

## ABERDEENSHIRE COUNCIL

### KINCARDINE AND MEARN'S AREA COMMITTEE

COUNCIL CHAMBER, VIEWMOUNT, STONEHAVEN, 26 JUNE 2018

**Present:** W Agnew (Chair), I Mollison (Vicechair), A Bews, G Carr, S Dickinson, A Evison, Provost W Howatson, J Hutchison, C Pike, D Robertson, S Wallace, L Wilson.

**Officers:** William Munro (Area Manager, Kincardine and Mearns), Karen McWilliam (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Corporate Services), Andy Griffiths (Head of Primary Education and Curriculum Development), John Harding (Head of Lifelong Leisure and Learning), Tim Stephen (Service Manager) Gregor Spence (Senior Planning Officer), Paul Williamson (Senior Planning Officer), Alan Whyte, Head of Service Property and Facilities (Skype), Chris Menzies (Strategy Team leader (Transportation)), Ewan Smith (Principal Roads Engineer), Craig Stewart (Environment Team Leader), Elaine McCarron (Asset Disposal Surveyor), Lynsey Wardlaw (Project Development Officer, Economic Development), Sally Davies (Strategic Development Officer).

**In Attendance:** Craig McMorris (Portlethen Sports Club) item 7; Michael Lorimer (Rydens) item 14 (a); Grant Fraser, item 14 (b); Mark Ansell, Crathes Durriss Drumoak Community Council, Item 14 (c); John Medlock, item 14 (f).

#### 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 Wallace – Item (5) Area Committee Budget (1.5) as a previous member of Mearns FM he had an interest and having applied the objective test, concluded that he should withdraw from the room and take no part in determination of this item.

Councillor Carr – Item (5) Area Committee Budget (1.3) as a member of the Johnshaven Village Hall Committee he had an interest and having applied the objective test, concluded that he should withdraw from the room and would take no part in determination of this item.

Councillor Wilson Item (5) Area Committee Budget (1.5) as a former volunteer had an interest but having applied the objective test, concluded that it was so remote and insignificant that he would remain and take part in the consideration of this item

Provost Howatson – Item (14F) having inadvertently given a response to the planning consultation which might be taken to indicate that he had pre-determined it Provost Howatson decided that, in order to remove any risk of the decision being challenged, he would withdraw from the chamber during the consideration of this item.

## 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.

## 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 7A
15	8
16	9

## 3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 5 JUNE 2018

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 5 June 2018.

## 4. NORTHERN ALLIANCE REGIONAL IMPROVEMENT PLAN: CONSULTATION.

A report by the Director of Education Children's Service's was circulated requesting Members to make comment on the Northern Alliance Regional Improvement Plan.

The Head of Primary Education and Curriculum Development was in attendance to present the report and to answer and questions. Members were advised that the Northern Alliance was a Regional Improvement Collaborative between eight Local Authorities, across the north of Scotland; Aberdeen City, Aberdeenshire, Argyll and Bute, Western Isles, Highland, Moray, Orkney Islands and Shetland Islands. Each Regional Improvement Collaborative (RIC) had been asked by the joint Steering Group, consisting of the Scottish Government, Education Scotland and Local Government to produce its own Regional Improvement Plan. The Northern Alliance developed an initial draft of the Regional Improvement Plan which was submitted to Education Scotland at the end of January 2018, with feedback received in February 2018. The feedback received from Education Scotland was largely constructive and positive and highlighted the culture of collaborative working which had already been demonstrated across the Northern Alliance in recent times. Work was ongoing to address the comments provided in the feedback which had resulted in a further iteration of the plan being developed. There would now be further consultation across the Northern Alliance with

key stakeholders, including Head Teachers, staff, parents and young people. The consultation period will end on Friday 15<sup>th</sup> June and thereafter feedback will be used to prepare the final version of the plan which will be submitted to the Scottish Government in September 2018.

