

## ABERDEENSHIRE COUNCIL

### KINCARDINE AND MEARN'S AREA COMMITTEE

COUNCIL CHAMBERS, VIEWMOUNT, ARDUTHIE ROAD,  
STONEHAVEN, 7 NOVEMBER 2017

**Present:** W Agnew (Chair), I Mollison (Vice-Chair), 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, Legal and Governance, Business Services), Ailsa Anderson (Senior Planning Officer, Infrastructure Services), David Armitage (Roads Policy and Asset Manager, Infrastructure Services), Bill Lennox (Roads Quality and Resources Manager), Gregor Spence (Senior Planning Officer, Infrastructure Services).

**In Attendance:** Craig Wallace (Station Manager, Scottish Fire and Rescue Service), and Leigh Keith and James Smith (Item 14(A)).

#### 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 none 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.

#### 3. MINUTE OF MEETING OF KINCARDINE AND MEARN'S AREA COMMITTEE OF 3 OCTOBER 2017

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 3 October 2017.

#### **4. SCOTTISH FIRE AND RESCUE SERVICE – KINCARDINE AND MEARNS AREA COMMITTEE PERFORMANCE REPORT FOR 1 APRIL TO 30 JUNE 2017.**

A joint report by the Director of Communities and the Local Senior Officer, Scottish Fire and Rescue Service (SFRS), Aberdeenshire and Moray, was circulated advising Members of the most recent performance figures for the Service.

The Station Manager was in attendance to present the report and to answer any queries.

Members sought information on: recruitment, with particular reference to female recruitment; Service Transformation review; co-location at Fire Stations; training of Fire Fighters; and premises inspection for compliance with fire regulations.

Members were advised that there were a number of approaches made to try to balance the gender inequality within the recruitment process. The Service Transformation review was currently out for consultation with staff members and a full Public consultation is planned early 2018. The use of SFRS premises by community groups was welcomed and groups should make direct contact with the local Station Master should they wish to use meeting room facilities at any of the local community fire stations. Sharing resources and premises with other agencies and public services may be considered as part of the wider transformation programme and Station Master Wallace advised that he would welcome efforts to reduce the duplication of costs in the public sector if deemed appropriate. The ongoing training of Retained Fire-Fighters takes place at Portlethen and normally takes a period of approximately 6 months to get a successful candidate from interview to operational readiness. Premises inspections are carried out by the Local Authority, Building Standards and Colleagues in the Legislative section of Scottish Fire and Rescue Service.

The Area Committee **agreed** to:

1. Acknowledge the performance report relating to the period, April to June 2017,
2. Acknowledge local operational matters arising, together with key resource issues, as detailed within the report, and
3. Request further information with regard to the cause of the fire at Hillside House, Portlethen, if the information was available.

#### **5. DRAFT DEVELOPMENT PLAN SCHEME 2018.**

A report by the Director of Infrastructure Services was circulated advising Members of the draft Development Plan Scheme (DPS) for implementation in 2018.

The Senior Policy Planning Officer was in attendance to present the report and to answer any queries. Members were advised that the draft DPS (2018) was focused on undertaking key actions over the course of the next 12 months. There was uncertainty resulting from the proposed Planning Bill and the reforms that would be introduced during the course of the next year making it difficult to present a programme with complete certainty for a longer period.

Engagement on the draft programme, for next year, had already started with Community Councils, and Community Council Forums, being advised of the likely timetable, and some initial preparatory work. Area Committees would have sight of the Main Issues Report, and the draft proposed Local Development Plan in September 2018. Thereafter the document

would be referred to Infrastructure Services Committee with a view to publish in November 2018.

The Committee felt there was still more work to be done to encourage the community to get involved in the assembly of the Local Development Plan.

