

ABERDEENSHIRE COUNCIL

KINCARDINE AND MEARNIS AREA COMMITTEE

COUNCIL CHAMBER, VIEWMOUNT, STONEHAVEN, 26 MARCH 2019

Present: Councillors Wendy Agnew (Chair), Ian Mollison (Vice-Chair), George Carr, Sarah Dickinson, Alison Evison, Provost William Howatson, Jeff Hutchison, Colin Pike, Dennis Robertson, Sandy Wallace, Leigh Wilson.

Apology: Councillor Alistair Bews.

Officers: Janelle Clark (Area Manager, Marr), Emma Storey (Area Committee Officer, Kincardine and Mearns), Peter Robertson (Senior Solicitor, Corporate Services), Ewan Smith (Principal Roads Engineer), David Gander (Civil Engineer/Technician,) Donald MacPherson (Bridges and Structure Manager), Daryl Scott (Engineer/Technician), Andrew Wilkinson (Principal Engineer, Transportation), Alasdair MacDonald (Principal Engineer, Transportation), Brian Strachan (Roads and Landscapes Service Manager), James Wheeler (Senior Planner), Craig Matheson (Principal Architect), Ayo Lawal (Asset Management Surveyor), Iain Thomson (Landscape Services Officer), Ross Anderson (Engineer).

In Attendance: Mr Mouti (Item 10), Mr McQueen (Item 10).

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 no declarations were intimated.

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 & 10
16	6 & 9
17	8

3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 05 MARCH 2019.

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Area Committee of 5th March 2019 with the following amendment under item 7 paragraph 4: - The addition of the following words; "After discussion, the committee agreed to...".

4. LOCAL REVIEW BODY, REVIEW DECISION NOTICE FOR LRB 411 – PLANNING REF: APP/2017/2668.

The Committee had before them, and **noted**, an Aberdeenshire Council Local Review Body Review Decision Notice dated 26 February 2019 informing them of their decision. The Local Review Body (LRB) agreed to reverse the decision reviewed by it and to grant Full Planning Permission, subject to conditions specified in the notice.

5. AREA COMMITTEE BUDGET 2019 – 2020.

A report by the Director of Infrastructure Services was circulated advising Members that the budget for the Area Committee to disburse this year was £80,000.

The Area Manager advised that the report had been assembled giving detail of projects supported in this financial year which looked at an investment of some £215,000 to match the Area Committee Budget through the support of eighteen local projects. Criteria previously set was working well and was proposed for use in 2019/20.

Council Strategic Priorities had been set and given the community engagement around setting them, the communities in Kincardine and Mearns would be aware that they were representative of the needs of the community.

Members sought clarification with how to access the fund, reassurances that the application form would be updated online for 2019/20 and discussed the option to reduce the maximum award amount. However as a total of eighteen projects benefited and only three requested the maximum award amount this was felt unnecessary.

The Committee requested a learning exercise with regards to Participatory Budgeting (PB) in Portlethen. Whilst the benefit of PB was that it empowered communities to decide what projects were funded this was felt to be an additional workload for volunteers and more support was required.

The Committee **agreed:**

1. To adopt the criteria for the use of the Area Committee Budget, which was £80,000.00 for 2019/2020, as detailed in Appendix 1 to the report with the removal of the wording “by adjusting the level of Council Services”,
2. Instruct officers to continue to assemble information based on feedback from the groups that are funded in 2019/2020. This would be used to promote what the budget could achieve and highlight opportunities for improvement of the process, and
3. Feedback an informal session on the Participatory Budget pilots across other areas, to discuss lessons learnt from Portlethen.

6. KINCARDINE & MEARNS: ROADS MAINTENANCE PROGRAMME 2019/20.

A report by the Director of Infrastructure Services was circulated seeking approval from Members for the Area Road Maintenance Programme for 2019/2020.

The Principal Roads Engineer introduced the report and answered any queries.

