

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARN'S AREA COMMITTEE

COUNCIL CHAMBER, VIEWMOUNT, STONEHAVEN, 22 JANUARY 2019

- Present:** Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), George Carr, Sarah Dickinson, Alison Evison, Jeff Hutchison, Colin Pike, Dennis Robertson, Sandy Wallace, Leigh Wilson.
- Apology:** Provost William Howatson, Councillor Alastair Bews.
- Officers:** Rob Simpson (Head of Service Housing) Emma Storey (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor), Ewan Smith (Principle Roads Engineer), Brian Strachan (Roads and Landscapes Service Manager), Iain Ramsay (Partnership Manager, Social Work), Gregor Spence (Senior Planning Officer), Elizabeth Tully (Planning Officer).
- In Attendance:** Stewart Drummond (Chief Inspector, Local Area Commander, Aberdeenshire South), Edith Criggie (Location Manager, HSCP), Theresa Hunt (Item 8(A)), Mr Ross Foster (Item 8(A)), Mr James Baird (Item 8(C)), Kate MacDonald (Sheltered Housing Manager).

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 intimated:

Councillor Dickinson – Item 8(B) had a connection to the applicant in that a family member purchased a property from them, however having applied the objective test, concluded that she had no interest to declare.

2. STATEMENT ON EQUALITIES

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

- (1) to have due regard to the need to: -
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.

- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 11 DECEMBER 2018.

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 11 December 2018.

4. POLICE SCOTLAND – LOCAL AREA UPDATE.

A joint report by the Chief Inspector, Police Scotland, and the Director of Business Services was circulated advising Members of the most recent monitoring information for the Aberdeenshire South Area.

The Chief Inspector was in attendance to present the report and to answer any questions.

Members discussed the opening of the AWPR and partnership working with respect to domestic crime. Members also enquired to the number of hate and wildlife crimes reported within the area which, the Chief Inspector advised, were low numbers and that those hate crimes recorded were directed at Police Officers.

Members sought clarification with regards to the location of local resources, to which the Chief Inspector reassured Members that local policing remains key to the area, however intimated that a review is being carried out with regard to National Resources.

The Committee **agreed** to note the performance information from Police Scotland as it pertained to the Kincardine and Mearns Area.

5. UPDATE ON SERVICE RESPONSE TO 2 PETITIONS FROM LOCAL GROUPS RELATING TO WINTER MAINTENANCE.

A report by the Director of Infrastructure Services was circulated updating members on the Service response to two petitions relating to Winter Maintenance.

Officers were in attendance to present the update and answer any questions.

Despite having this matter before them for the third time Members were of the view that the report fell short of what had been expected. Maps had been requested previously to assist members that are unfamiliar with the location. Members discussed the Petition process and noted that a guidance document was being drawn up by Officers in Legal and Governance.

The Committee **agreed** to note the further information provided by the Officers in relation to the Winter Maintenance Operational Plan and two petitions.

6. ABERDEENSHIRE HSCP PERFORMANCE & OUTCOMES FRAMEWORK QUARTER 2 REPORTING – July to September 2018.

A report by the Health & Social Care Partnership was circulated advising the Committee of performance and outcomes for the period July to September 2018.

The Partnership Manager and Location Manager, Kincardine & Mearns, Aberdeenshire Health and Social Care Partnership, were in attendance to present the report and to answer any queries.

Members discussed delayed discharge and the process in place in dealing with a multidisciplinary team. Members expressed the need not to cause any unnecessary delay. It was noted that recruitment of care staff within this local area is difficult.

Members were advised that Stonehaven Medical Centre has taken on board comments from the public regarding the E-consult system to try and improve the patient experience. They acknowledged the need for patient involvement before the system was introduced.

The Committee **agreed** to:

1. Note the content of the Integrated Joint Board Performance (Q2) report,
2. Provide the following feedback to the Integration Joint Board for their consideration:
 - a. Appendices were considered difficult to read
 - b. Future reports to include total numbers of patients using the e-consult system.
 - c. NI-8: This indicator was recorded as an amber reading which Members felt was not reflective of the particularly low figure and recognised the need for improvement.

7. CIVIC GOVERNMENT (SCOTLAND) ACT 1982 APPLICATION FOR RENEWAL OF LATE HOURS CATERING LICENCE

A report by the Director of Business Services on the Civic Government (Scotland) Act 1982 application for renewal of late hours catering licence was circulated.

A Senior Solicitor introduced the report and outlined the procedure to Members.

The Committee **agreed** to defer, and to delegate the Head of Legal and Governance to advise the applicant of the date when a further 21-day period for display of the site notice would commence and to offer advice to the applicant on the precise terms of the site notice in terms of the hours applied for.

8. APPLICATIONS FOR DETERMINATION

The following planning applications were considered along with any objections and representations received in each case and were dealt with as recorded in the **Appendix A** to this Minute.

