

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

COUNCIL CHAMBER, VIEWMOUNT, STONEHAVEN, 5 JUNE 2018

- Present:** W Agnew (Chair), I Mollison (Vice-Chair), G Carr, S Dickinson, A Evison, Provost W Howatson, J Hutchison, C Pike, D Robertson, S Wallace, L Wilson.
- Apology:** Councillor Bews.
- Officers:** William Munro (Area Manager, Kincardine and Mearns), Karen McWilliam (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor), Lorna Hogg (Parking Officer), Martin Hall (Strategy Manager), John Harding (Head of Lifelong Learning and Leisure), Tim Stephen (Service Manager) Gregor Spence (Senior Planning Officer), Alistair Reid (Team Manager, Economic Development), Eric Wells (Sustainable Development Officer).
- In Attendance:** Bill Allan (item 4 (1.1) Area Committee Budget. John Alexander, Kerrey and Paul Mitchell, (item (9a) APP/2017/2060). Ray Milne, (item (9b) APP/2018/0658). Ron Sharp and Greig Bowes (item 8) Petitions for Consideration – Replacement Surface of the All-Weather Pitch at Portlethen Academy.

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 declaration was made:

Councillor Robertson declared an interest in item 9(b) by virtue of him having supplied significant comments to the planning consultation. Having applied the objective test, he concluded the comments may have prejudiced his decision and therefore he would take no part in the discussion or determination of the item and would withdraw from the room whilst it was considered.

2A. STATEMENT ON EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 15 MAY 2018

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 15 May 2018.

4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 APPLICATION FOR GRANT OF SECOND HAND CAR DEALER'S LICENCE BY MARK WIGHT LTD.

This item was withdrawn by the Service.

5. AREA COMMITTEE BUDGET 2018 – 2019

A report by the Director of Infrastructure Services was circulated advising Members of applications to the Area Committee Budget for the financial year 2018/2019.

Members were advised, by the Area Manager, that there were three applications to consider this round. Members were also advised that should all three applications be approved that would equate to a total of nine approved applications, leaving a balance of £31,081.23 for this financial year.

The first application for consideration was from the Stonehaven and District Men's Shed for £8,000. The total cost of the project was £17,190 and was to commence work on refurbishing the Green Pavilion, Stonehaven. Overall the refurbishment of the Green pavilion would cost around £79,000 and this element was the first phase to be undertaken.

The second application was from Home-Start Kincardine who was requesting £1,850. The total project cost was £3,700 and was for training a member of staff on counselling. This had been a long-term goal for Home-Start who, as a service, worked with many local families and had knowledge of the high percentage of families who suffered from low mood, postnatal depression, and mental health issues. The funding was also to replace IT systems as they are out of date and not fit for use with software required to run an efficient service.

The third application was from Luthermuir Village Improvement Group who had requested £233.62 towards the cost of signage for the Caldham Woodland path. This path had taken a number of years to complete through various funding packages.

The Committee then heard from Bill Allan in support of the Stonehaven and District Men's Shed application.

The Committee **agreed** to disburse the following grants from the Area Committee Budget 2018/2019:

1. Stonehaven and District Men's Shed - £8,000.00,
2. Home-Start Kincardine - £1,850.00, and
3. Luthermuir Village Improvement Group - £233.62.

6. EDUCATION AND CHILDREN'S SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING JANUARY – MARCH 2018, (ABERDEENSHIRE PERFORMS)

A report by the Director of Education and Children's Services (ECS) was circulated advising Members of the most recent performance report relating to the Service.

The Committee **agreed** to:

1. Acknowledge the performance achieved January – March 2017, referred to in the report,
2. Instruct the Director of Education and Children's Services to continue to report, by exception, to Committee quarterly performance measures against Service objectives, and
3. Request further information on improvements that were being considered to improve performance in relation to, SO4 Supporting delivery of objectives 1-3 through a culture and ethos of continuous improvement.

7. PARKING MANAGEMENT IN KINCARDINE AND MEARNIS

A report by the Director of Infrastructure Services was circulated advising Members of options to amend tariffs and operation of off street car parks.

The Strategy Manager and Parking Officer were in attendance to present the report and answer any queries.

