

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE 08 NOVEMBER 2022

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

Present: Councillors Wendy Agnew, David Aitchison, Dawn Black, Shirley Burnett, Laurie Carnie, George Carr, Sarah Dickinson, Alison Evison, Kevin Stelfox, Mel Sullivan, Alan Turner, Catherine Victor.

Officers: Bruce Stewart (Area Manager, Kincardine and Mearns), Emma Storey (Area Committee Officer, Kincardine and Mearns), Martin Ingram (Senior Solicitor, Legal and People), Stuart Copland (Roads Development Technical Assistant), Ross Anderson (Senior Roads Engineer), Ken Mercer (Civil Engineer), Ewan Wallace (Head of Service), Gregor Spence (Senior Planner) and Ros Baxter (Waste Manager)

In Attendance: Item 9 Reverend Andrew Morrison (Applicant) and Item 10(B) Mr Gary Black (Agent)

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 –

Item 7 Councillor Black as Chair of Stonehaven Youth Club, having applied the objective test will leave and not take part in the determining of the application.

Item 10B Councillor Black provided a transparency statement as she knows the applicant's agent however will remain and take part.

Item 9 Councillor Evison being a member of the Church and having applied the objective test will leave and not take part in the determining of the application.

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 Integrated 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
11	9

3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 4 OCTOBER 2022

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 4 October 2022.

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 8 November 2022. The Committee **noted** the outstanding item in relation to Hillside.

5. NAMING OF NEW STREET - CHAPELTON

The Director of Environment and Infrastructure Services submitted a report seeking Committee approval to name a new street in Chapelton, in accordance with the Council's Roads Policy on Street Naming and Property Numbering.

The Committee considered and **agreed** the use of the street name 'Lucas Place' for a new residential street in Chapelton.

6. STONEHAVEN TRAFFIC MANAGEMENT REVIEW

The Director of Environment and Infrastructure circulated a report for consideration and comment on the feedback analysis report from the Stonehaven Traffic Management Review following the public engagement exercise. The analysis report detailed 14 separate projects and their anticipated deliverability and timescales.

The Area Manager introduced the report and sought comments on the suggested projects identified within the report. The Committee fully discussed the feedback

analysis, queried different elements of the projects and **agreed** to provide the following comments:

1. The Committee suggested many comments received from residents on potholes and the need for continuing our maintenance regime.
2. Visitors are welcomed to the area, however we need to consider the increase on our parking resources, so they get the most of the amenities.
3. Members sought further consideration and assurances of how they feed into the other traffic issues, ie double yellow lines, signage etc.
4. Suggest rewording the Widening of the Promenade project.
5. Members suggest with reference to parking at Baird Park, we should consider permanent signage.
6. Members highlighted concern raised from residents that live in Cowie with regards motorhome parking. Members would welcome some parking restrictions rather than structural changes, suggested the need to address that quickly for those residents.
7. Do we carry out risk assessments for pedestrian crossing?
8. Members requested that we ensure we engage with the residents further on Belmont Brae.
9. Members suggested permanent parking at Baird Park parking if possible, taking into consideration activities that take place there.
10. Coach parking, with increase tourists visiting the castle and potential cruise ships visiting the nearby area can this be looked at, providing parking for coaches.
11. Members requested an annual report to Area Committee with an update on all projects.
12. Members sought further clarification regarding parking regulations, Infrastructure Services Committee agreed in March 2020 to take forward Parking Decriminalisation, update to be provided.
13. Members requested that any projects that could be carried out sooner be completed as soon as possible.
14. Suggestion that the bus stop relocation, that consultation goes wider to those that our travelling into Stonehaven too, not just those travelling from Stonehaven.
15. Members queried when determining if the projects are short, medium or long, are these factors in any order of importance?

16. Members queried the project at the promenade and the pavement being made wider.
17. Members requested they would like to see timescales of each project as they progress.
18. Members suggested we consult with residents from Cowie, that the area could be residents and access only.
19. Members welcomed and supported the Active travel and Integrated Travel Town highlighted in the report.
20. Members queried are we taking a decision on whether cafes can operate on the pavement at promenade?
21. Members suggested with regards Bervie Breas, the visual impacts of the red/white barriers, we should be focusing in on this and looking to remove if possible as a priority. Suggested we look at connecting Dunnottar Castle to Stonehaven town centre.
22. Members queried if gridlock of traffic was considered when assessing the need for a pedestrian crossing?
23. Members suggested the users of the Men's shed, Stonehaven be taken into consideration at beach front due to lack of parking.

7. KINCARDINE AND MEARN'S AREA COMMITTEE BUDGET

A report was circulated by the Director of Environment and Infrastructure Services was circulated to Members as two applications had been submitted for funding from the Kincardine and Mearns Area Committee Budget from the Royal Burgh of Inverbervie Community Council and one from Kincardine and Mearns Youth Clubs to be divided between the three Youth Clubs in Mearns, Stonehaven and Portlethen..

Councillors Evison and Black as indicated left the meeting for the determination of each application, which were presented separately.