The Committee fully discussed the paper and **agreed** to;

1. Note the draft plan for the Northern Alliance,
2. Provide the following views on the content of the plan to be reported back to the Education and Children's Services Committee,
  - a. Ensure a consistent and robust approach to engagement and support offered to parents,
  - b. Ensure recruitment and retention was included in the plan,
  - c. Consider the inclusion of the wider achievements pupils obtain in the plan,
  - d. Remove the term LAC and replace with something less derogatory,
  - e. The reduction of Out of Authority Placements as an improvement outcome should give more detail,
  - f. The 5% reduction of prejudice-based bullying in Schools, that have an effective equality and diversity policy, was seen to be not ambitious enough,
  - g. With regard to 50% of staff in schools to be engaged in some aspect of formal leadership training, reference should be given to those with protected characteristics,
  - h. It was considered important that Head Teachers were supported through this process, and
  - i. Ensure collaboration with Health Services, in the instance of Priority 3: Improvement in children and young people's health and wellbeing.
3. Note that the final version of the Plan will be reported to Education Children's Services Committee on 30 August 2018.

#### **4. 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 five applications to consider this round. Members were also advised that should all five applications be approved that would equate to a total of fourteen approved applications, leaving a balance of £14,573.23 for this financial year.

The Area Manager introduced the applications for Mesolithic Deeside (£2,500.00), Johnshaven Village Hall (£3,108.00), Dunnottar School (£4,000.00), and Mearns FM

(£300.00). Mr Witte and Mr Paterson from the Maryculter Community Hall Association presented their application.

Councillors Wallace and Carr, having declared interests left the Chamber during discussion and determination of the items they had declared an interest in.

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

1. Maryculter Community Hall Association - £7,000.00,
2. Mesolithic Deeside - £2,500.00,
3. Johnshaven Village Hall - £3,108.00,
4. Dunnottar School - £4,000.00, and
5. Mearns FM - £300.00.

## **6. COMMUNITY LED PLACE MAKING IN PORTLETHEN.**

A report by the Director of Infrastructure Services was circulated advising Members of the process and results from the Place Making community engagement held in Portlethen.

The Area Manager introduced the report advising that the Place Standard Tool was used to engage the community of Portlethen in discussion around 14 community-based themes covering transportation, built environment, wellbeing etc. Architecture Design Scotland assisted the Council in this engagement as a pilot for the work they do using the Place Standard Tool across Scotland. The information assembled had now been used to produce a strategy and action plan for Portlethen and Members were asked for comment on this draft document.

After discussion the Committee **agreed** to:

1. Endorse the community engagement and collaborative work with Council Services and Partners that had led to the assembly of the Draft Place Making Plan for Portlethen,
2. Endorse the production of an executive summary on the process and engagement results for dissemination to the community of Portlethen,
3. Make the following comments on the draft project plans:
  - a. The title of the plan should be 'Portlethen Community Plan',
  - b. Whilst there was still mapping exercises to be carried there was also a need to show commitment to the projects,
  - c. More detail was required on how the actions were to be evaluated,
  - d. Progress on projects needed to be tightened up and timescales shortened, some quick win actions were also needed,

- e. Given there was an operational Bus Forum in Kincardine and Mearns, it was questioned how effective that Forum was as many issues were not delegated to that Forum,
- f. The community should be encouraged to take part in the work of Portlethen and District Community Council,
- g. There was a need to make some of the projects happen quickly and also to promote what had already been done, and
- h. There was a need to clearly promote the Participatory Budgeting funding as a direct link to the Place Making work.

## **7. REPLACEMENT SURFACE OF ALL WEATHER PITCH AT PORTLETHEN ACADEMY.**

A report by the Director of Education and Children's Services (ECS) was circulated advising Members of the information they sought to be assembled after the petition report on the replacement surface for Portlethen Academy that was presented to them on 6<sup>th</sup> June 2018. The report was to give a detailed assessment of the suitability of either 2G or 3G surface for the Portlethen Academy artificial pitch and potential to change the specification; consideration of an additional pitch to meet the needs of all stakeholders, including process, cost, timeline and potential locations; the steps that could be taken to mitigate the water logging issue at Portlethen all-weather pitch and grass pitches; a review of the process by which the officer's decision was reached, in terms of compliance with the Council's Scheme of Governance; and an outline of the process by which a more in-depth review of the sporting needs of Portlethen could be identified.

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

The Committee heard from Mr McMorrin, Portlethen Sports Club, in support of a 3G pitch for Portlethen advising that some 189 children take part in playing football with the club currently. The poor condition of the grass pitches had meant that 32 games had to be cancelled in the 2017 to 2018 period. Without a training ground the club would undoubtedly not survive.