After a full discussion the Committee **agreed** to provide the following feedback to the Parking Management Member Officer Working Group and Infrastructure Services Committee:

1. More information was required in relation to the following items before an informed decision could be taken:
 - a) Geographical differences,
 - b) Economic factors, including Town Centre First approach, and
 - c) Rates on each site.
2. Not one approach would fit all areas. Whilst standardising was generally considered to be a good approach several factors needed to be considered,
3. A cost neutral approach was considered to be the correct way forward,
4. Looking for methods of making savings was more appropriate than simply to put up charges,
5. A free period of parking should be retained,
6. Excess Charge Notices to be as follows:
 - a. Upper limit to remain at £60,
 - b. Mid limit to remain at £40,
 - c. Lower limit to be increased from £20 to £30, this was for payment within 24hours, and
 - d. Full charge of £60 for all discrepancies in disabled bays.
7. Clarification required as to who owns the parking area at the Medical Centre, Portlethen.

8. PETITIONS FOR CONSIDERATION – REPLACEMENT SURFACE OF THE ALL WEATHER PITCH AT PORTLETHEN ACADEMY

A report by the Director of Education and Children's Services (ECS) was circulated advising Members of petitions the Council had received in relation to the replacement surface for the Portlethen Academy all weather pitch.

The Head of Service, Lifelong Learning and Leisure, and the Service Manager were in attendance to present the report and answer any queries.

Members heard from Ron Sharp, Chair of Portlethen and District Community Council, author of one of the Petitions. The Committee were advised, through public consultation, including the Place Standard exercise, the community had expressed a desire for betterment in sports provision in Portlethen. This included the need to replace the all-weather surface at Portlethen Academy with a 3G surface to enable competitive football to be played. The current situation was causing continued postponing of football matches, due to water logged grass pitches. Members were advised that the community was calling for a reversal of the officer decision to replace the all-weather surface with a 2G surface and consider a 3G instead.

Members asked Mr Sharp whether a replacement 3G surface would offer a better solution for the school and the community and was advised that it was felt it would. In addition, the Community Council would work with any other sport group to also achieve their identified aims.

Members were advised that at first the Community Council had considered the issue of the replacement surface and, after voting, agreed no further action should be taken. However, in the intervening days and weeks a petition had been submitted to the Community Council asking for further discussion and consideration. This resulted in a change of decision by the Community Council, who now felt they were provided with a more detailed assessment of sports need, particularly those of the football community. Aberdeenshire South Hockey Club was, through the Sportlethen group, encouraged to engage on the subject but had not come forward to do so. Members were advised that the Community Council felt their initial query regarding the school curriculum requirements and what could not be accommodated on a 3G pitch had not been answered.

Members then heard from Greig Bowes, Aberdeenshire South Hockey Club, who advised that the club was growing in numbers, primary school age to adult, and that if they were to lose the pitch at Portlethen it would be the demise of competition hockey in the south of Aberdeenshire.

Members, through a question and answer session, were advised that hockey was not played successfully on grass, the club had around 60 current members, they felt that the football community had little understanding or regard for hockey, and that Portlethen was really the host for the sport in south Aberdeenshire.

Members then discussed the approach taken by officers to determine the outcome of the all-weather replacement, both in terms of school curriculum and the Scheme of Governance. Members were advised that each school, to a certain degree, developed their own curriculum around Health and Wellbeing to ensure children were given the best opportunities. Drainage on both grass pitches and the all-weather pitch had been mentioned and Members were assured that drainage issues on the all-weather pitch would be addressed through the resurfacing, and that drainage of the grass pitches had been looked at previously and was working well for school purposes.

The Committee queried whether the Scheme of Governance had been adhered to in respect of the officer decision to replace the existing pitch on a like for like basis and were assured that it had been. The Committee agreed to instruct a report from the Head of Lifelong Learning and Leisure, on the subject matter of the petition. The report should cover the following:

1. Detail of the assessment of the suitability of 2G or 3G surface for the Portlethen Academy artificial pitch and potential to change the specification; which will reference:
 - a. Curricular requirements
 - b. Community sports needs
 - c. Cost and timescale of any change to specification
2. Consideration of an additional pitch to meet the needs of all stakeholders, including process, cost, timeline and potential locations,
3. Steps that can be taken to mitigate the water logging issue at Portlethen all-weather pitch and grass pitches,
4. Review of the process by which this officer's decision was reached, in terms of compliance with the Council's Scheme of Governance, and
5. Outline of the process by which a more in-depth review of the sporting needs of Portlethen can be identified.

