

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARNNS AREA COMMITTEE SKYPE MEETING ONLY (RECORDING TO BE MADE AVAILABLE TO GENERAL PUBLIC), 27 APRIL 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, Leigh Wilson.

Apology: Councillor Sandy Wallace.

Officers: Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Lauren Cowie (Principal Solicitor, Legal & People), Andrew Wilkinson (Principal Road Safety Engineer, Transportation), Piers Blaxter (Policy Team Leader, Planning & Environment), Alexander Macleod (Housing Manager, Housing & Building Standards), Gregor Spence (Senior Planning Officer, Planning & Environment), Clarke Dalziel (Affordable Housing Officer, Housing & Building Standards), Craig Matheson (Principal Architect, Property & Facilities).

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 Evison – Item 6 by virtue of being involved with the development of the document through her work with COSLA, however having applied the objective test would remain and take part.

Cllr Dickinson – Item 10 by virtue of residing close to Carlton House however having applied the objective test would remain and take part.

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	Paragraph No of Schedule 7A
10	8

3. MINUTE OF MEETING OF KINCARDINE AND MEARNES AREA COMMITTEE OF 23 MARCH 2021

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 23 March 2021.

4. ROAD SAFETY AND ACTION PLAN

A report was circulated by the Interim Director of Infrastructure Services to inform and to collect comments from the Committee on the draft Road Safety and Action Plan 2030.

The Principal Road Safety Engineer introduced the report and welcomed comments from the Committee for consideration by Infrastructure Services Committee. The Committee fully discussed the draft plan and **agreed** to provide the following comments:

- a) The Committee suggested further clarity throughout the draft plan is required to explain how we will look to address various issues identified within the plan, to provide a consistent approach,
- b) The Committee sought a further explanation on what is meant by Smart Infrastructure,
- c) The Committee stressed concerns regarding the general conditions of the roads, potholes, signage, overgrown vegetation and road markings,
- d) The Committee requested further progress on reducing speed limits within settlements and to engage with third sector groups to gain knowledge from their lived experience and to look to always work in

partnership with those groups,

- e) The Committee suggested looking at road improvements to reduce accident black spots, for example safer junctions,
- f) The Committee suggested wider engagement with all businesses and other relevant groups, for example the Federation of Small Businesses regarding point 4.10.1, to address the issues of employers expecting their employees to answer the phone whilst in charge of a motor vehicle,
- g) The Committee suggested on page 29 the desire to get new footways correct first time to eliminate any requirement for further improvements with regards to accessibility of safer routes.
- h) The Committee suggested where possible to have separate spaces for pedestrians and cyclists,
- i) The Committee highlighted a typo at point 4.1, fourth paragraph, “promote inappropriate speed behaviour”,
- j) The Committee suggested the need to keep up to date with current social media platforms to enable engagement with younger drivers,
- k) The Committee suggested at point 4.6.2, to reference cycle lanes as part of the strategy, and
- l) The Committee highlighted a typo at point 5.0 and throughout the draft plan, “reduce by 20% reduction” and suggested further clarity.

5. ABERDEENSHIRE LOCAL DEVELOPMENT PLAN 2021 – DEVELOPMENT PLAN SCHEME 2021

A report was circulated by the Interim Director of Infrastructure Services to consider the revised Development Plan Scheme prepared to support the preparation of the Aberdeenshire Local Development Plan 2021 and provide comments to Infrastructure Service Committee.

The Policy Team Leader introduced the report and highlighted a number of key points, the proposed local development plan is currently with Scottish Ministers for examination and all engagement with relevant stakeholder and communities has been completed and therefore at this time there is no requirement for any further engagement. The Officer indicated that at this time unable to specify a timeline for the next local development plan as regulations still have to be published and finally highlighted that progress on the current Local Development Plan examination is still being checked largely due to the volume of information generated responding to the 1390 representations received.

The Committee asked questions regarding the number of responses received, the length of time taken for the examination and clarified that there would be no further engagement with communities and therefore no method for public to engage further with the Council or Reporter. A question was raised asking if the Council had a

policy preference with regards to Gypsy Traveller Sites being a private or public site, the Officer confirmed that there is no preference and a mixture of both is required.

The Committee **agreed** the Development Plan Scheme 2021 and had no specific comments on its content to provide to Infrastructure Services Committee.

6. GYPSY/TRAVELLER SITE PROVISION STRATEGY

A report was circulated by the Interim Director of Infrastructure Services for consideration and sought comments on the draft Gypsy/Traveller Site Provision Strategy 2021-2026 to feed back to the Gypsy/Traveller Sub-Committee.

Members fully discussed the strategy and **agreed** to provide the following comments on the draft Gypsy/Traveller Site Provision Strategy 2021-2026:

1. The Committee commended the engagement work of the Gypsy Traveller Liaison Committee with the Gypsy Traveller Community and sought more local engagement with the Area Committee,
2. At point 2.2.1 suggested different language with regards to “does not cause any disturbances”,
3. The Committee would welcome the provision of a mixture of sites private and local authority owned to address the needs of the Gypsy Traveller Community, and
4. The Committee suggested when developing housing strategies these should look to have a positive outcome for health and education.

7. AREA COMMITTEE BUDGET 2021/22

A report was circulated by the Interim Director of Infrastructure Services to agree and acknowledge the amended criteria for the Kincardine and Mearns Area Committee Budget for 2021-2022 and confirm the spends for 2020-2021.

