

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

**KINCARDINE AND MEARN'S AREA COMMITTEE
SKYPE MEETING ONLY
(RECORDING TO BE MADE AVAILABLE TO GENERAL PUBLIC),
18 MAY 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 and Dennis Robertson.

Apology: Councillors Leigh Wilson and Sandy Wallace.

Officers: Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Lauren Cowie (Principal Solicitor, Legal and People), Gareth Campbell (Head Teacher, Mearns Academy), Louise Moir (Head Teacher, Mackie Academy), Neil Morrison (Head Teacher, Portlethen Academy), Fiona Chirnside (Environment Planner), Ewan Smith (Principal Roads Engineer), Donald Macpherson (Structures Manager), Lee Watson (Principal Engineer), Iain Welsh (Principal Officer), Corrie McCall (Principal Officer Harbour), Gavin Penman (Projects Manager), Paul Williamson (Senior Planner), Kenn Clarke (Roads Development and Transportation Engineer) and Gregor Spence (Senior Planner).

In Attendance: Item 5 : Jim Stuart, Karen McWilliam and Jack Soutar.

Item 10(A) : Sheila Hobbs, Michael Summers, Andrew Jack and Steve Yeoman

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 Agnew, Howatson, Pike, Mollison and Robertson - Item 5 by virtue of having a connection through work to Karen McWilliam in her role as K&M Area Committee Officer until 2018 however having applied the objective test would remain and take part.

Councillors Dickinson and Evison - Item 5 by virtue of having a connection through work to Karen McWilliam in her role as K&M Area Committee Officer until 2018 and being a friend on social media however having applied the objective test would remain and take part.

Councillor Pike - Item 5 by virtue of being a nominated tree champion and having a connection through work to Karen McWilliam in her role as K&M Area Committee Officer until 2018 however having applied the objective test would remain and take part.

Councillor Carr – Item 5 by virtue of being related to the landowner and having applied the objective test would leave and not participate.

Councillor Dickinson - Item 10A by virtue of knowing the applicant as a resident of Stonehaven and through a local club however having applied the objective test would remain and take part.

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 27 APRIL 2021

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 27 April 2021 subject to the following amendment on page 7, item 7, paragraph 3 the word high to higher.

4. ANALYSIS OF ATTAINMENT AND ACHIEVEMENT IN ACCREDITED AWARDS OF YOUNG PEOPLE IN KINCARDINE AND MEARN'S SECONDARY SCHOOLS DURING 2019

A report was circulated by the Director of Education and Children's Services presenting an analysis of school attainment based on the set of data arising from

qualifications taken by school leavers from Kincardine and Mearns secondary schools up to session 2019-20.

The Head Teachers of Portlethen, Mearns and Mackie gave an overview of the activities within the academies and how they had dealt with various issues throughout the pandemic. They highlighted the virtual learning experience, the robust processes in place surrounding grades, the introduction of wellbeing surveys for young people and the increased communication between the school and families. The Head Teachers praised all staff and pupils for how well they had managed during exceptionally difficult circumstances.

Members sought clarification on a number of issues including encouraging positive destinations, building resilience, moving forward out of the pandemic and ways of continuing to support young people focusing on their wellbeing.

The Committee welcomed the report and the positive work being carried out in the academies. They commended the staff, pupils and the wider community on their efforts throughout the pandemic.

5. ABERDEENSHIRE COUNCIL TREE PRESERVATION ORDER 129 (2020) CALDHAME PLANTATION, LUTHERMUIR

A report was circulated by the Interim Director of Infrastructure Services seeking the confirmation of a served Tree Preservation Order (TPO) which was the subject of outstanding objections. The TPO required to be confirmed within six months of making or it would lapse.

As indicated in the declaration of interests, Councillor Carr left the meeting at this time and did not participate.

The Chair advised Members that three requests to speak had been received, Members agreed to hear the requests to speak.

The Environmental Planner introduced the report and highlighted the justification for the TPO and the results from the assessment process that found the woodland to be of high visual amenity, to be worthy of long term protection due to the proximity of residential properties and the submission of the site as a bid in the Local Development plan, therefore a TPO was deemed appropriate.

Members queried several points, the additional value of the TPO at this time as there were many mechanisms in place to protect the legislation, further details on the assessment process carried out, clarification on the definition of ancient woodland and the need for further engagement and consultation within the process.

Members heard from Jim Stuart from Mearns Community Council opposing the TPO and highlighting the need for further engagement with the whole community. Mearns Community Council stated that the landowner worked well with Luthermuir Improvement Group and requested that the local community determine the use of the land. Mearns Community Council had not been able to carry out further

engagement with the wider community at this time and appreciated that their comments had been incorporated into the report although the submission was out with the timescales.

