

ABERDEENSHIRE COUNCIL

**KINCARDINE AND MEARN'S AREA COMMITTEE, 20 SEPTEMBER 2022,
(rescheduled from 13 SEPTEMBER 2022).**

**COUNCIL CHAMBER, VIEWMOUNT, STONEHAVEN ((WITH VIRTUAL
ATTENDEES)).**

- Present:** Councillors Wendy Agnew Dawn Black, Shirley Burnett, Laurie Carnie, George Carr, Alison Evison, Kevin Stelfox, Mel Sullivan, Alan Turner, Catherine Victor.
- Apology:** Councillors David Aitchison and Sarah Dickinson.
- Officers:** Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Martin Ingram (Senior Solicitor, Legal and People), Donna Redford (Team Leader), Ruth O'Hare (Legal Services Manager), Ros Baxter (Waste Manager), Gregor Spence (Senior Planner), Kenn Clark (Roads Development and Transportation Principal Engineer, Lee Watson (Flooding and Coast Protection), David Gander (Flooding and Coast Protection), Kathryn Clarke (Environmental Health and Louise Cunningham (Environmental Health).
- In Attendance:** Item 8(A) Natasha Douglas, Bancon Homes and Item 8(B) Gary Black (Agent).

The Chair made the following statement at the start of the meeting;

Queen Elizabeth the second died at Balmoral in Scotland on Thursday 8 September 2022, ending an unmatched active reign of seventy years, representing seven decades of unmatched selfless service to the countries and to the people of Great Britain, Northern Ireland and the commonwealth nations, thus honouring a promise made by the late Queen in a speech broadcasted on her 21st Birthday in 1947 –

“I declare before you all that my whole life whether it be long or short shall be devoted to your service and the service of the great imperial family to which we all belong.”.

In the words of the poet Philip Larkin written for the late Queen's Silver Jubilee in 1997 -

“In times when nothing stood
But worsened or grew strange
There was one constant good,
She did not change.

These words remained true to the end, as witnesses by her personal faith, her dedication, her love and compassion, her wisdom, her words of guidance, encouragement and of hope; “we will meet again” she said during the long Covid 19 lockdown. May the late Queen Elizabeth rest in peace and rise in Glory. God Save the King.

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 Black provided a transparency statement in relation to item 8(B), as she knows the agent however having applied the objective test concluded that she 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 Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching its decision.

3. MINUTE OF MEETING OF KINCARDINE AND MEARNIS AREA COMMITTEE OF 23 August 2022

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 23 August 2022, with the following amendments; Item 6 page 8, insert the word strongly after h) rather than before and Item 10 Page 10 amend wording to read, Highlighted the need for Communities that have issues to engage and make their views known far earlier in the LDP process.

4. STATEMENT OF OUTSTANDING BUSINESS

A report by the Director of Environment and Infrastructure Services had been circulated presenting the outstanding business for Kincardine and Mearns Area Committee as of 13 September 2022. The Committee noted the outstanding item in relation to Hillside.

5. ABERDEEN'S DIGITAL STRATEGY

A report by the Director of Business Services was circulated providing an update on the progress of [Aberdeenshire's Digital Strategy](#) which was previously reported to Business Services Committee on 8 January 2022. It provided a background to the holistic approach to digital inclusion across Aberdeenshire and sets out the key areas of progress across the suite of projects which received funding under the Digital Strategy package of support approved by committee in January 2021.

The Team Leader introduced the report and welcomed any questions.

The Committee **agreed** to note that the report is currently being considered by all Area Committees in September and comments will be collated and fed back to Business Services Committee, they considered the updated report and made the following comments:

1. The Committee commended the work carried out by Officers regarding connectivity and highlighted the importance of their work,
2. The highlighted concern that the report stated that the post was funded until July 2023 and hoped that this would be extended, and
3. The Committee suggested that free Wi-Fi should be in all our temporary housing.