9. 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/2017/2060	Full Planning Permission for Installation of Biomass Boiler (200Kw) to heat Grain Drier (retrospective) at Upper Pitforthie, Fourdon, Larencekirk.
(B) APP/2018/0658	Change of Use from Shop (Class 1) to Flat (Sui Generis) Harbour Hut, 96 High Street, Stonehaven.

**KINCARDINE AND MEARNS AREA COMMITTEE, 5 JUNE 2018
APPENDIX**

PLANNING APPLICATIONS FOR DETERMINATION

(a) Reference No: APP/2017/2060

Full Planning Permission for Installation of Biomass Boiler (200kW) to Heat Grain Drier (Retrospective) at Upper Pitforthie, Fordoun, Laurencekirk, Aberdeenshire, AB30 1LQ

**Applicant: M & J Alexander, Upper Pitforthie Farm, Fordoun,
Laurencekirk, AB30 1LQ**
**Agent: Farm Energy Consulting Ltd, Unit 15, Netherton Business
Centre, Kemnay, Inverurie, AB51 5LX**

A report by the Director of 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 have been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Senior Planning Officer advised the Committee that the installation of a biomass boiler was compatible with the existing use of the site as a working farm and would not result in the loss of amenity of any property by virtue of emissions, and it complied with air quality objectives. Visually, the development would not raise any issue, and the proposal fully complied with the relevant policies of the Aberdeenshire Local Development Plan 2017. Issues raised about noise pollution, would be managed by colleagues in Environmental Health.

Members heard from John Alexander, the applicant, in support of the application.

Members also heard from Mrs Mitchell, in objection to the application for reasons of noise pollution.

The Committee **agreed** to grant Full Planning Permission.

Reason for Decision

The biomass boiler and flue is acceptable as it is associated with the existing farming enterprise at this location, and therefore complies with Policy R2 Housing and employment development elsewhere in the countryside. It has been demonstrated that there would not be a detrimental impact on the surrounding area as a result of emissions from the biomass boiler, and its location within an existing shed is appropriate. As such, the proposal also complies with Policy C2 Renewable energy, P1 Layout, siting and design and Policy P4 Hazardous and potentially polluting developments and contaminated land of the Aberdeenshire Local Development Plan 2017.

(b) Reference No: APP/2018/0658

Full Planning Permission for Change of Use from Shop (Class 1) to Flat (Sui Generis) at Harbour Hut, 96 High Street, Stonehaven, Aberdeenshire, AB39 2JQ

Applicant: Mr & Mrs R Milne, 94-96 High Street, Stonehaven, AB39 2JQ
Agent: Hyve Architects Ltd, 68-72 Evan Street, Stonehaven, AB39 2AA

Councillor Robertson withdrew from the Chamber during discussion and determination of this item.

A report by the Director of 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 at least two of the total number of Local Ward Members in the Ward in which the development was proposed, had requested that the application be referred to the Area Committee.

The Senior Planning Officer advised that whilst the Planning Service recognised the previous use of the property as a residence, the planning system was about ensuring long term sustainability of land uses and promoting sustainable economic activity, on balance, the best planning use of this property remained as a shop both in terms of the amenity of the area and limiting the effects of future flood events on the residential population, i.e. minimising the risk to life from flooding.

The Committee heard from Mrs Milne in support of her application.

Councillor Pike, seconded by Councillor Agnew, moved to grant Full Planning Permission for Change of Use from Shop (Class 1) to Flat (Sui Generis) at Harbour Hut, 96 High Street, Stonehaven. The reasons given were that it would not be contrary to Policy P4 Flooding, as:

- a) The site was out with the flood risk area,
- b) There was only a tenuous link to flood risk,
- c) There would be no additional risk of flooding and it could be managed.

As an amendment Provost Howatson, seconded by Councillor Mollison, moved with officer recommendation and to refuse to grant Full Planning Permission for Change of Use from Shop (Class 1) to Flat (Sui Generis) at Harbour Hut, 96 High Street, Stonehaven.

The Committee voted:

For the motion (8) Councillors Agnew, Carr, Dickinson, Evison, Hutchison, Pike, Wallace and Wilson.

For the amendment (2) Provost Howatson and Councillor Mollison.