Members heard from Karen McWilliam, Landowner opposing the TPO who acknowledged the importance of the visual amenity but highlighted that this could be managed through current legislation. Members heard of the work ongoing with the local community to provide safe routes to school, access routes to community facilities and providing space for recycling facilities and that these could be diminished by the TPO making it more difficult for private owners to work with the community.

Jack Soutar spoke as a local resident who had lived in the village for over 30 years and opposed the TPO. He was in agreement with the comments made by the previous speakers and spoke of the need for further housing development to maintain the school roll for future generations. He also highlighted the importance of a better access route to the public park and a safer route to school.

The Committee fully discussed the report and suggested amendments to the process to engage further with the community and to consider locality plans. The Committee **agreed** not to confirm the Tree Preservation Order No. 129 (2020) Caldhome Plantation, Luthermuir, as modified.

6. ROADS, BRIDGES, HARBOURS, COAST & FLOODING, LANDSCAPE AND TRANSPORTATION WORKS PROGRAMMES 2021-2022

This report was issued by the Interim Director of Infrastructure Services and outlined the available funding and the proposed programmes of works for Roads, Bridges, Harbours, Coast and Flooding, Landscape and Transportation.

The Principal Roads Engineer gave an overview of the report and Officers responded to specific questions about the prioritisation of projects and the different types of works undertaken.

Members welcomed the report and the work that was scheduled to be completed and acknowledged that some additional individual road issues would be covered by routine maintenance. Members welcomed the feasibility studies for Abbeyton and Inverbervie bridges and queried how Abbeyton bridge had moved up the prioritisation list. Members heard that after Infrastructure Service Committee the scoring system had been modified which included treating closed bridges the same as open bridges, this moved Abbeyton bridge up the prioritisation list. Members welcomed the return to grass cutting and weed spraying and were pleased that progress had started on repairing potholes using the categorisation system in place.

The Committee **agreed**;

1. To approve the Works Programmes as detailed in Appendices A to F, and

2. Requested that Officers give consideration to the following;
 - a) The Committee suggested reapplication for Nestrans funding with regards to Abbeyton Bridge,
 - b) The Committee suggested improved communications from Officers to allow Members to feedback and respond to members of the public on Service related matters,
 - c) The Committee requested that when carrying out resurfacing work at cemeteries that disabled parking bays should remain in place and if required new disabled bays be put in place where appropriate whilst work is being carried out,
 - d) The Committee suggested engagement with Ward Members when considering, Appendix F Walking and Cycling, A90 Aberdeen to Stonehaven, design of Marywell to Portlethen Phase 1, and
 - e) The Committee requested further details on the integrated travel town masterplan within Portlethen.

7. KINCARDINE AND MEARN'S AREA PLAN

A report by the Interim Director of Infrastructure Services was presented to the Committee to consider and approve the Kincardine and Mearns Area Plan which detailed the actions services will take in support of delivering the Strategic Priorities that are set out in the Council Plan 2020-22, the Service Priorities which are set out in the Directorate Plans and the local priorities.

The Committee agreed to;

1. Approve Kincardine and Mearns Area Plan attached as Appendix 1 to the report,
2. Acknowledge the ongoing work to develop the required area performance reporting framework,
3. Acknowledge that this is the first iteration of the Area Plan and that the Action Plan will be updated by Services,
4. Receiving a report on the delivery of the Area Plan and an updated Action Plan before the end of 2021, and
5. Provided the following comments;
 - a) Point 4.7, the Committee suggested financial information needs to be updated, to add a link to budgets when available and to be up front with budgets so as not to raise expectations in the Community,

- b) Page 110, the Committee suggested with unemployment increasing, adjustments might need to be considered to reflect this,
- c) The Committee welcomed the inclusion of Participatory Budgeting within the Area Plan,
- d) Pg. 127, The Committee suggested area specific actions relating to Kincardine and Mearns, with regards to Waste Service actions as opposed to generic action points,
- e) The Committee suggested the inclusion of partnership working,
- f) The Committee queried the audience of the report and suggested this needed further clarity to address the language used within the plan,
- g) The Committee suggested rewording supporting partners to working with partners,
- h) The Committee requested further description on how we would deliver payments being made at a Post Office in areas that have no Post Office,
- i) Pg. 130, digital services, the Committee requested we provide more detail within the action plan,
- j) The Committee suggested reference to Carlton House should now be removed,
- k) Pg. 120, under Bridges, the Committee suggested Abbeyton Bridge be included, and
- l) Pg. 118 – Open spaces, the Committee suggested biodiversity should include more planting of wildflowers.