6. HYBRID MEETING ARRANGEMENTS

A report by the Director of Business Services was circulated seeking feedback from the Committee on future arrangements for hybrid meetings with a view to informing the report to Full Council on 29 September on the wider review of hybrid meeting options. In accordance with the decision of Full Council on 23 September 2021, where the Council agreed a Choice Based Blended Model for Fully Virtual and Hybrid Meetings, meeting venues must have a functioning hybrid option for any online attendees.

The Legal Services Manager introduced the report and sought views from the Committee on what hybrid solution they would wish to see in Viewmount, and also views on the ongoing livestreaming of meetings. Members asked questions regarding livestreaming, recordings and what improvements could be made to improve the sound quality.

The Committee consider the report and **agreed** to provide the following comments to Full Council on the future arrangements for hybrid meetings of Kincardine and Mearns Area Committee;

1. The Committee highlighted the issues regarding background noise being picked up from those in the room, making listening online very difficult,
2. The Committee would be supportive of minimum cost to try and improve the audio,
3. The Committee continue to be supportive of having members of the public able to attend meetings and a recording of the meeting being available as soon as reasonably possible afterwards, and
4. The Committee suggested links to the recording should be easy to find on the website, suggested a link from meetings recordings to highlight the link to the recording, currently saved alongside the agenda pack.

7. HOUSEHOLD RECYCLING CENTRE HYBRID BOOKING SYSTEM PROPOSAL

A report by the Director of Environment & Infrastructure Services had been circulated, following a report presented to Infrastructure Services Committee on 20 January 2022. ISC agreed that the Member Officer Working Group be requested to give further consideration to a customisation of the service, on a site by site basis, seek to provide further opportunities for users of the service and to report back to ISC. This Committee is being asked to note and comment on the proposal of a hybrid booking system.

The Waste Service Manager introduced the report and welcomed any questions on the proposal of a hybrid booking system. Members queried the percentage of tonne waste and could this be related to fly tipping and the number of trips allowed for vans.

The Committee **agreed** to consider, make recommendations to the Waste Service and Infrastructure Services Committee on the proposed trial of a hybrid booking system for a 12-month period from 1 December 2022 at Macduff and Stonehaven Household Recycling Centres (HRCs) to allow data to be gathered with a view to implementing where practicable in other sites and provided the following comments:

1. The Committee supported a trial approach and suggested that sites should be treated differently and with discussions with Ward Councillors.
2. The Committee suggested that in order to provide more meaningful data, suggested a trial day at a busier period, consideration to a weekend day being used.
3. The Committee also sought reassurances that those without internet and online access could still use the facility.
4. The committee suggested the removal of the word "travellers" from page 84, question 4.

8. 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/2019/1949	Condition 1 a) (Layout and Siting) b) (External Appearance and Finishing Materials), c) (Landscaping and Tree Protection), d) (Levels and Cross Sections), e) (Disposal of Foul and Surface Water), f) (Street Engineering and Quality Audit for Road Network), g) (Road/Pedestrian/Cycle Layout), h) (Car Parking/Vehicle Turning Area), 4 (Protection and Enhancement of the Water Environment) of Planning Permission in Principle APP/2014/3671 for Formation of Business Land (Classes 4, 5 and 6) and Associated Access, Drainage and Landscaping at Site Adjacent To A92/A957 Junction, East Newtonleys, Stonehaven
(B) APP/2022/0053	Formation of Slurry Lagoon (Retrospective) at North Snadon, St Cyrus, Aberdeenshire, DD10 0DR
(D) APP/2022/1111	Installation of 2 Self-Service Car Wash Bays and Removal of 2 Trees, Mill Inn at Filling Station, Dunnottar Avenue, Stonehaven

