

ABERDEENSHIRE COUNCIL
KINCARDINE AND MEARN'S AREA COMMITTEE
SKYPE MEETING ONLY
(RECORDING TO BE MADE AVAILABLE TO GENERAL PUBLIC)
31 AUGUST 2021

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), George Carr, Sarah Dickinson, Alison Evison, Jeff Hutchison, Colin Pike, Dennis Robertson, Sandy Wallace, Leigh Wilson.
- Apologies:** Provost William Howatson, Councillor Alastair Bews.
- Officers:** Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Martin Ingram (Elections Co-Ordinator, Legal and People), Diane Henderson (Area Project Officer, Kincardine and Mearns), Erin Wood (Policy Officer), Gregor Spence (Senior Planner).
- In Attendance:** Scott Neilson, Scottish Fire & Rescue (Item 5), Chuck Freeland, Kirsty Broadley, Neil Simpson and Jim Purdie, Catalyst Vineyard Church (Item 6), Jim Stuart, Mearns Community Council (Item 6) John Agnew, Stonehaven Sea Cadets (Item 8), Jim Titmuss, Auchenblae Parks Committee (Item 8)

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:

Cllr Agnew – Item 8 by virtue of being related to the Chairman of the organisation and having applied the objective test would leave and not take part in the determination of the Stonehaven Sea Cadets application.

Cllr Dickinson – Item 6, by virtue of having a connection to one of the signatories on the CAT application through his previous membership at Fetteresso Church, however having applied the objective test had no interest to declare.

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 29 JUNE 2021

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 29 June 2021 subject to the following amendments on page 11, planning condition four, the word "be" should read "the" and the removal of the word "not", last sentence to remove the double negative.

4. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Infrastructure Services had been circulated presenting the outstanding business for Kincardine and Mearns Area Committee as of 31 August 2021.

The Committee **noted** the updates provided for the items on the Statement of Outstanding Business.

5. SCOTTISH FIRE AND RESCUE SERVICE PERFORMANCE REPORT

A joint report by the Local Senior Officer, Scottish Fire and Rescue, and the Director of Infrastructure Services was circulated advising Members of the service performance in the Kincardine and Mearns area for the period 1 April 2020 to 31 March 2021.

The Station Commander was in attendance to present the report and to answer any questions. Drawing attention to local statistics in relation to accidental dwelling fires; deliberate fires; secondary fires; road traffic accidents and unwanted fire alarm signals.

Members sought and received clarification about a number of items including; local staffing and highlighting the importance and value of retained stations within the community; deliberate fires; false alarms in the work place; and the introduction of interlinked fire alarms.

The Committee **noted** the performance information from Scottish Fire and Rescue.

6. ASSET TRANSFER – FORMER COMMUNITY CENTRE, 148/152 HIGH STREET, LAURENCEKIRK, AB30 1XL

A report by the Director of Infrastructure Services was circulated to Members seeking approval of the Committee to transfer the former Community Centre in Laurencekirk to Catalyst Community Regeneration Company.

The Area Manager outlined the report and advised that on the request of the Committee at the meeting of 8 June 2021 that representatives from the Catalyst Community had been invited to attend and were present.

Members heard from the Catalyst Community in support of their application and were advised of their open door policy and warm welcome to all from the community to come as you are and their willingness to serve the Mearns community. The congregation has been in place in Laurencekirk for five years, the congregation has 129 members made up of 77 adults and 52 children, two thirds of this total are living in the Mearns Academy catchment area. They currently run a foodbank along with many other events, an Easter Egg hunt, Barbeques, Holiday Clubs, a drop in café signposting to other organisations as appropriate and work in partnership with many community groups including local schools.

The group confirmed that the hall would be used primarily for worship, a base for events and activities and would also be available to community groups for public hire. The group advised that with reference to their application form and the statement regarding restrictions to groups in direct conflict to their ethos by this they meant declining a booking from groups that were in conflict with their Christian ethos, a group that sought to undermine the religious nature of a Christian church.

The Chair advised Members that a request to speak had been received, Members **agreed** to hear the request. Members heard from Jim Stuart on behalf of Mearns Community Council, opposing the application. Jim confirmed that his view was that of the Community Council who had engaged with members of the community. He expressed their disappointment at the number of people who knew about the asset transfer request. Members also heard of their concerns regarding the asset transfer process namely the engagement process, statutory consultees and unanswered questions within the application form.

The committee asked a number of questions on the asset transfer process regarding timescales, the business case, notices, a previous note of interest and who would be able to use the facility.