The Committee sought clarification with regard to training on the current grass pitches and was advised that the grass pitches could only be used for game play and not for development. Members asked if it was felt that there was capacity for a community group to run and maintain a community all-weather 3G pitch and was advised that it was felt this would be possible.

Members then asked officers if there was a cost difference between 2G and 3G and was advised that it was usually around £40,000 more expensive for 3G and that the surface did not last as long. Members were advised that any change to the current contract for a replacement 2G at the Academy would be both costly and cause significant delays. Members were also advised that because Portlethen Academy was a Public Private Partnership School the decision for any changes to the all-weather pitch required an officer decision and not a Committee decision.

Councillor Evison, seconded by Councillor Bews, moved:

1. To note that the Service intended developing a playing pitch strategy which would assess requirement for outdoor pitches throughout Aberdeenshire and develop a strategy to support addressing those requirements,
2. To note that the development of the pitches strategy would include meaningful engagement with Area Committees prior to a report being tabled with the Policy committee, and
3. That Kincardine and Mearns Area Committee requested that a report be brought to the Communities Committee to consider funding options for the construction of a 3G pitch in Portlethen, to include whether a recommendation to include provision within the Capital Plan should be recommended to Full Council.

As an amendment Councillor Wallace, seconded by Councillor Pike moved to:

1. Note that the Service intended developing a playing pitch strategy which would assess requirement for outdoor pitches throughout Aberdeenshire and develop a strategy to support addressing those requirements, and
2. Note that the development of the pitches strategy would include meaningful engagement with Area Committees prior to a report being tabled with the Policy committee.

The Committee voted:

For the motion (6) Councillors Bews, Evison, Hutchison, Mollison, Robertson and Wilson.

For the amendment (6) Councillors Agnew, Carr, Dickinson, Provost Howatson, Councillors Pike and Wallace.

There being an equity of votes the Chair exercised the costing vote in favour of the amendment, therefore the amendment was carried, and the Committee **agreed** to:

1. Note that the Service intended developing a playing pitch strategy which would assess requirement for outdoor pitches throughout Aberdeenshire and develop a strategy to support addressing those requirements, and
2. Note that the development of the pitches strategy would include meaningful engagement with Area Committees prior to a report being tabled with the Policy committee.

## **8. MEMBER PROMOTED ISSUE – HILLSIDE PITCHES PORTLETHEN.**

A report by the Director of Business Services was circulated advising the Committee of a Member Promoted Issue (MPI) which was submitted to the Director by Councillor Pike.

Councillor Pike presented his MPI advising the Committee that the Council had been given an area of land adjacent to Hillside Primary School for sports fields. This land was part of a legal agreement from the development of housing in Hillside. The responsibility of the playing fields would fall to either the Council or a nominated body. Members were advised that some £138,000 was also secured through developer obligations, for the provision of community facilities at Hillside. Members were then advised that Councillor Pike's proposal was to find a means of developing sports facilities at Hillside by using the money assembled

from the sale of Maryculter East School and current developer contributions. Members were also advised that whilst this approach was not conventional there was a need to resolve sports pitch provision in Portlethen and to ensure that developer contributions were spent within the allocated timeframe.

The Head of Property and Facilities advised that the issues were around identifying community need and progressing the funding requirement through the Council's agreed governance structure.

Members were advised that the use of a capital receipt, as proposed, would not align to Council Policy and that the correct approach would be to have an allocation made in the Council's Capital Plan.

Councillor Pike seconded by Councillor Carr moved that the Committee agreed to indicate a commitment to promoting a 3G pitch at Hillside, Portlethen, and requested that a report be brought to the Communities Committee to consider funding options for the construction of a 3G pitch to include whether a recommendation to include such provision within the Capital Plan should be recommended to Full Council.

As and amendment, Councillor Dickinson, seconded by Provost Howatson moved that no action be taken by the Area Committee.

The Committee voted:

- |                   |     |   |
|-------------------|-----|---|
| For the motion    | (9) | Councillors Agnew, Bews, Carr, Evison, Mollison, Pike, Robertson, Wallace and Wilson. |
| For the amendment | (3) | Councillor Dickinson, Hutchison and Provost Howatson.                                 |

The motion was carried, and the Committee **agreed** to indicate a commitment to promoting a 3G pitch at Hillside, Portlethen, and requested that a report be brought to the Communities Committee to consider funding options for the construction of a 3G pitch to include whether a recommendation to include such provision within the Capital Plan should be recommended to Full Council.