8. ALLOCATION OF KINCARDINE AND MEARNES COMMUNITY COUNCIL GRANTS 2021/22

A report by the Interim Director of Infrastructure Services was circulated advising Members of the proposed disbursement of grant funding to the Kincardine and Mearns Community Councils.

The Area Manager introduced the report and advised that the grants were to be distributed by way of a fixed base amount of £475.00 for each Community Council, with the balance allocated on the number of electors in each Community Council area, as in previous years. The Committee **agreed** to the disbursement of Community Council grant funding for the 2021/2022 financial year as detailed in **Appendix 1** of the report.

9. AREA COMMITTEE BUDGET 2021/2022

A report was issued by the Interim Director of Infrastructure Services as two applications had been submitted for funding from the Kincardine and Mearns Area Committee Budget, one from Redmyre Primary School for £2,794.00 and the second one from Auchenblae Primary School for £410.70.

The Area Manager introduced the report and outlined both applications and welcomed any questions. Members discussed the applications and requested that when issuing award letters these should include the priorities contained within the criteria and the requirement that these should be fulfilled.

The Committee **agreed** to approve both grants from the Area Committee Budget as follows;

- a) Auchenblae Primary School - £410.70, and
- b) Redmyre Primary School - £2,794.00

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** to this Minute.

Reference Number	Address
(A) APP/2020/1233	Full Planning Permission for Erection of 57 Bed Care Home with Associated Infrastructure, Car Parking and Landscaping at Land at Cowgate, Stonehaven
(B) APP/2021/0272	Full Planning Permission for Erection of 3 Dwellinghouses at Land to West of 144 Denstrath View, Edzell Woods

11. STATEMENT OF OUTSTANDING BUSINESS

A report by the Interim Director of Infrastructure Services had been circulated presenting the outstanding business for Kincardine and Mearns Area Committee as of 18 May 2021.

The Area Manager introduced the report and advised that this report would be reported at the beginning of every Kincardine and Mearns Area Committee to provide updates on outstanding business.

The Committee **noted** the items and sought further clarity on timescales.

**KINCARDINE AND MEARNS AREA COMMITTEE, 18 MAY 2021
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

(A) Reference No: APP/2020/1233

Full Planning Permission for Erection of 57 Bed Care Home with Associated Infrastructure, Car Parking and Landscaping at Land at Cowgate, Stonehaven, Aberdeenshire

Applicant: Scape Homes, Seaview Steading, Balmedie

Agent: Scott Hobbs Planning, 24A Stafford Street, Edinburgh

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 was 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 the request to speak.

The Senior Planner outlined the report and advised the proposal was for full planning permission for the erection of a 57 Bed Care Home facility on the former gas works site, in the heart of the Old Town of Stonehaven. Members heard that this was a finely balanced application providing the redevelopment of a long term vacant and contaminated site providing a care home catering for particular needs. This would ultimately accord with a vast majority of not only the Aberdeenshire Local Development Plan (2017), but also Scottish Planning Policy in respect of the sustainable use of land in particular.

Members were advised that the provision of a care home in principle appeared to be a solution for the site. However, in light of the constraints of the locality, and the types of vehicles that would require access around this narrow network of streets, it had not been possible to identify a solution that would meet with the standards of Road Development/Transportation. This could be achieved through Traffic Regulation Orders, which themselves are a separate legislative process, and are not guaranteed a positive outcome. There would be the potential for a significant level of on-street parking to be displaced within the already congested network of streets, thus further exacerbating the current problem. As such, the development is deemed to be contrary to Policy RD1 Providing suitable services in light of the inability to prevent knock on impacts on the existing area.

Members asked a number of questions with regards to parking on site and service delivery, as currently emergency vehicles would require access. Members queried the number of parking spaces displaced through the introduction of double yellow lines. The Principal Engineer from Transportation advised that increased

movements to and from the site would require the introduction of double yellow lines, currently refuge vehicles had difficulties accessing the area and Roads were aware of existing problems for larger vehicles. The introduction of a large development that will require more vehicles and larger ones would intensify the problems and whilst appropriate swept paths have been drawn to theoretically show how access could be gained due to Officer knowledge this would not be feasible the majority of the time. The number of cars that would be displaced is considered to be around eighteen with the introduction of double yellow lines.

Members queried what traffic orders and regulations were in place that could assist with parking issues and heard that parking should not be within 15 metres of the junctions however this was difficult to enforce. Members asked what residential dwellings of any kind would work within this site and heard it was a difficult contaminated vacant site and potentially not a viable site when taking into consideration parking and open spaces.