Members commended officers, welcomed the detailed information and inclusion of graded roads within the report. Members sought and received clarification with regard to the following items:

Query	Response
Would be helpful to have maps alongside the report.	Maps previously uploaded to Ward pages.
When looking at pedestrian crossings to consider dementia friendly crossings.	Service will look into this further.
Update on work required on the roads affected by the AWPR.	Further patching and resurfacing to be carried out.
When looking at making crossings accessible, to consider the condition of the road as well as lowering the pavement.	Noted.
Is road signage damaged and faded by AWPR work to be replaced?	This will be carried out routinely and financed through the general maintenance budget.
When will surface dressing work commence?	Work will commence in June, better results in the warmer months.
No continuous pavement at Newtonhill flyover, can this be addressed?	Cycle and footway programme to be reviewed.
C24K on programme twice?	Duplication in error, surface dressing will be carried out.

When will further replacement of LED lights be carried out?	When funding is available lights will be replaced based on age of asset.
Are potholes being repaired on Robert Street, Stonehaven?	These are covered under the general maintenance programme.
Water ponding on roads at Marykirk.	Noted.

Members commended officers on the report and **agreed** to:

1. Approve the Area Road Maintenance Programme as detailed in Appendix A to the report, and
2. More dissemination of information with regard to potholes to members of the community so that they understand the approach being taken, and the road priority policy.

7. FLOOD RISK AND COAST PROTECTION PROGRAMME OF MEASURES 2019/2020.

A report by the Director of Infrastructure Services was circulated advising Members of the proposed Flood Risk and Coast Protection Programme for 2019/2020.

A Civil Engineer was in attendance to present the report and to answer any queries. Members sought clarification with regards to works being carried out in the tourist season, the clearing of the Burn in Portlethen will be covered under the general maintenance programme and the requirement for work to be carried out taking into consideration protected species.

The Committee **agreed** to:

1. Approve the Flood Management and Coast Protection Programme of Measures for 2019/2020 as detailed in Appendix A,
2. Approve the schemes on the Reserve List of Measures as detailed in Appendix A, and
3. Agree that schemes can be brought forward from the Reserve List in the order of priority given in the event of slippage, provided that their inclusion does not result in the overall expenditure exceeding the allocated budget sum.

8. 2019/2020 BRIDGEWORKS PROGRAMME (ROAD NETWORK).

A report by the Director of Infrastructure Services was circulated advising Members on the proposed Kincardine and Mearns Area Bridgeworks Programme for 2019/2020.

The Structures Manager was in attendance to present the report and answer any queries. Members were advised that Aberdeenshire Council's road network was carried by 1566 bridges and this had been a difficult year with several bridges requiring critical repairs. Members were informed that Abbeyton bridge was a complex case involving Network Rail and reopening the road at Fordoun was a priority.

Members asked if compensation could be sought for the demolition work carried out at Fordoun and were advised that a supporting wall carrying a road was the responsibility of the Roads Department.

Members discussed the need for more resources to repair and maintain bridges. With regards to damage caused to bridges by overloaded vehicles, Officers advised that this was a Police matter and further discussions are being carried out.

The Committee **agreed** to:

1. Approve the Kincardine and Mearns Area 2019/2020 Bridgeworks Programme (Road Network), as detailed in Appendix A, and
2. Note that approval for any Kincardine and Mearns Area based procurements over £50,000 will be sought within the Infrastructure Service 2019/2020 Procurement Plan.

9. ELDER FUND FOR THE BENEFIT OF THE POOR OF STONEHAVEN.

A report by the Director of Business Services on the Elder Trust Fund, a fund to benefit the community of Stonehaven.

A Senior Solicitor introduced the report and explained to members that the Elder Trust Fund was set up in November 1915. The Trust is administered by Aberdeenshire Council, a requirement of the scheme is that three ex-officio trustees should be appointed, the Provost along with two Ward 18 members, for a period of three years.

The Committee **agreed** to:

1. Appoint the Provost and Councillors Agnew and Wallace as Ward 18 members as ex-officio trustees of the Elder Fund, and
2. Appoint Aberdeenshire Council's Head of Finance and Strategic Finance Manager as representative trustees of the Elder Fund.

10. 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.

The Committee considered a report in respect of an application from Mr Abdellilah Mouti for the renewal of a Late Hours Catering Licence for Lazio Pizza, The Square, Stonehaven. The Committee heard from Mr Mouti who spoke in support of his application and also heard from Mr McQueen who spoke to the letter of objection submitted by himself in a personal capacity and also spoke as a Director of Fountainhall Wines Limited in respect of their objection.