The Committee **agreed** to forward the following comments on the Draft Development Plan Scheme (2018) for consideration by Infrastructure Services Committee on 25 January 2018:

1. Engagement with young people was welcomed but not to assume the best method of doing so was through Facebook alone,
2. Working with young people through the Education Service was encouraged as there was already, in some instances, a good understanding of the Local Development Plan system,
3. Ensure correction of the statement at (2.7) of the report, '*A draft DPS 2019 will also be presented to Area Committees in November 2018 for subsequent approval and publication*' as this was inaccurate given the decision would be taken by the Infrastructure Services Committee,
4. Furnish the Area Committee with the Key dates for the evolving Local Development Plan,
5. Ensure future documents referred to the Scottish Environment Protection Agency and not, as quoted 'Scottish Environmental Protection Agency,
6. Ensure acronyms are explained,
7. Ensure documents are fully compliant with equalities and accessible to all,
8. Add the following names to the Stakeholders/Consultees
  - i. Drumlithie Community Association,
  - ii. Auchenblae Community Association,
  - iii. Newtonhill Village Association,
  - iv. Muchalls Village Association,
  - v. Our Mearns Tourism Association,
  - vi. Stonehaven Tourism Group,
  - vii. Councillors to forward further names to the Area Committee Officer before Friday, 10<sup>th</sup> November.

## **6. FESTIVE LIGHTS AND ATTACHMENTS TO STREET-LIGHTING COLUMNS POLICY.**

A report by the Director of Infrastructure Services was circulated advising Members of the draft policy revision for Festive Lights and Attachments to Street-lighting Columns.

The Roads Policy and Asset Manager was in attendance to present the report and to answer any queries.

Members were advised that the earlier draft on policy for the use of festive lighting, bunting, banners and hanging baskets was presented to Area Committees in December 2012 but a decision on implementation was deferred pending the publication of national guidance. At a

recent meeting the Infrastructure Services Committee considered and approved a report outlining a programme for reviewing and updating existing policies relating to the functions of roads and transport. This identified a policy on festive lights, bunting, overhead banners and attachments to street-lighting columns as the top priority for review. The draft policy, along with associated guidance manuals, were circulated for the Committee to consider. Community Councils will also be given the opportunity to comment on the proposed policy.

The proposed policy and guidance largely reflected current practice but also introduced some significant changes, this included:

- Connections to the street-lighting energy supply should only be permitted for festive-lighting features mounted on the column supplying the power and the cost of electricity should be met by the applicant;
- Catenary cables across streets and hanging-basket brackets must be taken down when not in use;
- Columns and other structures supporting features would require to be assessed to ensure they have the capacity to withstand the applied loading; and
- Festive-lighting installations should be limited to the period between 1<sup>st</sup> December and 14<sup>th</sup> January.

The Committee **agreed** to forward the following comments, on the draft policy revision for Festive Lights and Attachments to Street-lighting Columns, to the Infrastructure Services Committee for their consideration:

1. There should be no re-charge to communities for the electricity costs of festive-lighting,
2. The cost of electricity for festive-lighting should have a separate budget line and not be included in the Roads Maintenance Budget,
3. There needed to be flexibility around the time for putting up and taking down festive-lighting installations,
4. All new festive-lighting should be LED,
5. Consideration given, when replacing columns, whether steel or aluminium would be best used, based on the other functions required of the column and its location,
6. Ensure community engagement and support on any transitional work that was required to accommodate hanging baskets, festive lights, bunting and banners,
7. The policy needed to be assembled in a user friendly format, easily understood by communities, and
8. Reconsider the wording of the following point in the Policy Statement:  
*'Remove unauthorised installations and seek to recover costs from the responsible persons'*.

## **7. ROADS INSPECTION POLICY.**

A report by the Director of Infrastructure Services was circulated advising Members of the draft Road Inspection Policy.

The Roads Quality and Resources Manager was in attendance to present the report and to answer any queries.

Members were advised that the current Road Inspection Policy had been in place since 1996 (revised in 2011) and was developed in line with the Code of Practice at the time. A new Code of Practice: "Well-Managed Highway Infrastructure" was published in 2016 and Roads Authorities were expected to achieve compliance with the new Code of Practice by October 2018, therefore there was a need to revise current policy. The proposed policy introduced a more risk-based approach to categorising the road network, carrying out inspections, and assessing and prioritising defects. As a result the Service had developed a procedure which introduced a risk based approach, giving regard to a variety of factors to determine the priority of any road defect. These factors included: road maintenance hierarchy, speed limits, physical dimensions of the defect, location of the defect in the road, visibility and serviceability. The determined priority then allowed the Service to respond to any defect within a proportionate timescale. Timescales, included within the Society of Chief Officers in Transportation in Scotland (SCOTS) guidance document had been adopted for use.

Members were advised that one of the main changes proposed was the practice of assessing defects. The proposal would be to adopt a more planned approach, based on the collection of a number of influencing factors. Maintenance would be more risk assessed and more consistent.