**KINCARDINE AND MEARNS AREA COMMITTEE, 20 September 2022
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

(A) Reference No: APP/2019/1949

Description: Approval of Matters Specified in Conditions for Condition 1 a) (Layout and Siting) b) (External Appearance and Finishing Materials), c) (Landscaping and Tree Protection), d) (Levels and Cross Sections), e) (Disposal of Foul and Surface Water), f) (Street Engineering and Quality Audit for Road Network), g) (Road/Pedestrian/Cycle Layout), h) (Car Parking/Vehicle Turning Area), 4 (Protection and Enhancement of the Water Environment) of Planning Permission in Principle APP/2014/3671 for Formation of Business Land (Classes 4, 5 and 6) and Associated Access, Drainage and Landscaping at Site Adjacent To A92/A957 Junction, East Newtonleys, Stonehaven.

Applicant: Bancon Group & Dickinson Trust Ltd, C/o Burnett House, Burn O'Bennie Road, Banchory Business Park, Banchory, AB31 5ZU

Agent: Mackie Ramsay Taylor, 47 Victoria Street, Aberdeen, AB10 1QA

A report by the Director of Environment and 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 five or fewer individuals or bodies with separate postal addresses or premises, and at least two of the total number of Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

- Cllr Sarah Dickinson: 'For further discussions on the drainage arrangements'
- Cllr Wendy Agnew: 'Further discussion required in respect of traffic management, road safety, layout, siting and design'

The Chair advised Members that a request to speak had been submitted from the applicant, Bancon Homes, the Committee **agreed** to hear the request to speak.

The Senior Planner outlined the application which was deferred at the meeting of the Kincardine and Mearns Area Committee on 23 August 2022 as the Committee agreed to carry out a site visit 'to see the application site in its wider setting, layout and location'. The site visit was carried out on 6 September.

Members queried the drainage of the site and was this adequate. had consideration been given to the whole site including the existing development, the diameter of the footway, access to and from the site, where the footway would end and if any EV chargers would be installed.

The Committee heard from the speaker in support of their application. The speaker answered questions regarding the footway, lightening, passing places, drainage and access to and from the site.

The Committee discussed the report and **agreed** to GRANT Approval of Matters Specified in Conditions subject to the following condition:-

01. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme but with the following amendments:

- a) The omission of buddleia from the shrub mix (to avoid it spreading into the adjacent woodland)
- b) The addition of a wet meadow mix around the SUDS pond
- c) The planting of the wild flower meadow on subsoil to reduce the competition from more vigorous species

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.

(B) Reference No: APP/2022/0053

Description: Formation of Slurry Lagoon (Retrospective) at North Snadon, St Cyrus, Aberdeenshire, DD10 0DR

Applicant: East Coast Viners Ltd, Broadwood, Drumlithie, AB39 3XA

Agent: Inspired Design & Development Ltd, 27 Evan Street, Stonehaven, AB39 2EQ

A report by the Director of Environment and 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 the application is recommended for refusal however 50% or a majority of responding Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

- *Councillor George Carr - Suggest further discussion at Area Committee regarding P1: Layout, siting and design.*

The Chair advised Members that a request to speak had been submitted from the agent, Gary Black, the Committee **agreed** to hear the request to speak.

The Senior Planner introduced the report and advised that the application was for full planning permission retrospectively for the formation of a slurry lagoon at North Snadon, St Cyrus.

Members queried the distance from neighbouring dwelling houses and why the application was retrospective.

Councillor Carr seconded by Councillor Carnie moved for a site visit for consideration of the layout, siting and design of the development and to identify the source of the odour.

Councillor Burnett seconded by Councillor Turner moved as an amendment to determine the application.

The Members voted as follows:

For the motion	(8)	Councillors Agnew, Black Carnie, Carr, Evison, Stelfox, Sullivan and Victor
For the amendment	(2)	Councillors Burnett and Turner

The Committee **agreed** and the motion was carried to defer the application for a site visit for consideration of the layout, siting and design of the development and to identify the source of the odour.