Members heard from the agent in support of the application who hoped that the benefits of a redevelopment of a long term vacant contaminated site would outweigh any issues. They highlighted that if refused on roads grounds that this would need to be applied to all future applications and queried what development would be suitable for such a site. Members heard that they had outlined how parking, access and egress could be managed through the appropriate swept paths, based on using a larger refuge vehicle. They stated they would be able to control the size of vehicles, frequency, day and times. Discussions had taken place with a contractor who could provide a smaller refuge vehicle and that the usage of such vehicle could be specified in the conditions. There were also the benefits to the wider community through employment and also addressing a need within the community. Further analysis had been carried out to show access to and from the site as shown on the appropriate swept paths.

Members queried the use of a smaller refuge vehicle and asked what vehicles would be coming on and off the site. Members heard that a smaller privately owned refuge vehicle would be used twice a week for uplifts and two food deliveries each week in a standard delivery transit van. Members also heard that all laundry is taken care of on site and that these could be conditioned as is the case for other commercial developments.

The Senior Planner highlighted the difficulties in trying to condition deliveries and timing accordingly and questioned whether that would be reasonable to enforce on the applicant. That whilst they recognised that smaller vehicles could be used it is controlling and enforcing that is difficult, especially in the future when service providers may have changed.

The Committee fully discussed the report and **refused** full planning permission for the following reason:-

01. The planning authority considers that the application is for a development that is contrary to the Aberdeenshire Local Development Plan 2017. Despite the wider benefits of redeveloping this brownfield site, it has not been demonstrated to the satisfaction of the Council that the development can be

adequately accessed and serviced due to the tight and constrained nature of the local road network and creating pressure on the road network through potential erosion of existing parking which is already deficient in the area. Furthermore, it is considered that the scale, density and overbearing nature of the development does not respect its surroundings in the Conservation Area and neither has it been demonstrated that there will be no interference with the existing use of neighbouring sites. As such, it is considered to be contrary to Policies P3 Infill and householder developments within settlements and RD1 Providing suitable services of the Aberdeenshire Local Development Plan (2017).

(B) Reference No: APP/2021/0272

Full Planning Permission for Erection of 3 Dwellinghouses at Land to West of 144 Denstrath View, Edzell Woods, DD9 7XQ

Applicant: Mrs Dorothy Pert, 144 Denstrath View, Edzell Woods, DD9 7XQ

Agent: G.McNab Contract Design, 8 Riverside Place, Dundee, DD2 1QE

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 there was an unresolved objection from a consultee.

The Senior Planner outlined the report and advised the proposal for the erection of three dwellinghouses was considered to be acceptable. The dwellings were considered appropriate in scale, design and finish and fit well with the site without posing any impact on the wider landscape setting and can be suitably serviced and accessed. Members heard that the proposal fully complied with all relevant policies of the Aberdeenshire Local Development Plan 2017 and that the planning issues raised through representations had been taken into account. Therefore there were no material planning considerations that would warrant refusal in this instance.

Members highlighted an error within the report namely condition 4 and suggested the removal of the double negative.

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 Section 75 legal agreement, or alternative method of payment, to secure the required developer obligations;
 - (ii) The following planning conditions:-
01. The dwellinghouse's hereby approved shall not be harled unless a sample panel of the proposed harling has been made available to and approved in writing by the planning authority. The dwellinghouse's shall not be brought into use unless the harling has been applied in its entirety in accordance with the approved details.

Reason: In the interests of the appearance of the building and the visual amenities of the area.

02. The vehicular access, driveways and parking areas hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details shown on the approved plans (Drawing No DYP/03) and the drop kerb footway crossing has been formed at the new access. The first five metres of the driveway's measured from the back of the carriageway shall be fully paved and shall have a maximum gradient not exceeding 1:20. The driveway and parking area 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, the access, driveway and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access, driveway and parking areas to an adequate standard; to prevent the carriage of loose driveway material on to the public road and to ensure the retention of adequate off-street parking facilities, all in the interests of road safety.

03. The development hereby approved shall not be occupied unless the refuse bin uplift store area[s] have been provided and surfaced in accordance with the details shown on the approved plan. Once provided, the refuse bin uplift store areas shall thereafter be permanently retained as such.

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

04. No dwellinghouses hereby approved shall not be brought into use unless the proposed foul and surface water drainage system for each dwellinghouse have been provided in accordance with "The Drainage Assessment, fbw Consulting, 3rd August 2020" the approved plans Drawing 2073 SK-D-01 & Drawing 2073 SK-D-02. The foul and surface water drainage system[s] 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.

05. 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.

06. 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.

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 application is acceptable in principle under Policy P3 Infill and householder developments within settlements (including home and work proposals) in that the site has no specific land use designation and it lies within a settlement. In addition, the proposed dwellings would not adversely affect the character of the area and would not significantly reduce the amenity of neighbouring residents. All other details of the application are compliant with other relevant policies of the Aberdeenshire Local Development Plan 2017.