## **9. PORTLETHEN INTERGRATED TRAVEL TOWN MASTERPLAN.**

A report by the Director of Infrastructure Services was circulated advising the Committee of the Integrated Travel Town Masterplan for Portlethen.

The Strategy Team Leader, Transportation and the Strategy Development Officer were in attendance to present the report and answer any queries.

Members welcomed the report and **agreed** to:

1. Note the progress made to date to develop the Integrated Travel Town Masterplan for Portlethen,
2. Consider the proposals and timescales as set out in the Integrated Travel Town Masterplan document for Portlethen and approve the delivery of the proposals included within the plan, and made the following comments:
  - a. There was a need for continued good engagement,

- b. Consideration should be given to some trend setters for the purposes of cycling,
- c. Consideration should be given to extend the traffic calming from Portlethen Primary to Cookston Road,
- d. Correction of the spelling of Cookston for future documents and the removal of reference made to Fraserburgh,
- e. Consideration of a cycle/walking path from Portlethen to Cammachmore was still a community desire,
- f. Engagement was required with Network Rail regarding cycle access on trains,
- g. Consideration of the available Developer Obligations (sustainable transport) for any of the ITT projects, and
- h. Consideration of links for public transport and the possibility of interchange hubs.

#### **10. ABERDEENSHIRE COUNCIL OUTDOORS ACCESS STRATEGY 2018-2021.**

A report by the Director of Infrastructure Services was circulated advising the Committee of the key priorities of the Outdoor Access Strategy 2018-2021 and associated Team Action Plan.

The Environment Team Leader was in attendance to present the report and to answer any queries.

The Committee discussed the strategy and **agreed** to provide the following comments on the Aberdeenshire Council Outdoor Access Strategy 2018-2021, for the consideration of the Infrastructure Services Committee.

- 1. Whilst it was acknowledged that this was an operational document reference should be made to disability access,
- 2. Officers should continue to look for ways of funding and completion of the Mearns Coastal path, working with community groups were possible,
- 3. Consideration should be given to equalities, with regard to signage, and
- 4. Consideration given to the inclusion of community groups working with people with disabilities when developing further engagement.

#### **11. UPDATE OF SERVICE RESPONSE TO PETITIONS FROM LOCAL GROUPS RELATING TO WINTER MAINTAINANCE.**

A report by the Director of Infrastructure Services was circulated advising Members of the outcome from the Infrastructure Services Committee Winter Report and detailing the priority route scoring at the two locations which were the subject of the petitions.

The Principal Roads Engineer was in attendance to present the report and to answer any queries.



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

1. Note the outcomes from the Infrastructure Services Committee Winter Report,
2. Note, and make the following comments on the priority route scoring at the two locations:
  - a) Request for a further report to include: -
    - i. What work had been undertaken, what could be done, and logical reasons offered for decisions taken,
    - ii. A description of what is meant by priority 3,
    - iii. Consideration given to the route being used by DVLA as a test route,
    - iv. Maps of roads and detail of area covered to be included in future reports,
    - v. Consideration given to the speed at which people drive on the U63K and C34K, particularly the final stretch being a steep slope joining the South Deeside Road,
  - b) Instruct Officers to contact the Petitioners giving an update on the proceedings and findings thus far.

## **12. HOUSING QUARTERLY PERFORMANCE EXCEPTION REPORTING (JANUARY - MARCH) 2018 ABERDEENSHIRE PARFORMS.**

A report by the Director of Infrastructure Services was circulated detailing the performance exception information for January to March 2018.

The Area Manager presented the report after which the Committee **agreed** to:

1. Acknowledge the positive performance achieved January – March 2018, referred to in the report,
2. Advise the Director to continue to report, by exception, to Committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the Service Plan, and
3. Seek further clarification regarding the following:
  - a. What factors influence and determine a low demand property, and
  - b. What options/criteria are available for people when being offered a property?