Members fully discussed the application. Councillor Carr seconded by Councillor Pike moved to refuse the asset transfer application as it did not provide enough social wellbeing. Councillor Evison seconded by Councillor Dickinson moved to support Officers recommendations.

The Committee voted:

For the motion (3) Councillors Carr, Pike and Wilson.

For the amendment (7) Councillors Agnew, Dickinson, Evison, Hutchison, Mollison, Robertson and Wallace.

The Committee **agreed**:

1. To approve the application from Catalyst Community Regeneration Company for the Asset Transfer of the former Community Centre in Laurencekirk and instruct the Area Manager to issue a Decision Notice;
2. To invite submission of an offer to purchase from the Catalyst Community Regeneration Company to be received within 6 months of the date of the Decision Notice;
3. To Delegate authority to the Area Manager to instruct Legal and People to conclude the transfer of the former Community Centre, Laurencekirk to Catalyst Community Regeneration Company; and
4. That the purchase price should be set at a nominal sum of £1, which takes into account the community benefit and costs of refurbishment.

7. ABERDEENSHIRE CHARITIES TRUST 2

A report from the Director of Infrastructure Services was circulated to Members asking the Committee to consider and determine an application from Portlethen Larder and Covid Support for ACT2 funding.

The Area Manager introduced the report and welcomed any queries. Members discussed the application and **agreed** to award £489.51 to Portlethen Larder and Covid Support Group from ACT 2, Ward 17 – The prevention or relief of poverty.

8. AREA COMMITTEE BUDGET 2021/22

A report from the Director of Infrastructure Services as three applications had been submitted for funding from the Kincardine and Mearns Area Committee Budget, from Stonehaven and District Sea Cadets, Auchenblae Parks Committee and Stonehaven Town Partnership.

The Chair as intimated at item one left the meeting at this point and the Vice Chair, chaired the meeting. As part of the Area Committee criteria two speakers were present in support of their respective applications. The Committee heard from John Agnew, Stonehaven Sea Cadets and Jim Titmuss, Auchenblae Parks Committee in support of their applications. The Area Manager introduced the report and welcomed any questions.

The Committee discussed the applications and **agreed** to approve the grants from the Area Committee Budget as follows:

- a) Stonehaven and District Sea Cadets - £8,000.00
- b) Auchenblae Parks Committee - £8,000.00, and
- c) Stonehaven Town Partnership - £2,740.31

9. EQUALITY MAINSTREAMING AND OUTCOMES REPORT 2021

A report from the Director of Business Services was circulated to Members to consider the progress made towards meeting the Public Sector Equality Duty and to comment on and consider new Equality Outcomes for the next four years.

The Policy Officer introduced the report and the Committee **agreed** to provide the following comments;

- a) Commended Officers on the successful journey, on mainstreaming, raising awareness and talking more about Equalities, setting out good practices, and pleased to see projects such as “period dignity in school”.
- b) Suggested we should develop outcomes to allow individuals to recognise their own potential and outcomes instead of predetermined ones dictated by us.
- c) Suggested the need to look at some of the wording, particularly around the particular groups not having the skills required, this could be related to everyone.
- d) Members commended the British Sign Language video and the availability of it in six languages and that hate crime has been noted in the papers.
- e) The Committee suggested we look to extend Equalities out to all Services within the Council.
- f) The Committee suggested up-to-date information on digital devices distributed (p112 - Adapting during the pandemic), and suggest the information broken down by area if possible.
- g) The Committee suggested that we ensure devices that we have are compatible with all specialised software and have the technical capabilities to be accessible by all.
- h) The Committee suggested that perhaps more awareness regarding our Equalities Policies may be required, difficult to know how many respondents surveyed would know about the ongoing Equalities work.

10. DISSOLUTION OF PORTLETHEN AND DISTRICT COMMUNITY COUNCIL

A report from the Director of Infrastructure Services was circulated to Members to advise that Portlethen and District Community Council had been dissolved following the resignations of further members.

The Area Manager outlined the report, Members raised questions regarding establishing a new Community Council and queried the contents of the Community Council asset to be investigated further.

The Committee **acknowledged** the dissolution of Portlethen and District Community Council and **noted** that efforts would be made to engage with the community to generate interest in establishing a new Community Council.

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.