The Committee fully discussed the policy drawing on experience from issues on the roads affected by the AWPR, local knowledge and the need for a planned approach that could also be flexible. Concerns were raised about the quality of some of the reactive work that had been undertaken and the need for improved quality.

The Committee **agreed** to forward the following comments on the draft Road Inspection Policy, to the Infrastructure Services Committee, for their consideration:

1. A planned maintenance approach was welcomed,
2. Regular update reports were required for Area Committee on implementation of this new policy,
3. Ensure flexibility was built into road inspections if required, and
4. Ensure that common sense, as well as efficiency, was applied when programming work, enabling work teams to repair defects that were in close proximity, albeit on different class roads or differing priority.

## **8. KINCARDINE AND MEARNES AREA COMMITTEE BUDGET 2017/2018.**

A report by the Director of Infrastructure Services was circulated advising Members of the most recent application received for the Area Committee Budget.

The Area Manager advised that an application had been received from the Stonehaven Business Association for £1,000.00 towards a project costing £4,952.00 to purchase replacement Christmas lights. There were no new proposed sites only the replacement of existing lights. Members were advised that the Stonehaven Business Association was made aware of the requirement to furnish colleagues in Street Lighting with information regarding, locations, weight and dimensions, and wattage and windage before any agreement could be reached.

The Committee **agreed** to grant the Stonehaven Business Association, £1,000.00 for Christmas lights, provided compliance with Street Lighting requirements was met.

#### **9. EDUCATION AND CHILDREN'S SERVICES QUARTERLY PERFORMANCE EXCEPTION REPORTING (APRIL – JUNE) 2017 ABERDEENSHIRE PERFORMS.**

A report by the Director of Education and Children's Services was circulated advising Members of the most recent performance related figures for the Service.

The Area Manager advised that there were no measures performing below target for this quarter. Members were also advised that Key Service Objectives were almost all showing improvement.

The Committee **agreed** to:

1. Acknowledge the performance achieved April – June 2017 detailed in the report, and
2. Instruct the Director of Education and Children's Services to continue to report, by exception, to Committee, quarterly performance measures against Service objectives.

#### **10. INFRASTRUCTURE SERVICES QUARTER 1 2017-2018 PERFORMANCE REPORT AND SERVICE PLAN UPDATE, ABERDEENSHIRE PERFORMS.**

A report by the Director of Infrastructure Services was circulated advising Members of the most recent performance related figures for the Service.

The Area Manager introduced the report advising that of the 9 measures with targets, 6 were on or above target, 1 measure was slightly below target, and 2 were well below target. It was also pleasing to report that 4 measures showed exceptional performance which meant they were more than 5% above target. Turning to the measures that were below target, Members were advised that measure (1.4 K&M - the number of Trading Standards customer complaints and the percentage dealt with within 14 days), Whilst figures were below target it was important to remember that this measure had to take cognisance of the complexity of cases as well as efficiency of staff and that patience and persistence sometimes proved more effective in trying to get a satisfactory conclusion for consumers.

Performance measure (1.5 K&M – Environmental Health percentage of the number of premises that are 'broadly compliant' in terms of food safety as set against the number of premises subject to intervention in the 6 or 12 months category), although the numbers of "broadly compliant" food business operators deviated from the norm this could be explained by Officers being particularly assiduous in denoting food hygiene concerns as breaches of regulation. There were measures open to the Service, where there were real concerns, but no rigorous steps had been taken in this quarter.

The Committee **agreed** to:

1. Acknowledge the good performance achieved April - June 2017 (Quarter 1),
2. Note the progress made with the actions set out in the Infrastructure Service Plan 2017-2020, and

3. 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.

**11. LOCAL REVIEW BODY DECISION NOTICE (381) 4 ST LEONARD'S COURT, BATH STREET, STONEHAVEN (APP/2017/1053).**

The Committee had before them and **noted**, an Aberdeenshire Council Local Review Body Review Decision Notice dated 14 September 2017 informing them of their decision. The Local Review Body (LRB) agreed with the determination reviewed by it and refused Full Planning Permission in accordance with the Appointed Officer's decision.