## **13. SCOTTISH WATER CONSULTATION – SHAPING THE FUTURE.**

A report by the Director of Infrastructure services was circulated advising the Committee of a Scottish Water consultation.

The Area Manager presented the report after which the Committee **agreed** to:

1. Consider the consultation, and the three ambitions and the improvement priorities identified in the Scottish Water consultation,

2. Provide the following comments, to be considered by Infrastructure Services Committee on 23 August 2018, which will formulate part of Aberdeenshire Council's response to the Scottish Water Consultation:
  - a. Timely and efficient investment to enable development was critical, and experience was showing that this was not happening,
  - b. Re- commence the Aberdeen City/Aberdeenshire Scottish Water seminars as they were helpful for Members,
  - c. Ensure good and clear communication, and
  - d. Ensure better responses to planning consultations.

#### **14. 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.

<b>Reference Number</b>	<b>Address</b>
(A) APP/2018/0435	Modification of Planning Obligation (Affordable Housing and Sport and Recreation Contributions) of Planning Permission Reference APP/2016/1686, APP/2016/1687 & APP/2016/1688 for the Erection of 5 Dwellinghouses at Upper Balfour Steading, Durris.
(B) APP/2018/0694	Planning Permission in Principle for Erection of Dwellinghouse at Land to North of Cedar Pines, Bridge of Muchalls.
(C) APP/2017/2182	Erection of 9 Dwellinghouses (1Retrospective) (Amendment to Previous Approval APP/2014/4355) at Plots 8-13 & 21-23, Land to Rear of Woodlands Crofts, Woodlands of Durris, Banchory.
(D) APP/2018/0403 APP/2018/0404	Full Planning Permission for Installation of Replacement Windows at Bowmont House, 21C Arbuthnott Place, Stonehaven, and Listed Building Consent for Installation of Replacement Windows at Bowmont House, 21C Arbuthnott Place, Stonehaven.
(E) APP/2018/0588	Full Planning Permission for Erection of Fast Food Drive-Through, Alterations to Layout of Petrol Filling Station, Installation of Click and Collect Lockers, Alterations to Car Park, Landscaping and Associated Works at Asda Store, Muirend Road, Portlethen.
(F) APP/2018/0958	Full Planning Permission for Erection of Dwellinghouse at Plot 1, Fordoun Road, Laurencekirk.

#### **15. DISPOSAL OF VACANT PROPERTY**

A report by the Director of Business Services was circulated seeking comment on the policy and procedure proposed for dealing with vacant property.

The Asset Disposal Surveyor was in attendance to present the report and to answer any queries.

Members **agreed** to consider the work regarding disposal of vacant properties and provide the following comments to the Business Services Committee for their consideration:

1. Mearns Community Centre was the subject of a Community Asset Transfer,
2. The Former Library, Johnston Street, Laurencekirk, was the subject of a Community Asset Transfer for the Howe O' Mearns Heritage Society,
3. The former toilet in Gourdon was the subject of an Expression of Interest,
4. There was a need to expedite the demolition of the former toilets in the Memorial Park, Laurencekirk and to keep Members updated on progress,
5. The Mill of Benholm Museum was being progressed through a licence to occupy or lease to a community group,
6. 52 -56 Cameron Street needed to be progressed through Housing,
7. The notional value for 3 Easter Place, Portlethen, seemed low,
8. The market should be tested with the sale of the former Mearns Academy site in Laurencekirk, and
9. Plot 81, Brickfield Lane seemed low in value.

#### **16. SUPPLEMENTARY DIRECTORATE WORK PLAN – INFRASTRUCTURE SERVICES.**

A report by the Director of Infrastructure Services was circulated requesting Committee approve of an item on the Work Plan identified as falling within the remit of the Area Committee.

The Project Development Officer was in attendance to present the report and to answer any queries.

The Committee **agreed** to:

1. Consider the Supplementary Directorate Work Plan as detailed in the report,
2. Approve the item on the Work Plan identified as falling within the remit of the Committee,
3. Approve the Business Case in Appendix 3 and the progression of the project to procurement stage, on the basis that the contract will be funded by the European Maritime and Fisheries Fund (EMMF) as allocated by the North East of Scotland Fisheries Local Action Group (NESFLAG) Programme, at 100%,
4. Note that should the Business Case be approved and funding application successful, then the authority to award the contract is delegated to Head of Economic Development and Protected Services,
5. Suggest that consideration is given to the materials used, ensuring they are robust, in keeping with what the community wants, and are appropriate for this coastal site.