The Committee Officer introduced the report, outlined the applications and welcomed any questions. Members queried a further breakdown of the of how the youth club funding would be utilised and asked about any future plans after the 16 week pilot scheme.

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

1. Royal Burgh of Inverbervie Community Council - £1,125.00, and
2. Kincardine and Mearns Youth Clubs - £3,000.00.

8. 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 6 October 2022. The Committee is asked to decide the details of the changes to be trialled at Household Recycling Centres sites in this area.

The Head of Environment and Sustainability outlined the report and welcomed any questions. The Committee fully discussed the report and queried a number of issues, could the funding used to provide the barriers at the HRC sites be claimed back, what are the cost implementations for K&M and what measures are in place to mitigate trade waste coming in and being dumped as household waste? Members stated they would be keen to hear the views of those colleagues that worked at the HRCs and stated that 67% of residents stated that they supported the booking system.

Councillor Carr seconded by Councillor Agnew moved to support option 3, removal of the booking sites for all sites in Kincardine and Mearns.

Councillor Black seconded by Councillor Dickinson moved as an amendment to support option 2 to implement an extended Hybrid Proposal for all sites in Kincardine and Mearns.

The Members voted as follows:

For the motion	(5)	Councillors Agnew, Burnett, Carnie, Carr and Turner.
For the amendment	(7)	Councillors Aitchison, Black, Dickinson, Evison, Stelfox, Sullivan and Victor.

Therefore the amendment was carried regarding option 2 to implement an extended Hybrid Proposal for all sites in Kincardine and Mearns.

The Committee **agreed** to implement an extended Hybrid Proposal which would allow non-booking days on Wednesday and Saturday for all sites in Kincardine and Mearns from Monday 28 November 2022 through to 28 July 2023.

9. ABERDEEN CHARITABLE TRUST (ACT2)

A report was circulated by the Director of Environment and Infrastructure Services to Members seeking consideration of an application from Arbuthnott, Bervie and Kinneff Church, to provide a "Warmer Hub".

Members agreed to hear from Reverend Andrew Morrison who had requested to speak, in support of his application.

The Committee Officer outlined the report and the committee **agreed** the application for ACT2 funding (Ward 19: the prevention or relief of poverty) from Arbuthnott, Bervie and Kinneff Church, for up to £1,000.00.

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.

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| (A) APP/2021/2010 | Full Planning Permission for Change of Use of Land to Form Extension to Holiday Park, Formation of Access and Erection of Toilet/Shower Block at Ecclesgreig Holiday Park, St Cyrus. |
| (B) APP/2022/0053 | Full Planning Permission for Formation of Slurry Lagoon (Retrospective) at North Snadon, St Cyrus. |

11. SUPPLEMENTARY DIRECTORATE PROCUREMENT PLAN STONEHAVEN REDCLOAK WASTE TRANSFER STATION 3-WEEKLY SHED WORKS

The Director of Environment and Infrastructure Services submitted a report seeking approval of a Supplementary Procurement Plan for the proposed procurement to be added to the Environment & Infrastructure Services Directorate Annual Procurement Plan.

The Committee discussed the report and **agreed** to:

1. Consider the Directorate Supplementary Procurement Plan as detailed in Appendix 1,
2. Approve the item on the Supplementary Procurement Plan and note that this item will be added to the Directorate Procurement Plan that was approved by this Committee on 1 March 2022, and
3. Not reserve approval of the Procurement Approval Form for any item on the Procurement Plan where the value of the matter is between £50,000 and £1,000,000.

**KINCARDINE AND MEARNS AREA COMMITTEE, 8 NOVEMBER 2022
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

Reference No: APP/2021/2010

Description: Full Planning Permission for Change of Use of Land to form Extension to Holiday Park, Formation of Access and Erection of Toilet/Shower Block at Ecclesgreig Holiday Park, St Cyrus, Aberdeenshire, DD10 0DE

**Applicant: SDR (Scotland) Ltd, East Bowstripps, St Cyrus, By
Montrose, DD10 0DE**
**Agent: John D. Crawford Ltd, 72 New Wynd, Montrose,
DD10 8RF**

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 for development is a departure from the Development Plan and is recommended for approval.

The Senior Planner introduced the report and advised that full planning permission was sought to extend the existing holiday park and to provide an additional 17 touring pitches, 3 holiday lodges and 6 static pitches as well as ancillary facilities including a shower and toilet block, a treatment plant, a picnic area, a play area and various bin collection points.

Members heard that the development would extend a well-established holiday accommodation enterprise that was well related to St Cyrus settlement. This would bring increased benefits to the local economy by increasing the number of visitors to the area helping to meet the objectives of the Regional Economic Strategy Action Plan that notably seeks to maximise opportunities in tourism. The proposed extensive planting scheme will help integrate the proposal into the local area and wider landscape whilst providing significant improvements to the biodiversity of the site and surrounding area.

In assessing the proposed development against the wider policies of SPP and the LDP 2017 and any other material considerations, there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The Committee discussed the application and **agreed** to GRANT Full Planning Permission for Change of Use of Land to form Extension to Holiday Park, Formation of Access and Erection of Toilet/Shower Block at Ecclesgreig Holiday Park, St Cyrus, Aberdeenshire, DD10 0DE, subject to the following conditions:-

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

02. 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 120 metres (northwestern approach) and 59 metres (southeastern approach) 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 out with 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.