Reference Number	Address
(A) APP/2018/1309	Full Planning Permission for Erection of Replacement Dwellinghouse at Rockhall Bungalow, St Cyrus.
(B) APP/2018/2118	Full Planning Permission for Erection of 27 Dwellinghouses with Associated Access Road, SUDS and Open Space at Land Adjacent To Wester Balmanno Way, Marykirk.
(C) APP/2018/2480	Notification under Electricity Act 1989 for Section 36 - Consultation Request for Installation of Windfarm Comprising up to 26 Wind Turbines of up to 149.9m to Tip Height and Associated Infrastructure at Glendye WindFarm, Fasque And Glendye Estates, Site To The North Of Inch Of Arnhall, Edzell Woods.

**KINCARDINE AND MEARNS AREA COMMITTEE, 22 JANUARY 2019
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

(A) Reference No: APP/2018/1309

Description: Full Planning Permission for Erection of Replacement Dwellinghouse at Rockhall Bungalow, St Cyrus.

Applicant: Snowdrop Developments, Snowdrop Lodge, Beach Road, St Cyrus, DD10 0BJ.

Agent: Kerry Smith Architects. 4 John Street, Montrose DD10 8LY.

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 five or fewer individuals or bodies with separate postal addresses or premises and 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 application was for the replacement of an existing dwelling with a new dwellinghouse. The site was situated on the coast, overlooking the beach with views across Montrose Bay. A number of alterations and revisions had been made following comments from the Planning Service. The scale of the property had been reduced, the site reduced in size, new access road has been removed and alterations made to materials. A total of four valid representations had been made and all issues raised had been considered. The proposed replacement dwelling house poses no significant amenity impacts on the neighbouring property nor significant visual impacts on the landscape. The proposal will have a minimal impact on the setting of the nearby listed building.

The Committee heard from Mr Foster in support of his application, stating that the proposal was in keeping with the character of the area. They had been working with the Planning Service and made all the requested amendments as instructed.

The Committee then heard from Ms Hunt on behalf of the objector to the application. Members were advised that although changes had been made it would still have a detrimental impact on the neighbouring home. Any proposal would need to be something special in keeping with the landscape and setting.

The Committee fully discussed the application and **agreed** to defer determination of the application to allow a site visit to take place. The site visit would allow Members to assess the appropriateness of the design in this sensitive coastal location, the potential impact on the setting of the neighbouring listed building and the amenity of neighbouring residents.

(B) Reference No: APP/2018/2118

Description: Full Planning Permission for Erection of 27 Dwellinghouses with Associated Access Road, SUDS and Open Space at Land Adjacent To Wester Balmanno Way, Marykirk.

Applicant: Fotheringham Property Developments Ltd, Linton Road, Gourdon, DD10 0NH.

Agent: John D. Crawford Ltd, 72 New Wynd, Montrose, DD10 8RF.

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 Scheme of Governance, as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises and there is an unresolved objection from a consultee.

The Senior Planning Officer presented the report and advised that consent has previously been granted on this site for the erection of 30 dwellinghouses, under application APP/2013/0063. This proposal is to erect 27 dwellinghouses, consisting of a mix of different house types including the provision of affordable housing. Education had been consulted and advised that this is an allocated site and is already accounted for in the school roll. Scottish Water had no objection to the proposal.

Members discussed the lack of pavements within the proposal, the speed of traffic along the main road through Marykirk and the appropriateness of granting permission without a safer route to school being imposed. Members sought to clarify if it was possible to impose a condition that the developer would install a pelican crossing, as a safer route to school. The Senior Solicitor and Senior Planning Officer explained that any such condition would be open to challenge on the grounds that it was unreasonable because the requirement for a crossing was not something that was considered necessary by Roads. The condition would probably therefore fail to meet at least one of the six tests that a valid planning condition had to satisfy.

Members requested that the Area Manager arranged for a report to come back to a future Area Committee with regard to Safer Routes to School in Marykirk.

After careful consideration and discussion Councillor Hutchinson, seconded by Councillor Carr, moved with Office recommendation and to delegate the authority to grant Full Planning Permission for the erection of 27 Dwellinghouses with Associated Access Road, SUDS and Open Space at Land Adjacent To Wester Balmanno Way, Marykirk to the Head of Planning and Building Standards subject to, payment of all developer obligation contributions, or completion of a Section 75 agreement, and appropriate planning conditions.

As an amendment, Councillor Wallace, seconded by Councillor Wilson, moved with officer recommendation and to delegate the authority to grant Full Planning Permission for the erection of 27 Dwellinghouses with Associated Access Road, SUDS and Open Space at Land Adjacent To Wester Balmanno Way, Marykirk to the Head of Planning and Building Standards subject to, payment of all developer obligation contributions, or completion of a Section 75 agreement, and appropriate planning conditions, with the addition of imposing a condition for a safer route to school.

The Committee voted:

For the motion (7) Councillors Agnew, Carr, Dickinson, Evison, Hutchinson, Pike and Robertson.

For the amendment (2) Councillors Wallace and Wilson.

Provost Howatson and Councillor Bews were absent from the division.

Councillor Mollison abstained from the vote.

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

- (i) The payment of planning gain contributions in full or the completion of a suitable Section 75 legal agreement; and
- (ii) The following conditions:

01. No development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 120 metres in a northerly direction and 59 metres in a southerly direction along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the junction access with the A937 public road 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.

02. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

03. The external building fabric of dwellings on the development hereby approved shall be constructed following the minimum sound reduction index (SRI) building envelope specification detailed in Table 8 of "Noise Impact Assessment Proposed Residential Development, Marykirk, dated 20/06/2018".

The windows installed in the development hereby approved shall be installed with the glazing type specification for each facade detailed in Table 10 of "Noise Impact Assessment Proposed Residential Development, Marykirk, dated 20/06/2018".

The development shall not be brought into use unless the external fabric of the building installed in the development comply with this standard. Once provided the external fabric of the building shall thereafter be permanently retained in accordance with this standard.

Reason: To ensure the implementation of a satisfactory means of noise attenuation in the interests of the residential amenities of the occupiers of the proposed development.

04. 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) The location of new trees, shrubs, hedges, grassed areas and water features;
- b) A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- c) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- d) 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.

05. No dwellinghouse hereby approved shall be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans and the Drainage Impact Assessment by Ramsay and Chalmers dated 05/11/18. The foul and surface water drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

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

06. No dwellinghouse hereby approved shall not 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 the Local Development Plan Policy C1 regarding the aim, where feasible, of achieving a Gold sustainability label under section 7 of the building standards technical handbook.

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 local development plan policy C1 regarding, among other things, carbon-dioxide emissions.

07. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

Reason: To ensure the long-term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

08. No dwellinghouse hereby approved shall be occupied unless its driveway and parking spaces have been provided and surfaced in accordance with the details shown on the approved plans. The maximum gradient of the first 5m of driveways/parking spaces must not exceed 1 in 20 and driveways must be fully paved. Parking spaces shall be provided within the site, in accordance with drawing no. 130 G 'Road Layout Plan'. Proposed garages must be set back at least 6m from the rear of the footway. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the driveway to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

09. Prior to approval of any alterations/amendment to development layout which may impact on street layout or function (including alterations to house types, driveway arrangements, parking allocation and distribution, boundary treatments or indeed any direct street layout amendments) are proposed a SER/QA review submission will be required. Where said review submission deems it necessary the original SER/QA documents will need to be updated accordingly.

10. No works in connection with the development hereby approved shall commence unless details of the refuse bin uplift store areas have been submitted to and approved in writing by the planning authority. The areas shall be constructed behind any visibility splay and shall be designed so as to be accessible for refuse bin uplift and to prevent empty bins from being wind-blown. No dwellinghouse shall be occupied unless the refuse bin uplift store areas have been provided and surfaced in accordance with the approved details. Once provided, the refuse bin uplift store areas shall thereafter be permanently retained as such.

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

Reason for Decision

The proposal complies with the relevant policies of the Aberdeenshire Local Development Plan 2017, in particular Policy B1 Employment and business land, Policy H1 Housing land and Policy H2 Affordable housing. The proposed development will integrate satisfactorily into the area and does not significantly reduce the amenity of nearby residential properties. The nature of the development does not erode the character or amenity of the area in terms of over or under development and the density of the proposed development is compatible with the existing settlement and technical matters have been addressed. As such, the proposal accords with all relevant policies of the Aberdeenshire Local Development Plan 2017.

For noting: -

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.”

(C) Reference No: APP/2018/2480

Description: Notification under Electricity Act 1989 for Section 36 - Consultation Request for Installation of Windfarm Comprising up to 26 Wind Turbines of up to 149.9m to Tip Height and Associated Infrastructure at Glendye WindFarm, Fasque And Glendye Estates, Site To The North Of Inch Of Arnhall, Edzell Woods

Applicant: Coriolis Energy, Suite 406-407 Baltic Chambers,
50 Wellington Street, Glasgow, G2 6HJ

Agent: Scottish Government, Energy Consent Unit, 4th Floor,
5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU

A report by the Director of Infrastructure Services was circulated advising Members that the Committee was able to consider and give views to Infrastructure Services Committee, in terms of the Scheme of Governance as a consultation to an application to be determined by another public body.

The Planning Officer introduced the report and advised members that the proposal comprised of 26, three bladed wind turbines and associated infrastructure. This included 20 km of access tracks across the Kincardine and Mearns landscape. Members were shown images from various viewpoints across the proposed development.

The Senior Planner then responded to Members' questions in relation to access tracks and the meaning of domestic scale which referred to the height of the wind turbines.

Members heard from Mr Baird a representative for the applicant who highlighted the advantage of wind turbines in reducing greenhouse gases and emphasised their agreement to work with Officers to limit any impact on the landscape.

The Committee discussed the application fully and **agreed** to refer the application to the Infrastructure Service Committee with a recommendation to object to the proposed development and, o provide the following comments;

- a) Access tracks would significantly change the existing character of the natural landscape and leave an irreversible scar,
- b) Concerns regarding the loss of deep peat habitats which are rare to this area,
- c) Anticipated projected output ratio is given at maximum output but this may not be the case,
- d)Concerns regarding the concrete footprint left behind after decommissioning, and
- e) The scale and location of the proposed wind farm would negatively impact the characteristics of the undeveloped moorland, the distinctive hill profiles and commanding views across this area.