**Councillor Presiding over meeting**

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**Print Name**

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**Signature**

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**Date**

**KINCARDINE AND MEARNS AREA COMMITTEE, 26 JUNE 2018  
APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

**(A) Reference No: APP/2018/0435**

**Modification of Planning Obligation (Affordable Housing and Sport and Recreation Contributions) of Planning Permission Reference APP/2016/1686, APP/2016/1687 & APP/2016/1688 for the Erection of 5 Dwellings at Upper Balfour Steading, Durris.**

**Applicant: Leadgate Homes Ltd, c/o Agent.  
Agent: Harry McNab, Hollygrove, Upper Lochton, Banchory,  
AB31 4ES.**

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 the application was being recommended for refusal but at least two 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 the applicant contested that the change in planning policy brought about by the adoption of the ALDP 2017 whereby, only developments of four or more housing units require to provide 25% affordable housing should be considered a change in planning circumstances. In this regard the applicant suggested that three separate planning applications (APP/2016/1686-1688) each comprising of less than four housing units were submitted and although related, did not engage Policy H2 as none of the applications exceed the four-housing unit threshold. However, Members were advised that the Affordable Housing Supplementary Guidance document makes provision for the assessment of related planning applications such as (APP/2016/1686-1688) as one development. Therefore, the method of assessment and the level of contribution secured toward affordable housing by the Section 75 legal agreement, aligns with the requirements of Policy H2

Affordable Housing and the associated Supplementary Guidance document of the adopted ALDP 2017.

Members heard from Mr Lorimer of Ryden's, in support of the application advising that full payment of developer contributions had been made at Planning Permission in Principle stage. The client was offering a further football pitch at Durris and that the affordable housing element be deleted from the S75 agreement.

Members fully discussed the application after which Councillor Wallace, seconded by Councillor Pike, moved to grant the modification of the planning application. The reasons given were as follows:

1. The proposal did not meet the test of reasonableness in relation to modification of planning obligations, given the nature of multiple applications, and
2. The development site was bought in good faith and it was understood that developer obligations had been met.

Councillor Hutchison, seconded by Councillor Evison, moved with officer recommendation and to refuse the modification of Planning Obligation.

The Committee voted:

For the motion (5) Councillors Bews, Carr, Pike, Wallace and Wilson.

For the amendment (5) Councillors Agnew, Dickinson, Evison, Hutchison and Mollison.

There being an equity of votes the Chair's casting vote was in favour of the amendment therefore, the Committee **agreed** to refuse to a modification of Planning Obligation.

**(B) Reference No: APP/2018/0694**

**Planning Permission in Principle for Erection of Dwellinghouse at Land to North of Cedar Pines, Bridge of Muchalls.**

**Applicant: Mr G Fraser, Cedar Pines, Bridge of Muchalls, Stonehaven, AB39 3RR.**

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

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 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 the proposed erection of a dwelling house within the Aberdeen Housing Market Area, could not be supported as the site proposed was greenfield in nature; not within an identified settlement; nor was it associated with an essential farm worker in a viable farm holding or for associated retirement succession. As such, it was deemed to be contrary to the Policy criteria as stipulated under Policy R2 Housing and employment development elsewhere in the countryside contained in the

Aberdeenshire Local Development Plan 2017. In this instance, no material considerations had been presented which were considered to override the policy.

The Committee heard from Mr Fraser, the applicant, in support of his application, stating that the proposal could be considered natural infill.

The Committee **agreed** that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to the assembly of appropriate planning conditions. Although acknowledging that the application was a departure from policy the following material considerations justified the application be granted:

1. Scottish Planning Policy was in presumption of favouring development,
2. This was a natural infill site on scrub land that would not have any agricultural benefit and would cause minimal impact,
3. It would assist with promoting a prosperous and sustainable community, and
4. It was seen as a natural expansion of the Bridge of Muchalls.