03. That no other development hereby approved shall commence until the proposed vehicular access has been formed as generally shown on drawing ECC-RAC-ZZ-DR-C-0101-B rev B and ECC-RAC-ZZ-DR-C-0102-B rev B. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.

Reason. To ensure that the access is constructed to an adequate standard in the interest of road safety

04. The development hereby approved shall come into use until the junction that the proposed vehicular access forms with the public road has been kerbed to a radii of 6m with, the minimum width at the throat of the bell mouth so formed being 6m. The area within the bell mouth and for a minimum distance of 10m from the public road carriageway shall be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access and shall be surfaced with dense bitumen macadam or asphalt.

Reason: To ensure that the access is constructed to an adequate standard in the interest of road safety

05. The development hereby approved shall not come into use unless 98 car parking spaces and a suitable vehicle turning area surfaced in hardstanding materials have been provided within the site. The maximum gradient of the access shall not exceed 1:20 gradient and 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 development to an adequate standard in the interests of road safety.

06. 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 development hereby approved shall not be brought into use] 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 24th August 2021. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Unless otherwise agreed by the Planning Authority, the scheme shall be fully implemented within the first planting season following completion of the development.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

The Committee **agreed** that the reason for departing from the Aberdeenshire Local Development Plan 2017

The proposal development would extend a well-established holiday accommodation business that is well related to St Cyrus settlement. This would bring increased benefits to the local economy by increasing the number of visitors to the area helping to meet the objectives of the Regional Economic Strategy Action Plan that notably seeks to maximise opportunities in tourism. The proposed extensive planting scheme will help integrate the proposal into the local area and wider landscape whilst providing significant improvements to the biodiversity of the site and surrounding area.

Reference No: APP/2022/0053

Description: Full Planning Permission for Formation of Slurry Lagoon (Retrospective) at North Snadon, St Cyrus, 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 but 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, Mr Gary Black. The Committee **agreed** to hear the request to speaks.

The Senior Planner advised the application was deferred at the meeting of the Kincardine and Mearns Area Committee on 13 September 2022 as the Committee agreed to carry out a site visit 'for consideration of the layout, siting and design of the development and to identify the source of the odour'. The site visit was carried out on 1 November 2022.

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. The slurry lagoon was installed by the applicant on the understanding that the development would be permitted development under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). The installation of a slurry lagoon is subject to several conditions, including that it must not be located within 400m of a residential dwelling. Members heard in this instance, there was a total of seven dwellinghouses located outwith the agricultural unit that are within 400m of the site.

Members heard that the Planning Service finds that the proposal fails to accord with the Aberdeenshire Local Development Plan 2017 on the grounds of odour and nuisance. It was evident that a strong odour comes from the slurry lagoon which was far reaching, and insufficient evidence has been provided to demonstrate that this can be suitably mitigated. As a result of this, the development is not considered safe and pleasant and adversely impacts neighbouring amenity. The development therefore does not comply with Policy P1: Layout, siting and design. Furthermore, the odour from the site presents a nuisance to those neighbouring dwellings and the application also fails to comply with Policy P4: Hazardous and potentially polluting

developments including contaminated land. The application was therefore recommended for refusal.

Members queried the distance of the residential properties and if this distance must be adhered to or was indeed a recommended distance. Members queried if the proposed odour mitigation measures, a ceramic cover being placed over the lagoon would be sufficient. However it was acknowledged that no evidence based mitigation had been submitted in support of the application.

Members queried what was originally in place on the site with regards the collection of slurry, the Senior Planner advised that this used to simply lie underneath the pig enclosure.

Councillor Carr seconded by Councillor Black moved to support the application as a departure, subject to mitigation conditions.

Councillor Sullivan seconded by Councillor Dickinson moved as an amendment to support officers recommendation to refuse the application.

The Members voted as follows:

For the motion	(3)	Councillors Black, Carr and Victor.
For the amendment	(9)	Councillors Agnew, Aitchison, Burnett, Carnie, Dickinson, Evison, Stelfox, Sullivan and Turner.

Therefore the amendment was carried to refuse the application as per officers recommendations.

The Committee **agreed** to refuse Full Planning Permission for Formation of Slurry Lagoon (Retrospective) at North Snadon, St Cyrus, DD10 0DR.

REFUSE Full Planning Permission for the following reasons:-

01. The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The application does not comply with Policy P1: Layout, siting and design as the development is not safe and pleasant in accordance with the six qualities of successful places and adversely impacts neighbouring amenity through odour from the slurry lagoon.

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal.

02. The application does not comply with Policy P4: Hazardous and potentially polluting developments and contaminated land of the Aberdeenshire Local Development Plan 2017 as it has not been adequately demonstrated through the submission of evidence based mitigation that odour from the slurry lagoon can be suitably mitigated to an acceptable level which does not constitute a nuisance to neighbouring dwellings.

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