(C) Reference No: APP/2022/1111

Description: Installation of 2 Self-Service Car Wash Bays and Removal of 2 Trees, Mill Inn at Filling Station, Dunnottar Avenue, Stonehaven

Applicant: **Graham Adcock, Gladstone Place, 36-38 Upper Marlborough Road, St Albans, AL1 3UU**

Agent: **Adcock Associates, Elta House, Birmingham Road, Stratford Upon Avon, Warwickshire, CV37 0AQ**

A report by the Director of Environment and 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 the application is recommended for approval and there have been valid objections from third parties and 50% or a majority of responding Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

- Cllr. Sarah Dickinson – ‘to discuss further noise impact under Policy P4 Hazardous and potentially polluting developments’.
- Cllr. Wendy Agnew – ‘further discussion required in respect of noise nuisance and lighting in a residential area’.

The Senior Planner outlined the application for full planning permission for the installation of two self-service car wash bays and removal of two trees at Mill Inn Filling Station, Dunnottar Avenue, Stonehaven

Members asked questions regarding the drainage, airborne pollutants, were the flooding team content, times of operations, noise and light nuisances and the removal of trees.

The committee fully discussed the application and Councillor Agnew seconded by Councillor Carnie moved to refuse the application for the following reasons;

1. The proposed development is contrary to policy P1 layout siting and design in that the development designs do not comply in fact and agree with the six required qualities as set out in the policy.
2. The proposed development is contrary to policy P3 infill and householder developments within settlements (including home and work proposals), in that the proposals represent an intensification of the existing filling station development out of keeping with the character and setting of the B listed Mill Inn Hotel and the A listed South Church in fact and agree exasperated by the removal of well established large canopy trees protected in the designated Conservation Area. Cause significant loss of an amenity to neighbouring properties due to the increased traffic movement and associated noise and light nuisances and difficulties with existing rights of uninterrupted access and egress right to and from domestic garages and other associated noise and light nuisances having regard also to propose development operational hours seven days per week.
3. The proposed development is contrary to policy HE2 protecting historic and cultural areas in that the design scale layout siting and materials to be used do not respect the individual characteristics for which the conservation area was designated and contrary also in that any trees contributing to the setting should be retained.
4. Notwithstanding reference to trees in reason two and three above permission for removal of trees should be refused in this case having regard to section 172 of the Town and Country Planning (Scotland) Act 1997 and the relevant provisions of the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas (Scotland)) regulations 2010 and having regard also that any proposal for the removal and replanting is not appropriate in this case.

Councillor Black seconded by Councillor Evison moved as an amendment to support Officers recommendations to grant permission with the amendment to condition one that the operating times be amended to terminate at 21.00 hours.

The Members voted as follows:

For the motion	(3)	Councillors Agnew, Carnie and Carr.
For the amendment	(7)	Councillors, Black, Burnett Evison, Stelfox, Sullivan Turner and Victor.

The Committee **agreed** and the amendment was carried to GRANT Full Planning Permission subject to the following conditions:-

01. Prior to the jet washes hereby approved being brought into operation, they shall be fully constructed in accordance with the approved plans. Once operational, their use shall be restricted to the hours of 07:00 to 21:00 Monday to Saturday and 08:00 to 21:00 on Sundays, Bank and Public Holidays.

Reason: In order to ensure that the development would not result in undue loss of amenity for surrounding properties.

02. During operational hours, noise from the proposed development shall not exceed Noise Rating Curve 30 when measured within a habitable room of any nearby dwelling.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

03. Waste water from the proposed development shall be disposed of via the public sewer as indicated in the submitted application and shall not be disposed of via private means 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.

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. 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.

Reason: In the interests of the residential amenities of the occupiers of the proposed development.

06. Prior to the self-service car wash bays hereby approved being brought into operation, they shall be fully constructed in accordance with the approved plans, as shown on drawing PA06 B.

Reason: In the interests of the residential amenities of the occupiers of the proposed development.