Having considered the application and the representations made by/on behalf of the applicant and objectors the Committee **agreed** that a Late Hours Catering Licence should be renewed for a period of one year only and that it would be subject to the standard conditions for Late Hours Catering Licences.

11. PEDESTRIAN CROSSING ASSESSMENT POLICY.

A report by the Director of Infrastructure Services was circulated advising members of the Aberdeenshire Pedestrian Crossing Assessment Policy.

Principal Engineers introduced the report and answered questions with regards to details of the traffic data survey carried out at Marykirk, officers confirmed this included speed data. The survey was carried out at points A and B on the map, (see Appendix B) of the report for a duration of 7 days. Members were advised of gaps within the traffic to allow pedestrians to cross, allocating one metre per second.

Members were advised that when assessing the need for a pedestrian crossing the measure for calculating was a national measure and took a number of factors into consideration. The question was raised if possible, to reduce speed limits in rural locations however this would require heavy engineering across the road network.

Members **noted** the content of the report in relation to Roads Policy Note 15, Pedestrian Crossing Assessment Policy and how this was applied in relation to planning application APP/2018/2118 and requested the data from Marykirk traffic survey via Ward pages.

12. LANDSCAPE SERVICES REVENUE AND CAPITAL WORKS PROGRAMME 2019/20.

A report by the Director of Infrastructure Services was circulated seeking approval from Members for the Area Landscape Maintenance and Capital Programme for 2019/2020.

The Principal Landscape Officer presented the report advising that the report contained the list of projects that were being proposed for the 2019/2020 period and also a reserve list should there be slippage from the main list of projects.

Members welcomed the report and commended officers on the work they do throughout the year. Members requested more community engagement before the commencement of work with Community Councils, Primary schools, community groups and local residents.

Members sought and received clarification with regard to the following items:

Query	Response
Are you creating an alternative use for Forest Park, Stonehaven?	The fence and floodlights will be removed and a different planting system put in place.
Does the Service seek community engagement before commencement of work?	The Service will look to engage more with members of the public.
Can more fragrant flowers be planted within the wild flower planting?	Endeavour to plant a mix of flowers to encourage wildlife and those that are pleasing to look at.
Mearns Academy Pitches still requiring work?	Pitches at the old academy are being maintained, new pitch at the Mearns still looking to resolve the pitch problem.

What drain is to be installed at Ecclesgreig Park, St Cyrus?	A French drain system with a soakaway.
Roadside Park, Newtonhill should be Newtonhill Park, Newtonhill.	Noted.

The Committee **agreed** to:

- 1) Approve the Area Landscape Maintenance and Capital Programme as detailed in Appendix 1 of the report,
- 2) Approve the schemes headed Reserve as detailed in Appendix 1,
- 3) Agree that Reserve schemes can be brought forward in the event of slippage, provided that their inclusion does not result in the overall expenditure exceeding the allocated budget sum,
- 4) Note that approval for any Kincardine and Mearns Area based procurements of £50,000 or more will be sought within the Infrastructure Services 2019/2020 Procurement Plan and
- 5) Seek further clarification with regard to the following items:
 - a. Request a hand rail on the access path at Portlethen Cemetery,
 - b. Request an update on the play equipment at Gourdon,
 - c. Ensure engagement with residents, Mearns Community Council and members of the public when considering tree planting at Mearns Court, Laurencekirk, and
 - d. Further discuss options regarding green waste management.

13. SCOTTISH GOVERNMENT APPEAL DECISION, PPA-110-2364, PLANNING REF: APP/2017/1366.

The Committee had before them, and **noted**, a Scottish Government Planning and Environmental Appeals Decision, dated 12 February 2019, informing them of the decision of the Scottish Government Reporter to dismiss the appeal and refuse planning permission in Principle for Erection of Roadside Services (Comprising Class 1 (Shops), Class 2 (Financial, Professional and Other Services), Class 3 (Food and Drink) and Class 7 (Hotels and Hostels) and Petrol Station (Sui Generis) with Associated Car Parking, Infrastructure and Landscaping, Site At Mains Of Luther, Luthermuir.

14. APPLICATIONS FOR DETERMINATION.

The following planning application was 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/2018/1743	Full Planning Permission for Change of Use of Shop (Class 1) and Tanning Salon (Class 2) to Dwellinghouse (Class 9) including Alteration and Extension at 135 High Street, Laurencekirk.