**(C) Reference No: APP/2018/0435**

**Erection of 9 Dwellinghouses (1Retrospective) (Amendment to Previous Approval APP/2014/4355) at Plots 8-13 & 21-23, Land to Rear of Woodlands Crofts, Woodlands of Durris, Banchory.**

**Applicant:** Kirkwood Homes Ltd, Technical Department, Kirkwood Business Park, Sauchen, Inverurie, AB51 7LE.  
**Agent:** No Agent.

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 was an unresolved objection from a consultee, Crathes, Drumoak and Durris Community Council.

The Senior Planning Officer advised that the proposed variation, to build nine smaller houses to replace the six already approved, was considered to be of an appropriate design and layout for this part of the site, it complied with the Aberdeenshire Local Development Plan policies and was recommended for approval, subject to the completion of a S75 Agreement covering contributions to healthcare, along with the timescales for provision of the access, parking and playing field to the rear of the school.

The Committee heard from Mark Ansell, Crathes, Durris, Drumoak Community Council, in objection to the proposal given the current temporary sewerage provision and it was suggested that there was no need for any further development in this area.

The Committee **agreed** that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

- i) The completion of a S75 Agreement to cover additional contributions to healthcare and the agreed timescales for the completion of access, parking and a playing field to the rear of Durris School, and
- ii) The following conditions:

01. No dwellinghouse hereby approved shall be occupied unless its driveway, parking and turning area has been provided and fully paved in accordance with details to be submitted to and approved in writing by the Planning Authority. The maximum gradient of each 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. Proposed garages must be set back at least 6m from the edge of the proposed adoptable area. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

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.

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 17metres in both directions along the channel line of the public road has been provided from a point 2 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 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.

03. 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.

04. 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.

- 11.2 Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.”

#### Reason for Decision

The proposed variation to build nine smaller houses to replace the six already approved would be of an appropriate design and layout for this part of the site, complied with Aberdeenshire Local Development Plan policies and was recommended for approval subject to the completion of a S75 Agreement covering contributions to healthcare along with the timescales for provision of the access, parking and playing field to the rear of the school.

#### (D) Reference No: APP/2018/0403 and APP/2018/0404

**Full Planning Permission for Installation of Replacement Windows at Bowmont House, 21C Arbuthnott Place, Stonehaven, and Listed Building Consent for Installation of Replacement Windows at Bowmont House, 21C Arbuthnott Place, Stonehaven.**

**Applicant: Mr & Mrs Gilbert, 21C Arbuthnott Place, Stonehaven, AB39 2JA.**  
**Agent: John Gordon Associates Ltd, 3 Dean Acres, Comrie, Dunfermline, KY12 9XS.**

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 the application was being recommended for refusal but at least two 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 the proposed development would have a detrimental impact on the character and integrity of the listed building and contribute to the incremental erosion of the character of the Conservation Area. As such, it was considered that the development failed to comply with Policy P1 Layout, siting and design, Policy HE1 Protecting historic buildings, sites, and monuments.

The Committee **agreed** to grant Full Planning Permission for the installation of replacement windows at Bowmont House, 21C Arbuthnott Place, Stonehaven, and Listed Building Consent for the installation of Replacement Windows at Bowmont House, 21C Arbuthnott Place, Stonehaven.

The following reasons were given:



The proposal was considered to be sustainable, maintenance free, and would not detract from the aesthetics of the building.

(E) **Reference No:** APP/2018/0588

**Full Planning Permission for Erection of Fast Food Drive-Through, Alterations to Layout of Petrol Filling Station, Installation of Click and Collect Lockers, Alterations to Car Park, Landscaping and Associated Works at Asda Store, Muirend Road, Portlethen.**

**Applicant:** Asda Stores Limited, Asda House, Southbank, Great Wilson Street, Leeds, LS11 5AD.

**Agent:** Ryden LLP, 7 Exchange Crescent, Conference Square, Edinburgh, EH3 8AN.

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 was an unresolved objection from a consultee.

The Senior Planning Officer advised that the development proposals, were of a scale which would complement and expand upon the existing uses in Portlethen Town Centre, in an accessible location, and would not erode the character or amenity of the area. As such, it was considered that the proposals accord with policies B2 Town centres and office development, P1 Layout Siting and Design; P3 infill and Householder Developments within settlements; P4 Hazardous and potentially polluting developments and contaminated land; and RD1 Providing suitable services, of the Aberdeenshire Local Development Plan (2017).