The Area Manager introduced the report and outlined a number of suggested amendments to the Area Committee Budget criteria. Members queried the match funding amount and suggested that this remain at the same level 50% as there are a number of alternative funds available to groups and the Area Committee Budget should be viewed as a top up budget.

The Committee **agreed** to the amended criteria for the Area Committee Budget 2021/22, subject to the match funding remaining at 50%, however consideration would be given to awarding a higher percentage subject to Area Committee approval.

8. LOCAL REVIEW BODY, REVIEW DECISION NOTICE FOR LRB 515 - PLANNING REF: APP/2020/2081

The Committee had before them, and **noted**, a Review Decision Notice, dated 9 April 2021, informing them of the decision of the local Review Body to refuse Full Planning Permission in accordance with the Appointed Officer's decision at land to the west of Maryfield Cottage West, Crathes, Banchory.

9. APPLICATIONS FOR DETERMINATION

The following planning application was considered along with any objections and representations received in each case and were dealt with as recorded in the Appendix A to this Minute.

Reference Number	Address
(A) APP/2021/0077	Planning Permission in Principle for Erection of Dwellinghouse at Land to South East of Criggie House, Quarryfield, St Cyrus DD10 0DR

10. REFURBISHMENT OF CARLTON HOUSE FOR AFFORDABLE HOUSING AT ARDUTHIE ROAD, STONEHAVEN

An exempt report was issued by the Interim Director of Infrastructure Services seeking approval for the refurbishment of the former Carlton House, Arduthie Road, Stonehaven.

The Committee **agreed** to:

1. Recommend to Full Council that the former Carlton House is transferred from the General Fund to the Housing Revenue account at a nil value and therefore that the capital receipt is not realised;
2. Approve the item on the Supplementary Housing and Building Standards Service Procurement Plan and note that the item will be added to the Housing and Building Standards Procurement Plan approved by Communities Committee on 18 February 2021, subject to approval by Full Council of the change to the Capital Plan;
3. Approve the Procurement Approval Form in Appendix 2 subject to approval by Full Council of the change to the Capital Plan;
4. Not reserve the award of the contract and acknowledge that the Head of Housing has the delegated authority to award the final contract where the committee has not reserved that right.

KINCARDINE AND MEARNS AREA COMMITTEE, 27 April 2021

APPENDIX A

PLANNING APPLICATIONS FOR DETERMINATION

(A) **Reference No: APP/2021/0077**

Planning Permission in Principle for Erection of Dwellinghouse at Land to South East of Criggie House, Quarryfield, St Cyrus, Aberdeenshire, DD10 0DU

Applicant: Mr Maurice Forsyth-Grant, Hilltop, 7 Hill Road, Broughty Ferry, DD5 2JS

Agent: A B Roger & Young Ltd, 9 Macgregor Street, Brechin, DD9 6AB

A report by the Interim 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 to grant but as there had been valid objections from six or more individuals or bodies with separate postal addresses or premises the application be referred to the Area Committee.

The Senior Planner outlined the report and advised the proposal would increase the cohesiveness of an existing cluster of 6 dwelling houses and it had been demonstrated that a dwelling house can be accommodated on the site with no significant impacts on the character and amenity of the surrounding area in accordance Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design, Policy RD1: Providing suitable services and Policy E2: Landscape.

The Committee discussed the report and **agreed** that authority to grant be delegated to the Head of Planning and Environment Service subject to:

- (i) The completion of a suitable legal agreement, or alternative method of payment, to secure the required developer obligations;
- (ii) 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.

Details of layout, siting, design and materials

Details of access, car parking and turning areas (refer to condition 5)

Details of a refuse bin uplift store (refer to condition 4)

Landscaping proposals (refer to condition 6)

Carbon neutrality calculations and energy efficiency proposals (refer to condition 2)

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 dwelling house hereby approved shall not be erected unless an Energy Statement applicable to the 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.

03. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 59 metres in both directions 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 approved new 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.

04. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area[s] have been submitted to and approved in writing by the planning authority. The area shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. The dwellinghouse shall not be occupied unless the refuse bin uplift store area has

been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store area[s] shall thereafter be permanently retained as such.

Reason: To ensure the provision of an appropriate means of servicing in the interests of road safety.

05. The dwellinghouse hereby approved shall not be occupied unless its driveway, parking (in accordance with Aberdeenshire Council car parking standards) and turning area (measuring no less than 7.6m x 7.6m) has been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority. The access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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

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 in writing by the planning authority.

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;
- f) The location, design and materials of all hard landscaping works including walls and fences
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

The Landscaping Scheme MUST include timescales for the implementation of the works.

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. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Ground Assessment and Drainage Recommendations report by S.A. McGregor dated 7 December 2020. The surface and foul 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 removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the planning authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to and approved in writing by the planning authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

Reason for Decision

01. The planning authority considers that the application is for a development that is in accordance with the Aberdeenshire Local Development Plan 2017. The proposal would increase the cohesiveness of an existing cluster of 6 dwelling houses and it has been demonstrated that a dwelling house can be accommodated on the site with no significant impacts on the character and amenity of the surrounding area in accordance Policy R2: Housing and employment development elsewhere in the countryside, Policy P1: Layout, siting and design, Policy RD1: Providing suitable services and Policy E2: Landscape.