15. HILLSIDE SCHOOL CLASSROOM EXTENSION.

Having considered an exempt report by the Director of Business Service seeking approval for a four-classroom extension to Hillside Primary School.

The Committee after further discussions **agreed** to:

1. Note the options appraisal exercise carried out as detailed in Appendix 1, and
2. To discount options 1-5 and to request that officers consider an option 7 to include accessible changing facilities for the whole community with a future report to the next Area Committee on 30th April 2019.

16. SALE OF FORMER DRUMOAK COMMUNITY HALL CAR PARK, DRUMOAK.

An exempt report by the Director of Business Services was circulated seeking approval for the sale of Drumoak Community Hall car park.

An Asset Management Surveyor introduced the report to the Committee and to answer any queries.

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

1. Approve the sale of the former Drumoak Community Hall car park as detailed in the report.

17. ANNUAL WORK PLAN FOR INFRASTRUCTURE SERVICES – PROCUREMENT APPROVAL.

An exempt report by the Director of Infrastructure Services was circulated advising Members of the Annual Work plan.

A Principle Roads Engineer introduced the report and welcomed any questions, members commented that the report had no sense of community benefits, too short a timescale to consider making amendments and an extension date too close to Committee date.

The Committee **agreed** to:

1. Note the Directorate Work Plan as detailed in Appendix 1 of the report,
2. Approve the items on the Work Plan identified as falling within the remit of the Committee, and
3. Opted not to reserve approval of the Business Case for any item on the Work Plan where the value of the matter is between £50,000 and £1,000,000.

**KINCARDINE AND MEARNS AREA COMMITTEE, 26 MARCH 2019
APPENDIX A**

PLANNING APPLICATIONS FOR DETERMINATION

(A) Reference No: APP/2018/1743

Description: Full Planning Permission For Change of Use of Shop (Class 1) and Tanning Salon (Class 2) to Dwellinghouse (Class 9) including Alterations and Extension at 135 High Street, Laurencekirk, AB30 1BN.

Applicant: Mr Ian Forrest, Dalveen, Garvock Road, Laurencekirk, AB30 1FJ.

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 of the Scheme of Governance as there was an unresolved objection from a consultee.

The Senior Planning Officer advised that the proposed change of use to the front property and rear workshop unit is acceptable as it will respect the scale, density, character and will not affect the amenity of the surrounding neighbouring properties. The necessary works to trees are covered by the Revised Tree Survey Report and the Holly Bush that has been removed shall be replaced. Although Mearns Community Council had raised concern regarding the need for commercial premises, the premises had been marketed for five years with no interested parties and this would not be considered policy grounds for refusal.

Members sought clarification with regards to the replacing the Holly bush and the windows to the front of the property maintaining the character of the street. The planning officer advised the Holly bush was a like for like replacement and the character of the street scene will be retained as only small changes are proposed to the principal façade with alterations to windows and the mixed use of residential and commercial retail units on the High Street is also retained.

The Committee **agreed** to grant Full Planning Permission for change of use of Shop and Tanning Salon to dwellinghouse including alterations and extension at 135 High Street, Laurencekirk, subject to the following Conditions

01. The dwellinghouse hereby approved shall not be occupied unless its driveway, turning and parking area for 2 off street parking spaces has been provided and surfaced in accordance with the details shown on the approved plans. 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.

02. The garage/workshop building hereby approved shall be used only for purposes incidental to the enjoyment of 135 High Street as a domestic garage/workshop and

shall be used for no other purpose without the express grant of planning permission from the planning authority.

Reason: To enable the planning authority to consider the implications of any subsequent change of use on the amenities of the area.

03. The tree management proposals shall be carried out in complete accordance with the approved scheme as recommended by 'The Revised Tree Survey Report dated 12th February 2019 by Astell Associates as submitted and agreed as part of the planning application.

Reason: In order to preserve the character and visual amenity of the area and biodiversity of the protected trees adjacent the site.

Reason for Decision

The proposal represents an acceptable change of use for this location and will ensure a continued use for this building. There would be no significant adverse impact on the amenity of neighbouring properties and the proposal complies with Policy P3 Infill and householder developments within settlements (including home and work proposals). Also the works to protected trees and roots are acceptable to Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017.