Stonehaven, AB39 2AA**

A report by the Director of Infrastructure was circulated advising members that the Committee was able to take a decision on this application in terms of the Scheme of Governance as the application is recommended for approval and relates to land in the ownership of the Local Authority and there had been a valid objection.

The Senior Planner outlined the report, advising that planning permission was sought for a community garden space within the Stonehaven Conservation Area, to include curved seating, planters and screens to encourage residents and tourists to spend time in the town centre. The proposed development represented a high quality regeneration of an underutilised open space within the town centre. Given the close proximity to a number of listed structures, the proposal was considered to enhance the wider setting of the area whilst having no detrimental impacts on the historic assets and overall character of the Stonehaven Conservation Area. The proposal complied with all relevant policies and was therefore recommended for approval.

Members sought clarification with regards to the water fountain and would this remain in place, the colour of the timber posts and benches, accessibility for all users, would the area be levelled to remove the current step and could consideration be given to sensory gardens. Members queried would the screening still allow visibility throughout the area and what consultation had taken place with the public.

The Senior Planner responded to Members' questions and confirmed that the water fountain would remain in place with no changes, the posts and benches would be of a natural colouring, with regards to accessibility and sensory gardens this would be fed back to the applicant, although initial discussions had taken place with Aberdeenshire Access Panel. The screening will be open timber posts therefore should not cause any visibility concerns or hidden spaces. The Area Manager confirmed that the applicant had carried out consultation with a number of local groups and there had also been a consultation exercise online. The applicant had planned a three day open event to display designs, however due to current government restriction this was not able to take place.

The Senior Planning Officer also confirmed that with regards to Policy P3, infill and use of the space this provided good parameters for assessing in terms of amenity and suitability in relation to other uses and therefore the development aligns with the policy.

After a full discussion, Councillor Pike seconded by Councillor Carr **moved** that the application be refused as the proposal does not comply with Policy P1, P3, HE1 and HE2 as it would detract from the symmetry of the Market Building. The proposed vertical features would not be in keeping with the Conservation Area and it was not a suitable location for the proposal.

As an amendment Councillor Robertson seconded by Councillor Dickinson **moved** to support Officers recommendation.

The Committee voted:

For the motion	(5)	Councillors Bews, Carr, Hutchison, Pike and Wilson
For the amendment	(6)	Councillors Agnew, Dickinson, Evison, Howatson, Mollison and Robertson

Therefore the amendment was carried to grant full planning permission for formation of Community Garden at land to north of Market Street buildings.

Councillor Wallace was absent from the vote.

The Committee **agreed** to grant full planning permission for formation of Community Garden at land to north of Market Street buildings, Stonehaven, subject to the following conditions:-

01. No works in connection with the development hereby approved shall commence unless details of the location of two litter/dog waste bins have been submitted to and approved in writing by the planning authority. The bins shall be located behind any visibility splay and shall be located so as to be accessible for refuse bin uplift. The community garden shall not be brought into use unless the waste bins have been provided in accordance with the approved details.

Reason: To ensure the provision of an appropriate amount of waste bins in order to prevent littering in the area.

02. No works in connection with the development hereby approved shall commence unless a sample or details of the specification and colour of all the materials to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of preserving or enhancing the character or appearance of the conservation area.

## Reason for Decision

The Planning Authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposed development is considered to represent a high quality regeneration of an existing area of underutilised open space in the heart of the Stonehaven Town Centre and Conservation Area.

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