**12. LOCAL REVIEW BODY DECISION NOTICE (385) LAND AT BLACKHILLS OF CAIRNROBIN, PORTLETHEN (APP/2017/0180).**

The Committee had before them, and **noted**, an Aberdeenshire Council Local Review Body Review Decision Notice dated 14 September 2017. The Local Review Body (LRB) agreed with the determination reviewed by it and refused Full Planning Permission in accordance with the Appointed Officer's decision subject to the planning policy reference being amended to reflect that contained solely within the adopted Aberdeenshire Local Development Plan 2017.

**13. PLANNING AND ENVIRONMENTAL APPEAL DECISION NOTICE – LAND SOUTH OF MACKENZIE AVENUE, AUCHENBLAE, ABERDEENSHIRE, AB30 1XU (PPA/110/2329).**

The Committee had before them, and **noted**, a Scottish Government Planning and Environmental Appeals Decision, dated 24 October 2017, informing them of the decision of the Scottish Government Reporter to allow the appeal and grant planning permission, subject to the 11 conditions detailed in the Decision Notice and following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, (or some suitable alternative arrangement) covering the matters listed in the Decision Notice.

Members were advised that a claim for an award of expenses had been submitted on behalf of the appellants against the Council and that this would be the subject of a separate decision notice to be issued in due course. Members were advised that should this be successful this cost would be borne by the Council, and that there was no insurance to cover costs.

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/2017/2130	Full Planning Permission for Formation of Access and Erection of Gate and Fencing at Land Adjacent to Thriepland Cottage, Fordoun, Laurencekirk.

**KINCARDINE AND MEARN'S AREA COMMITTEE, 7 NOVEMBER 2017  
APPENDIX A**

**PLANNING APPLICATIONS FOR DETERMINATION**

(A) **Reference No: APP/2017/2130**

**Full Planning Permission For Formation of Access and Erection of Gate and Fencing at Land Adjacent To Thriepland Cottage, Fordoun, Laurencekirk, Aberdeenshire, AB30 1LN**

**Applicant:** Mrs Leigh Keith, Thriepland Cottage, Fordoun, Laurencekirk, AB30 1LN  
**Agent:** Inspired Design & Development Ltd, Design Studio, 27 Evan Street, Stonehaven, AB39 2EQ

A report by the Director of Infrastructure Services was circulated advising Members that they could consider and take a decision on this planning application in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there had been valid objections from six or more individuals or bodies with separate postal addresses or premises.

The Planning Officer advised that the main issues to consider in the determination of this application included the acceptability and principle of the formation of an access and erection of gates and fencing at this location, in terms of scale and design and whether there would be an adverse impact on the wider area as a result of this development. In terms of layout, siting and design the fence and gates were of typical design and scale and overall would not be considered to have a detrimental impact on the character or appearance of the wider area. A number of objections have been received in relation to this proposal. Road safety and the proposed size of the access was highlighted as a concern, however Infrastructure Services (Roads Development) had stated appropriate conditions to ensure that the access was constructed to the correct standard. The area of hardstanding may be considered wide in comparison to other accesses in the immediate area, however to provide an access which met the standards, in terms of road safety and the required conditions, it was, in this instance, considered to be acceptable.

The Committee heard from Ms Keith in support of the application advising that the access proposed would offer a safe access for her horses and sheep.

The Committee also heard from Mr Smith, in objection, advising that the proposal was contrary to permissions for this land as there was a disposition in place negating the build of any buildings or hardstanding on this piece of ground.

The Committee **agreed** to grant Full Planning Permission subject to 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 59 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated 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. The vehicular access hereby approved shall not be brought into use unless both have been provided and surfaced in accordance with the details to be submitted to the Planning Authority. The first 10 metres of the access measured from the back of the carriageway shall be fully paved and the first 5 metres of the access shall have a maximum gradient not exceeding 1:20. The proposed gate must be set back at least 10 metres from the rear of the road. The access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, the access shall thereafter be permanently retained as such.

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

03. Prior to commencement of development, a lay-by measuring 8.0 metres by 2.5 metres with 45 degree splays must be formed on the frontage of the site and the proposed vehicular access is to be taken via this. Construction of the lay-by shall be to a standard appropriate to the location and details must be submitted for agreement and approval with Infrastructure Services (Roads Development).

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

#### Reasons for Decision

The proposed access, fencing and gate are not considered to have a detrimental impact on the character or appearance of the surrounding area and are acceptable in terms of layout, siting and design. The proposal complies with Policy P1 Layout, siting and design, Policy E2 Landscape and Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.