The Committee **agreed** that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

- i. The resolution of matters relating to the provision of a satisfactory servicing/delivery arrangement, and the demonstration of suitable pedestrian permeability/connectedness through the application site and beyond; and
- ii. The following conditions:

01. No part of this development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted to and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunks Roads authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

02. An unclimbable barrier of a type approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

03. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

04. The restaurant hereby approved shall not be occupied unless the road layout, parking and associated pedestrian connections has been provided and full paved in complete accordance with drawing no. 523-G1-S0-XX-DR-A-SP02-PL-P11, or any other such drawing as may be submitted to and approved in writing by the Planning Authority. Once provided, all parking and pedestrian connections shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of access and pedestrian connections to an adequate standard and in the interests of road safety.

05. No works in connection with the development hereby approved shall commence unless a litter collection policy and plan for the development has been submitted to and approved in writing by the planning authority. All the measures identified in the approved policy and plan shall be in place and fully operational before the premises are open to members of the public. Thereafter, the premises shall not operate other than in complete accordance with the approved litter collection policy and plan.

Reason: In the interests of the amenities of the surrounding area.

06. No works in connection with the development hereby approved shall commence unless a scheme for the storage and ultimate collection of recycling, food waste and general waste within the application site has been submitted to and approved in writing by the planning authority. No building shall be occupied unless the scheme has been provided in accordance with the approved details. Once provided, the recycling, food waste and residual waste storage scheme shall thereafter be permanently retained.

Reason: To ensure that suitable provision is made for the storage and collection of recycling, food waste and general waste bins.

07. That the jet wash machines shall only be operated between the hours of 0800hrs and 2000hrs on the same day.

Reason: In the interests of protecting the residential amenity of adjoining residential properties.

08. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority.

Details of the scheme shall include:

- a) A tree survey in accordance with BS 5837:2012;
- b) Existing landscape features and vegetation to be retained;
- c) Protection measures for the landscape features to be retained;
  
- d) Existing and proposed finished levels;
- e) The location of new trees, shrubs, hedges, and grassed areas;
- f) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- g) The location, design and materials of all hard landscaping works including walls, and fences, gates;

- h) An indication of existing trees, shrubs and hedges to be removed;
- i) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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.

08. No individual building hereby approved shall be erected unless an Energy Statement applicable to that building 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 development proposals were of a scale which complement and expand upon the existing uses in Portlethen Town Centre, in an accessible location, and would not erode the character or amenity of the area. As such, it was considered that the proposals accord with policies B2 Town centres and office development, P1 Layout Siting and Design; P3 infill and Householder Developments within settlements; P4 Hazardous and potentially polluting developments and contaminated land; and RD1 Providing suitable services, of the Aberdeenshire Local Development Plan (2017).

**(F) Reference No: APP/2018/0958**

**Full Planning Permission for Erection of Dwellinghouse at Plot 1, Fordoun Road, Laurencekirk.**

**Applicant: Mrs Beverley Stevens, c/o Agent.**  
**Agent: Jim Stuart, An-Darrach, Gardenston Street, Laurencekirk, AB30 1UG.**

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 the application was being recommended for refusal but at least two Local Ward Members in the Ward in which the development was proposed, had requested that the application be referred to the Area Committee.

Provost Howatson, having declared an interest left the Chamber during discussion and determination of this item.

The Senior Planning Officer advised that approving this application would result in the further 'unplanned' urban expansion of Laurencekirk, out with the scope of the Aberdeenshire Local Development Plan, and set a precedent for similar proposals in the future, thus undermining the Development Plan process. In addition, the proposed development would lead to the incremental loss of prime agricultural land without providing significant wider overriding social and economic benefits.

The Committee heard from John Medlock, land owner, who advised that all the development land in the Mearns would be considered prime agricultural land. There was a need to sell a further plot given the extra cost of constructing a pavement to the village from this site as the Barratt development, on the opposite side of the road to this development, was refused.

The Committee **agreed** that authority to grant Full Planning Permission be delegated to the Head of Planning and Building Standards subject to the assembly of appropriate planning conditions. Although a departure from policy the following material considerations outweighed Policy:

The proposal would fit with what was already granted permission in this location and would have minimal impact. Further, the proposed area of ground was insignificant in terms of agricultural value.