Reference Number	Address
(A) APP/2020/2291	Full Planning Permission for Erection of 5 Dwellings including Demolition of Buildings at Lairhillock Inn Netherley, Stonehaven
(B) APP/2020/2556	Full Planning Permission for Change of Use of Forestry Land to Garden Ground (Class 9) and Formation of Access at Land to West of Nusa Dua, Durris, Banchory

Councillor Presiding over meeting

Print Name

Signature

Date

**KINCARDINE AND MEARNS AREA COMMITTEE, 31 AUGUST 2021
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

(A) Reference No: APP/2020/2291

Full Planning Permission for Erection of 5 Dwellings including Demolition of Buildings at Lairhillock Inn, Netherley, Stonehaven

Applicant: S Law (FC) Limited, 18 Bon Accord Crescent, Aberdeen, AB11 6XY

Agent: MAC Architects, 24 Oldmeldrum Road, Newmachar, AB21 0PJ

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to take a decision on this item in terms of the Scheme of Governance as the application was a significant departure from the Local Development Plan.

The Senior Planner outlined the report and advised permission is sought to demolish the existing buildings and replace them with five detached dwellinghouses set around a central forecourt/green. It was considered that the proposed development would significantly enhance the character of the area and surrounding landscape. The business on site has been declining for a number of years, and no scope to reinvigorate the former use.

Members heard that whilst the scale of the development proposed exceeds the extent of small scale development identified by Aberdeenshire Local Development Plan, it was apparent that the site can accommodate a development of 5 houses. Combined with the justification surrounding viability and the high quality design and layout proposed, it was considered that the redevelopment of this now brownfield site can be supported as a departure from Policy R2: Housing and employment development elsewhere in the Countryside in this instance.

Members fully discussed the report and queried the historical nature of the Lairhillock Inn and the affordable housing unit to meet the housing need in the local area. Members suggested that this would meet a housing need in the surrounding area rather than the wider Stonehaven area.

The Committee **agreed** to refer the application to the Infrastructure Services Committee for determination and supported the application by agreeing that Authority to grant be delegated to the Head of Planning and Environment Service subject to the conditions set out in the report.

- (i) The satisfactory conclusion of a Section 75 Legal Agreement to address the required Developer Obligations;
- (ii) Provision of a satisfactory bat survey in relation to trees to be removed;
- (iii) The following conditions:

01. 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 160 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 each approved 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.

02. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store area has 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. No dwellinghouse shall 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 shall thereafter be permanently retained as such.

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

03. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved details. 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.

04. 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.

05. 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.

06. No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.

07. Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) shall be fully paved. The maximum gradient of any new access shall not exceed 1:20 gradient and each 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.

Reason: To ensure the timely completion of 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.

08. No Dwelling hereby approved shall be occupied unless a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, is formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear and off-Street parking for 17 cars, surfaced in hard standing materials has been provided within the site. Once provided turning and parking areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion and retention of the on-site facilities to an adequate standard in the interests of road safety.

09. 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.

That the Committee **agreed** the reason for departing from the Local Development Plan.

In respect of Policy R2: Housing and employment development elsewhere in the countryside, the proposed brownfield site is a relatively large development opportunity and restricting development to no more than 3 houses would result in units that would be more difficult to market in the current economic climate due to their size. As proposed the development would provide family sized homes of a reasonable scale within close proximity of Lairhillock primary school.

(B) Reference No: APP/2020/2556

Full Planning Permission for Change of Use of Forestry Land to Garden Ground (Class 9) and Formation of Access at Land to West of Nusa Dua, Durris, Banchory

Applicant: Mr Andrew McGuinness, 24 North Silver Street, Aberdeen, AB10 1RL

Agent: The Architecture and Planning, 3 Bon Accord Crescent, Aberdeen, AB11 6XH

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to take a decision on this item in terms of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Senior Planner outlined the report and advised permission is sought for a change of use of land to garden ground and provision of access. The application was for a development that was in accordance with the Aberdeenshire Local Development Plan 2017. The proposed change of use and creation of a driveway access would not result in the loss of trees, can be adequately drained within the site without adding to flood risk elsewhere and would provide a route for walkers to continue to access the wider network of woodland routes. It complied with Policy P2 Open space and access in new development, Policy C4 Flooding, Policy RD1 Providing suitable services and Policy PR1 Protecting important resources.

Members discussed the access path and queried the dimensions of the path that would provide access for walkers. The Committee **agreed** to grant full planning permissions subject to the following condition:

01. Prior to commencement of works the stockpile of material to the west shall be removed to create a level, firm and dry surface for the access route.

Reason: In order to ensure a suitable access route is available for the continued use of walkers.

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 change of use and creation of a driveway access would not result in the loss of trees, can be adequately drained within the site without adding to flood risk elsewhere and will provide a route for walkers to continue to access the wider network of woodland routes. It complies with Policy P2 Open space and access in new development, Policy C4 Flooding, Policy RD1 Providing suitable services and Policy PR1 Protecting important resources.

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